

Electronic communications: common regulatory framework for networks and services.

Framework Directive

2000/0184(COD) - 07/03/2002 - Final act

PURPOSE : to establish a harmonised framework for the regulation of electronic communications services, electronic communications networks, associated facilities and associated services.

COMMUNITY MEASURE : Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (Framework Directive). **CONTENT** : this Directive establishes a harmonised framework for the regulation of electronic communications services, electronic communications networks, associated facilities and associated services. It lays down tasks of national regulatory authorities and establishes a set of procedures to ensure the harmonised application of the regulatory framework throughout the Community. Member States shall ensure that each of the tasks assigned to national regulatory authorities in this Directive and the Specific Directives is undertaken by a competent body. Member States shall guarantee the independence of national regulatory authorities by ensuring that they are legally distinct from and functionally independent of all organisations providing electronic communications networks, equipment or services. Member States that retain ownership or control of undertakings providing electronic communications networks and/or services shall ensure effective structural separation of the regulatory function from activities associated with ownership or control. In addition, Member States shall also ensure that national regulatory authorities exercise their powers impartially and transparently. Member States shall publish the tasks to be undertaken by national regulatory authorities in an easily accessible form, in particular where those tasks are assigned to more than one body. National regulatory authorities and national competition authorities shall provide each other with the information necessary for the application of the provisions of this Directive and the Specific Directives. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as the originating authority. Member States shall notify to the Commission all national regulatory authorities assigned tasks under this Directive and the Specific Directives, and their respective responsibilities. Member States shall ensure that effective mechanisms exist at national level under which any user or undertaking providing electronic communications networks and/or services who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body that is independent of the parties involved. This body, which may be a court, shall have the appropriate expertise available to it to enable it to carry out its functions. The national regulatory authorities shall promote competition in the provision of electronic communications networks, electronic communications services and associated facilities and services by inter alia: - ensuring that users, including disabled users, derive maximum benefit in terms of choice, price, and quality; - ensuring that there is no distortion or restriction of competition in the electronic communications sector; - encouraging efficient investment in infrastructure, and promoting innovation; and - encouraging efficient use and ensuring the effective management of radio frequencies and numbering resources. The national regulatory authorities shall contribute to the development of the internal market by inter alia: - removing remaining obstacles to the provision of electronic communications networks, associated facilities and services and electronic communications services at European level; - encouraging the establishment and development of trans-European networks and the interoperability of pan-European services, and end-to-end connectivity; - ensuring that, in similar circumstances, there is no discrimination in the treatment of undertakings providing electronic communications networks and services; - cooperating with each other and with the Commission in a transparent manner to ensure the development of consistent regulatory practice and the consistent application of this Directive and the Specific Directives. The national regulatory authorities shall promote the interests of the citizens of the European Union by inter alia: - ensuring all citizens have access to a universal service specified in Directive 2002/22/EC (Universal Service Directive); - ensuring a high level of protection for consumers in their dealings

with suppliers, in particular by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved; - contributing to ensuring a high level of protection of personal data and privacy; - promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services; - addressing the needs of specific social groups, in particular disabled users; and - ensuring that the integrity and security of public communications networks are maintained. The Directive also covers other aspects such as the management of radio frequencies for electronic communications services; numbering; rights of way; accounting separation and financial reports; undertakings with significant market power; standardisation; Interoperability of digital interactive television services; resolution of cross-border disputes. ENTRY INTO FORCE : 24/04/2002. IMPLEMENTATION : 24/07/2003.