European Commission: Infringement Proceedings on Electronic Communications

IRIS 2005-6:1/6

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The European Commission has opened infringement proceedings (art. 266 of the EC Treaty) yet again as regards the EU Rules on Electronic Communications . At an earlier stage, the main concern of the European Commission was the full implementation of the EU framework for electronic communications which resulted in several decisions rendered by the Court of Justice on 10 March 2005 against Belgium and Luxembourg. The Court ruled that these countries had neglected to take the appropriate legal and administrative measures to implement the EC legislation at hand. This time the procedures are against Austria, Germany, Finland, Italy, Latvia, Malta, the Netherlands, Poland, Portugal and Slovakia and the main concern is the incorrect practical implementation and other shortcomings in national law regarding the European legislative framework for Electronic Communications.

The correct and full implementation of the package of directives is of vital importance for the realisation of a competitive electronic communications sector within the EU and transposing these rules should have been completed by 24 July 2003 as regards the core directives (see IRIS 2003-10: 5). As a negative effect of the incorrect implementation it has proved difficult to safeguard full competition and consumer protection. The proceedings have been initiated by points of concern raised in the 9th and 10th Commission's Implementation Reports.

Member States have two months to respond to the Commission's letter of formal notice and by doing so might prevent further legal steps, i.e. receiving an official request in the form of a `reasoned opinion'. This excludes Germany, which already faces the second phase of the legal procedure.

"EU rules on electronic communications - Commission launches infringement proceedings against ten Member States" Press Release of the European Commission, IP/05/430, 14 April 2005

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/05/430&format=HTML&aged=1&language=EN&guiLanguage=en

Arrêt de la Cour de justice des Communautés européennes du 10 mars 2003, affaire C-236/04, Commission européenne c. Luxembourg

http://curia.eu.int/jurisp/cgi-

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bin/gettext.pl?lang=fr&num=79949689C19040236&doc=T&ouvert=T&seance=ARRET

Judgment of the Court of Justice of 10 March 2003, case C-236/04, European Commission v. Luxembourg

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:115:0007:0008:EN:PDF

Arrêt de la Cour de justice des Communautés européennes du 10 mars 2003, affaire C-240/04, Commission européenne c. Belgique

http://curia.eu.int/jurisp/cgi-bin/gettext.pl?lang=fr&num=79949689C19040240&doc=T&ouvert=T&seance=ARRET

Judgment of the Court of Justice of 10 March 2003, case C-240/04, European Commission v. Belgium

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