

IMPLEMENTATION OF THE TELECOMMUNICATIONS PACKAGE

STATEMENT

UNICE has taken note of the publication of the so-called "Telecom Package" in the Official Journal on 24 April 2002¹ and in particular the deadline for implementation of the Directives: 24 July 2003.

Following this publication, UNICE wishes to draw the attention of the European Commission and Member States to important issues surrounding the implementation of the new Directives, and the steps which remain to be taken.

National Implementation

- The Directives must be implemented in a timely fashion, in line with the conclusions of the Barcelona Summit. The delay in publishing the Recommendation on relevant Markets and the Guidelines on Significant Market Power has already put the timetable in doubt.
- National regulatory Authorities should be encouraged to work closely with the Commission during the implementation phase to ensure swift and effective transposition into national law.

Recommendation on Relevant Markets

- The Recommendation on Relevant Markets is of vital importance, as it will define those markets which may be subject to ex-ante regulation. National Regulatory Authorities should adhere to competition law principles in defining any further markets that are not included in the Recommendation.
- The Recommendation should explain the justification behind the inclusion of particular markets in the list, and should explain what the characteristics are which mean that competition rules are not sufficient for these markets. Such an explanation would assist National Regulatory Authorities in their own market definition and analysis exercises and would ensure a more consistent and coherent approach, and reduce uncertainty for market players.

Market Review

- The market review process must be launched as soon as the Recommendation on Markets has been adopted, and without awaiting changes to national legislation.
- National Regulatory Authorities should be encouraged to work closely with the Commission and each other during the market review phase to increase the likelihood of a consistent approach.

¹ OJEC L 108, 24 April 2002:

Access Directive (2002/19/EC); **Authorisation Directive** (2002/20/EC); **Framework Directive** (2002/21/EC); **Universal Service Directive** (2002/22/EC); Radio Spectrum Decision (676/2002/EC).

- Industry must be fully consulted during the market review process and over the subsequent decisions proposed by National Regulatory Authorities.
- National Regulatory Authorities should publish the full findings of their market reviews, together with the justifications underpinning decisions to retain, modify or lift regulatory obligations.
- Market reviews should not be just “one-off” exercises but should be repeated periodically to reflect changing levels of competition.
- In order to promote consistency across the Single Market, National Regulatory Authorities should be encouraged to work closely with each other and the Commission in the assignment of specific regulatory remedies to operators found to have Significant Market Power.

Institutional Structure

- The European Regulators Group (ERG) and the Communications Committee (CoCom) should be fully transparent in their workings.
- Industry should be allowed the fullest level of participation possible in both the ERG and CoCom. In particular the new Communications Committee should retain the same possibility for industry participation, as is currently the case for the ONP Committee.
- The EEA/EFTA states should be allowed full participation in the European Regulators Group and the Communications Committee with the same rights as any EU Member State

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