Electronic communications: access to networks and interconnection, new regulatory framework

2000/0186(COD) - 12/07/2000 - Legislative proposal

PURPOSE : to establish a new regulatory framework for dealing with issues to the access to, and interconnecton of, electronic communications networks and associated facilities. CONTENT : this proposal for a directive is one element in a new regulatory framework which seeks to ensure that the electronic communications sector continues to develop as a competitive market delivering benefits to all companies and individuals in the Community that use these services. (Also refer to COD/2000/0183; COD /2000/0184; COD/2000/0188; COD/2000/0189). This proposal for a Directive will establish a new regulatory framework for dealing with issues of access to, and interconnection of, electronic communications networks in the Community. It will ensure that, during a period of converging technologies and services and strong market growth, the market for electronic communications services continues to develop in a manner that stimulates innovation, competition and user choice. It also provides legal certainty for market players by establishing clear criteria for regulatory intervention, and clear limitations on what obligations concerning access and interconection can be imposed in which circumstances, whilst at the same time allowing for sufficient flexibility to allow regulatory authorities to deal effectively with new market problems that hinder effective competition. Furthermore, the proposal aims to harmonise the way in which Member States regulate the market between suppliers of communications networks carrying publicly available communications services. In summary, the regulatory framework set out in the proposed Directive for access and interconnection will be characterised by: - priority given to full commercial negotiations between parties to agree on the terms and conditions for access and interconnection, subject to compliance with Community law; - a defined framework for national regulatory authorities to address issues of access and interconnection; - continuity with the current regulatory framework, with obligations for national regulatory authorities to review and when possible roll back certain obligations on operators with significant market power; - possibility for national regulatory authorities to intervene to address identified market failures, acting in accordance with the principles of transparency, objectivity and proportionality.