

[IE] New Consultation on Communications Framework

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On 6 March, the Office of the Director of Telecommunications Regulation (ODTR) issued a Consultation Paper in relation to the new regulatory framework for communication networks and services, recently adopted by the European Union (EU) (see IRIS 2002-1: 5 and IRIS 2002-3: 4). There has been little public comment in Ireland on the package which includes the Framework, Access, Universal Service and Authorisation Directives already adopted by the EU, and the Decision on Spectrum Management and Directive on Data Protection to be adopted separately.

The ODTR believes that Ireland is well-placed at present in respect of the liberalisation of the key elements involved in the internal market, i.e., intra-community trade. For regulators, the relevant issues are international telecoms retail traffic, international interconnect/leased lines and international mobile roaming. For all but the last of these elements, the current ODTR view is that there is competition in the market, and provided this continues to be the case, the ODTR would assume that no new regulatory measures would arise in the new regime. The remaining element is international mobile roaming, which is a matter of concern generally in the EU and on which the ODTR and Oftel, its British counterpart, are currently engaged in a joint project. The ODTR takes the view that special national measures such as the 1999-2002 programme in respect of leased line delivery to bring Irish performance up to the best international standards should continue to get priority. At present, telecommunications licensing is subject to the Postal and Telecommunications Act, 1983, amended to give effect to EU requirements for the sector. In contrast, broadcasting transmission is based on the Broadcasting Acts and the Radio and Television Act. Broadcasting retransmission services are subject to regulations made under the Wireless Telegraphy Acts while other services are also subject to regulations made under the Wireless Telegraphy Acts. As a result, while some licence conditions are common across the range of licences, different procedures and requirements apply to many of the services. The new EU framework requires that all of these various services be subject to technology-neutral common rules defined in the Directives.

The ODTR intends to issue a number of consultations and information notes over the next fifteen months with the aim of addressing all of the key issues and providing greater degrees of certainty as the implementation date draws near.

**"Future Regulation of Electronic Communications Networks and Services:
Future Authorisations, Consultation Paper", Doc. No. ODTR 02/22 of 6
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<http://www.odtr.ie/docs/odtr0222.doc>

