

European Commission: Regulatory Co-ordination in Electronic Communications Ensured

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On 23 July 2003, the European Commission adopted a Recommendation on notifications, time limits and consultations as laid down in Article 7 of Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services ("Framework Directive", see IRIS 2002-3: 4). One of the objectives of the regulatory framework for electronic communications networks and services is to streamline the regulatory process by limiting ex ante regulation to a strictly necessary level and by making the regulatory procedure as transparent as possible. The regulatory framework gives the Commission powers to examine the national regulatory regimes through the Article 7 consultation mechanism. This article sets out consultation and co-operation procedures between NRAs (National Regulatory Authorities) and the Commission. These procedures are key features of the regulatory framework, in which NRAs have more flexibility to choose the appropriate tools to deal with regulatory issues.

In order to ensure that decisions of Member States do not have an adverse effect on the single market or the objectives of the regulatory framework, National Regulatory Authorities must notify the Commission and other NRAs of certain draft measures. These are identified in Article 7(3) of the Framework Directive. It concerns measures such as: the definition and analysis of relevant markets; obligations with regard to access and interconnection; obligations on operators with significant market power relating to retail tariffs for the provision of access to and use of the public telephone network, carrier selection or pre-selection and leased lines; and measures which would affect trade between Member States.

The adoption of this Recommendation will ensure an effective co-operation and consultation mechanism between NRAs and the Commission and will enhance legal certainty. Its main objective is to create a framework within which the Commission can efficiently exercise its tasks under Article 7. To this end, the Recommendation contains the necessary rules for the notification process and the examination by the Commission of a notification. These rules specify, inter alia, the minimum elements that a notification must contain, registration and publication issues, calculation of binding time limits for the consideration of notifications under Article 7, and the use of a summary notification form.

The Commission has consulted NRAs, the European Regulators Group and Member States on this Recommendation.

"Commission ready to ensure regulatory co-ordination in electronic communications" Press Release of the European Commission IP/03/1089 of 23 July 2003

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/03/1089&format=HTML&aged=1&language=EN&guiLanguage=en>

Commission Recommendation of 23 July 2003 on notifications, time limits and consultations provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003H0561:EN:HTML>

