European Commission: Letters of Formal Notice on the Implementation of the Telecoms Package

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On 19 July 2011 the European Commission sent requests for information in the form of letters of formal notice, the first step in the process of an EU infringement procedure, to 20 EU member states. The member states in question, namely Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain, have not yet notified to the Commission measures to implement the new EU Telecoms Package, formally adopted after two years of heated negotiations at the end of 2009 (for more information see IRIS 2008-10/3, IRIS 2009-1/5, IRIS 2009-6/6 and IRIS 2010-1/7).

Timely implementation of the package of new directives is a priority for the Digital Agenda for Europe. Although the deadline for implementation was 25 May 2011, to date only seven states (Denmark, Estonia, Finland, Ireland, Malta, Sweden and the UK) have notified the Commission that they have transposed the directives into national law in full. It should be noted that legislative processes are ongoing in all EU member states and a majority of states have informed the Commission of at least some implementation measures.

The 20 member states have two months to respond to the letters of formal notice. Failure to respond or an unsatisfactory reply will trigger a formal request to implement the legislation, in the form of a reasoned opinion under the EU infringement procedures and, ultimately, a referral to the Court of Justice.

It should be noted that the European Data Protection Supervisor (EDPS), the EU's own privacy watchdog, has criticised the Commission for offering inconsistent guidance on how member states should implement the new rules. In a speech on 7 July 2011, Peter Hustinx pointed out the development of a self-regulatory framework by the advertising community and US-style "do not track" measures, both of which have been encouraged by Digital Agenda Commission Neelie Kroes, are not consistent with the requirements of the e-Privacy Directive, which is part of the Telecoms bundle.

"Digital Agenda: Commission starts legal action against 20 member states on late implementation of telecoms rules", press release, IP 11/905

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/905&format=

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