European Commission: Monitoring of Greek Compliance with Court Ruling on Electronic Communications Liberalisation Directive

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On 14 April 2005, the European Court of Justice confirmed Greece had failed to implement, before the prescribed deadline, the electronic communications liberalisation Directive 2002/77/EC. The Commission has now sent a formal request to the Greek authorities with a view to obtaining information about the Hellenic republic's compliance with the Court ruling.

All Member States have implemented the electronic communications liberalisation Directive with the exception of Greece. As a result, competition in the fixed voice telephony market has stagnated and broadband services are not readily available to Greek businesses and households. In October 2005, the penetration of retail broadband in Greece was the lowest among the EU Member States hovering around 1 %.

The electronic communications liberalisation Directive adopted on 16 September 2002 simplifies and consolidates the provisions of previous Directives adopted under article 86 para.3 of the EC Treaty that have progressively liberalised EU telecommunications markets. The Directive prescribes the abolition of exclusive or special rights granted by the Member States for the establishment and/or the provision of electronic communications networks, or for the provision of publicly available electronic communications services.

Each Member State was obliged to take measures, before 24 July 2003, in order to guarantee undertakings the right to provide services or exploit networks, without discrimination, in accordance with a general authorisation regime which replaced the previous licensing system.

In addition, Directive 2002/77/EC extended the liberalisation principles of the previous framework to all electronic communications services, including broadcasting services. Implementation of the Directive is therefore paramount to enabling new competitors to penetrate the market for the provision of such services, and more particularly for digital terrestrial broadcasting.

Since the Court ruling Greece has failed to notify any implementing measures to the Commission.

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"Competition: Commission requests information from Greece on compliance with Court ruling on electronic communications liberalisation Directive", press release of 23 January 2006, IP/06/63

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