

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

Registered notifications

Commission recommendation on relevant markets

Guidelines on market analysis (.pdf)

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Commission and European regulators calls on streaming services, operators and users to prevent network congestion

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PRESS RELEASE | 04 December 2018

Telecoms Council adopts partial general approach on the Digital Europe Programme and confirms new EU telecoms rules

At the Telecoms Council of 4 December, the EU ministers adopted a partial general approach on the Digital Europe Programme. Building on the Digital Single Market strategy, launched in May 2015, and its achievements over the past years, the European Commission proposed in June 2018 to create the first ever Digital Europe Programme and invest €9.2 billion in tomorrow's digital technologies as part of the next long-term EU budget 2021-2027.

PRESS RELEASE | 28 October 2013

European Commission urges Spanish regulator to amend or withdraw wholesale broadband access fees proposal

The European Commission has formally asked the Spanish telecoms regulator (CNMC) to withdraw or amend its proposal setting the regulated prices which the dominant operator, Telefónica, can charge other operators who want to sell broadband services based on Telefónica's network.

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A list of national regulatory authorities for telecommunications in Member States and other countries.

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