

A **very**, *very*, very brief
introduction to
communications regulation

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Session overview

How we got here

Current legislation

What the framework covers

How we got here

1987 Green Paper

“on the development of the
common market for
telecommunications services
and equipment”

1987 Green Paper

“full development of the supply of services and equipment”

“a consistent communication system within the European Community”

Two liberalisation directives

90/387/EC: open network
provision

90/388/EC: full competition

90/387/EC: open network provision

“the establishment of the
internal market for
telecommunications services
through the implementation of
open network provision”

90/387/EC: open network provision

harmonised conditions

open and efficient access to
public networks

enable third party competition

90/387/EC: open network provision

transparent public objective
criteria

non-discriminatory

“essential requirements” as the
only permitted restrictions

90/388/EC: full competition

“withdraw all special or
exclusive rights for the supply
of telecommunications
services other than voice
telephony”

90/388/EC: full competition

“ensure that any operator is
entitled to supply such
telecommunication services”

90/388/EC: full competition

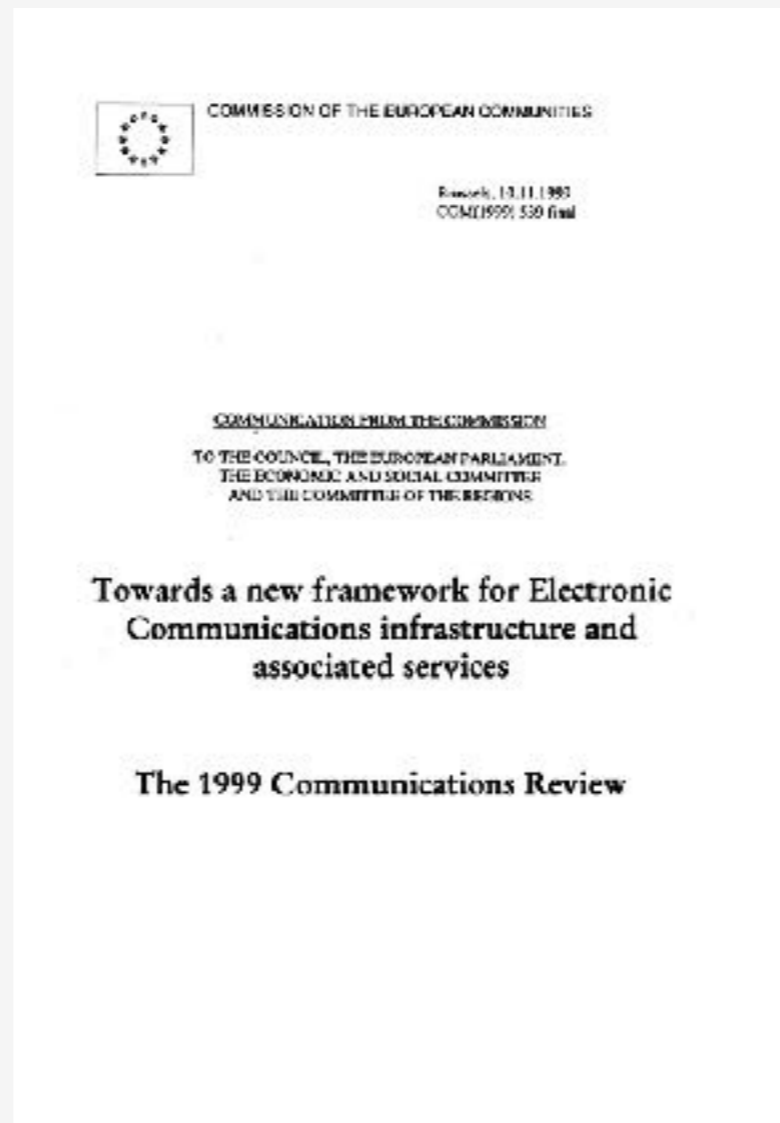
objective, non-discriminatory,
transparent

reasons for refusal

appeals procedure

97/13/EC: general
authorisations

1999 communications review



Three policy objectives

open and competitive market

benefit the European citizen

consolidate the internal market

2002 communications package

One framework directive

Four specific directives

2002/21/EC: framework

NRAs and their tasks

Security and integrity

General provisions, including

SMP

2002/19/EC: access

Interconnection

Access to networks

2002/20/EC: authorisation

2002/22/EC: universal service

Universal service and social
obligations

End-user interests and rights

2002/58/EC: ePrivacy

2009 amendments

2006 review: positive, with tweaks

2009/136/EC: "citizens' rights"

2009/140/EC: "better regulation"

Other relevant legislation

95/46/EC: data protection

~~2006/24/EC: data retention~~

531/2012: roaming

676/2002 / 243/2012: spectrum

Other relevant legislation

2015/2120: Open Internet
Access (“net neutrality”)

2016/671: GDPR

And domestic law...

Serious Crime Act 2015

Investigatory Powers Act 2016

Digital Economy Act 2017

And so many more

A great area if you like...

Law

More law

Economics

Technology

What the framework covers

Electronic communications
networks

Electronic communications
services

Associated facilities

Electronic communications networks

“transmission systems ... which permit the conveyance of signals ... irrespective of the type of information conveyed”

Electronic communications networks

“transmission systems ... which
permit the conveyance of
signals ... irrespective of the
type of information conveyed”

Electronic communications services

“a service normally provided for remuneration which consists ... in the conveyance of signals on electronic communications networks ...”

Electronic communications services

“... does not include information society services ... which do not consist ... in the conveyance of signals on electronic communications networks”

Information society services

“any service normally provided for remuneration, at a distance, by electronic means and at the request of a recipient of services”

Public

“used wholly or mainly for the provision of electronic communications services available to the public”

Associated facilities

“associated services, physical infrastructures and other facilities ... which enable or support the provision of services ...”

Changes afoot

Over the top communications
services

ePrivacy regulation

Key points

2002 framework, modified in 2009

liberalisation, competition,
consumer protection

five directives

Key points

related legislation

ECN: conveys signals

ECS: act of conveyance

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