European Commission: Infringement Proceedings against 8 Member States for Failure to Implement the New Framework for Electronic Communications

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The European Commission has opened infringement proceedings (under Article 226 of the EC Treaty) against Belgium, France, Germany, Greece, Luxembourg, the Netherlands, Portugal and Spain, for failure to notify national measures implementing the new European regulatory framework for electronic communications.

The new regulatory framework consists of a package of instruments, which were adopted in 2002 (see IRIS 2002-3: 4 and IRIS 2002-7: 6), namely: Directive 2002/21/EC (Framework Directive), Directive 2002/20/EC (Authorisation Directive), Directive 2002/19/EC (Access Directive), Directive 2002/22/EC (Universal Service Directive), Directive 2002/58/EC (Data Protection Directive) and Decision 676/2002/EC (Radio Spectrum Decision). The framework is designed to further promote competition in the communications sector, also taking into account the increasing phenomenon of convergence (the regulatory package is thus technology-neutral, which means that it regulates all transmission networks in an equivalent manner).

Member States were to implement the Framework, Authorisation, Access and Universal Service Directives into national law by 24 July 2003. As of 6 October 2003, however, only seven Member States (Austria, Denmark, Finland, Ireland, Italy, Sweden and the UK) had implemented the Directives (Member States have until 31 October 2003 to implement the Data Protection Directive).

The Member States against which infringement proceedings have been launched have two months to respond to the Commission's concerns. Meanwhile, alongside formal enforcement action, the Commission is also pursuing alternative avenues to achieve rapid implementation of the package. It is thus working closely with the Member States' authorities in various forums (the Communications Committee, the European Regulators Group, the Radio Spectrum Committee and the Radio Spectrum Policy Group), as well as through bilateral meetings, towards this end.

The Commission, as well as the Council and the European Parliament, have repeatedly stressed the importance of full, effective and timely implementation of the new regulatory framework for the development of the European electronic

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communications sector (see for example IRIS 2003-3: 6-8 and IRIS 2003-4: 2).

"Electronic Communications: European Commission launches infringement proceedings against eight Member States", Press Release of the European Commission IP/03/1356, 8 October 2003

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