

Consultation procedures in telecoms

The consultation procedure requires national regulators to notify BEREC of measures they plan to introduce to solve market problems.



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The Electronic Communications Framework Directive requires national regulatory authorities to conduct national and EU consultations on draft measures prior to adoption. They should notify the Body of European Regulators for Electronic Communications (BEREC) and telecoms regulators in other EU countries of measures they plan to introduce to solve market problems.

These consultations should include the definition and analysis of relevant markets, designation of operator(s) with significant market power and the proposed imposition or removal of regulatory remedies on providers of telecoms networks or services.

The procedures consist of the following steps:

- 1. If the Commission considers that a draft measure notified by a national regulatory authority is contrary to Community law or creates a barrier to the single market, it begins an in-depth review lasting up to three months.
- 2. After the in-depth investigation, in close cooperation with BEREC, the Commission may:
 - withdraw its reservations, if its serious doubts are no longer justified;
 - issue a 'veto' decision requiring the national regulatory authority to withdraw its proposals, when a notified draft measure defines a relevant market or designates/does not designate an significant market power operator;

issue a recommendation asking the national regulatory authority to amend or withdraw a
measure if it relates to the remedies; if the authority decides to go forward with its
proposal and not comply with the recommendation without a thorough reasoned
justification, the Commission may consider undertaking further legal steps, including
possible infringement proceedings.

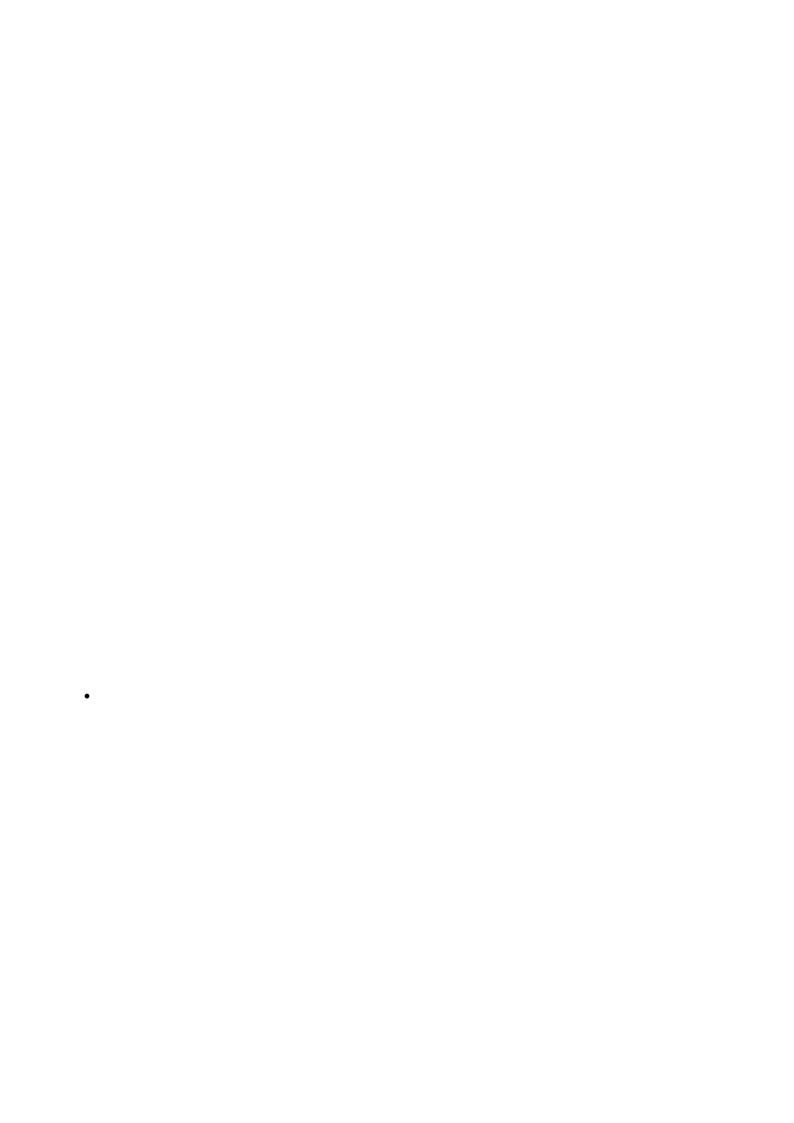
The new rules enable the Commission to adopt further harmonisation measures in the form of recommendations or legally binding decisions. This is possible if divergences in the regulatory approaches of national regulators, including remedies, persist across the EU in the longer term, as occurred with access conditions to the broadband networks and termination rates.

Market overview table









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