

Electronic communications: common regulatory framework for networks and services.

Framework Directive

2000/0184(COD) - 06/02/2001

The committee adopted the report by Reino PAASILINNA (PES, FIN) amending the proposal under the codecision procedure (1st reading). The rapporteur emphasised that, under the new approach, the framework directive would play an essential role in setting the meta-rules. These rules must ensure consistency in the Community and avoid the two pitfalls of too general an approach and of divergent behaviour by the NRAs. It was also essential to strike a balance between sector-specific regulation and EU competition law to ensure that competition on the telecoms market could be monitored but innovation was not stifled. On the vexed question of defining "Significant Market Player", the committee passed an amendment clarifying the terminology. It wanted a market player to be deemed to have significant market power if it persistently enjoyed a position of economic strength affording it the power to behave independently of competitors, customers and consumers; or if it had the ability to restrict access to users by other telecom operators; or if it had sufficient market power at any stage in the supply chain appreciably to distort competition as a result of being vertically integrated. The amendment also took into account the possibility of two operators forming a significant market power together. The committee passed a number of amendments which sought to clarify and specify the role of the NRAs. It stressed that NRAs had to provide the Commission on request with the information required. This information could be used only in this context. The Commission could make the information available to the other NRAs in other Member States unless the NRA in question had expressly ruled this out and given reasons for doing so. Confidentiality must be respected. Another amendment called on the Member States to ensure that where NRAs tended to take measures to regulate the markets, they should give all interested parties the chance to comment within a reasonable period, proportionate to the extent of the measures envisaged.