

Electronic communications: access to networks and interconnection, new regulatory framework

2000/0186(COD) - 13/02/2001

The committee adopted the report by Renato Brunetta (EPP-ED, I), amending the proposal under the codecision procedure (1st reading). The committee felt that it needed to be made clear that NRAs should require operators with significant market power to provide interconnection and comply with reasonable demands for access. Such operators should provide interconnection to other public network operators on transparent, fair, reasonable and non-discriminatory terms. On the other hand the committee wanted the principles of light regulation and proportionality to be observed. The obligations that could be imposed by NRAs in order to avoid distortions of competition should be proportionate to the aim pursued, with due regard for the principle of minimum regulation. NRAs should not impose obligations where they were satisfied that there was effective competition. The committee wanted NRAs to ensure that operators used information acquired from another operator during the process of negotiating access or interconnection arrangements solely for the purpose for which it was supplied. Confidentiality of information should be respected. The information should not be passed on to any other party for whom such information could provide a competitive advantage. NRAs should be granted powers to impose penalties in such cases. The committee argued that both the terminology and the implementation arrangements of the directive should be clarified. It wanted a more precise definition of "access" than that used by the Commission and said the directive should cover both international roaming and national roaming. As research by both the Commission and Member States showed that charges for international roaming were too high, the Commission and the NRAs should require operators to make the retail prices of international roaming both transparent and cost-based. Operators should be required to inform or display the price per minute of an international roaming call on the screen of the handset in real time. Lastly, the NRAs should be allowed to impose price controls in situations where a market analysis indicated that a potential lack of effective competition had led to prices being sustained at an excessively high level. The committee emphasised that this must be done only if the prices had remained high over the long term. Price controls by the NRA must not adversely affect competition in the long term nor discourage investment in alternative infrastructures.