European Commission: New Infringement Cases Regarding Telecom Rules

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Mara Rossini
Institute for Information Law (IViR), University of Amsterdam

Marking a new round of proceedings against infringements of EU telecom rules, the European Commission has opened nine new infringement cases against Member States. Eight other Member States have been sent a reasoned opinion which takes the procedure a step further in their pending cases. The failure to complete market reviews to assess competition in national telecom markets or the lack of caller location information to emergency authorities (depending on the Member State involved) prompted the Commission to take action. Not all Member States have completed the first round of market reviews under the 2002 regulatory framework and letters of formal notice are being sent to Denmark, Germany, Malta and Portugal. Estonia and Luxembourg who have partly complied with this market review obligation are being sent a reasoned opinion. National regulators were obliged to analyse the 18 markets relevant for electronic communications as soon as possible after the EU regulatory framework entered into force (2003 for “old” Member States and 2004 for the new entrants to the EU) as a means to oversee effective competition in the field. Previous action undertaken by the European Commission has ensured that a majority of Member States have now completed the prescribed review of the 18 relevant markets, the case against the Czech republic, for example, is now being closed as this Member State has recently completed its markets analysis.

The Commission will also send a reasoned opinion to six Member States where caller location information is not provided for all calls to the Single European Emergency Number 112 (Greece, Lithuania, the Netherlands, Slovakia, Italy and Portugal), and may on the contrary close proceedings against Ireland, Cyprus and Luxembourg as soon as they have complied with this obligation.

In the case of number portability, this is now available in Malta, Poland and Slovenia which marks the end of the case against these Member States. Slovakia, however, will be sent a letter of formal notice on this issue. Two other countries which will be receiving such a letter are Germany and Belgium. The former because the must-carry rules in various federal states are not in conformity with the requirements of the Universal Service Directive, the latter because of issues relating to the financing of the universal service. Greece, in turn, has formally communicated to the Commission its transposition measures relating to the ePrivacy Directive and will therefore not face any proceedings regarding this matter.

"EU telecoms rules: 9 new infringement cases opened, while 8 cases go into the second round", press release of 12 October 2006, IP/06/1358

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