

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0305/2005

14.10.2005

REPORT

on European electronic communications regulation and markets 2004
(2005/2052(INI))

Committee on Industry, Research and Energy

Rapporteur: Patrizia Toia

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
EXPLANATORY STATEMENT	10
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS	15
PROCEDURE.....	19

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on European electronic communications regulation and markets 2004 (2005/2052(INI))

The European Parliament,

- having regard to the communication from the Commission, entitled 'European Electronic Communications Regulation and Markets 2004' (COM(2004)0759),
- having regard to the conclusions of the European Council of 22 and 23 March 2005,
- having regard to the report of the High-Level Group on the Lisbon Strategy of November 2004,
- having regard to its resolution of 18 November 2003 on the eighth report from the Commission on the implementation of the telecommunications regulatory package¹,
- having regard to its resolution of 12 February 2003 on the full roll-out of third generation mobile communications²,
- having regard to Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)³,
- having regard to Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)⁴,
- having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)⁵,
- having regard to Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)⁶,
- having regard to the conclusions of the European Council in Lisbon of 23 and 24 March 2000,
- having regard to the Commission Decision of 29 July 2002 establishing the European Regulators Group for Electronic Communications Networks and Services,
- having regard to Rule 45 of its Rules of Procedure,

¹ OJ C 87 E, 7.4.2004, p. 24.

² OJ C 43 E, 19.2.2004, p. 72.

³ OJ L 108, 24.4.2002, p. 7.

⁴ OJ L 108, 24.2.2002, p. 21.

⁵ OJ L 108, 24.4.2002, p. 33.

⁶ OJ L 108, 24.4.2002, p. 51.

- having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Legal Affairs (A6-0305/2005),
- A. whereas the procedures for transposing and implementing Community law vary from one Member State to the next, a situation which is jeopardising the completion of a genuine single market in electronic communications,
- B. whereas the Commission plays a central role in the implementation and proper application of the regulatory framework,
- C. whereas the Commission may initiate infringement proceedings against Member States which fail to apply the legislation or do so incorrectly,
- D. whereas, under the procedure described in Article 7 of the Framework Directive, the Commission assesses the measures which national regulatory authorities (NRAs) plan to take,
- E. whereas this provision serves as a flexible instrument enabling the regulator to intervene in the market where the free play of competition may be under threat,
- F. whereas these aspects of regulation are valuable in enabling the regulator to intervene correctly in an evolving market where recent technological innovation will make it possible to provide new services for consumers,
- G. whereas this regulatory system makes it possible to adjust the application of remedies on the basis of the principle of proportionality, and to scale down the regulatory burdens when competition trends in the market justify doing so,
- H. whereas NRAs decide quite independently to intervene in the markets and whereas the criterion on which such intervention is based is that it should be proportionate to the objectives pursued,
- I. whereas the procedure for appeals against NRA decisions is a lengthy one, and whereas in some Member States these decisions are systematically suspended pending the outcome of the appeal,
- J. whereas the delays in implementation and market analysis are a serious obstacle to the creation of a single market in electronic communications, creating different operating conditions for companies in the various Member States and uncertainties as regards the regulatory approach adopted during the transitional period,
- K. whereas a clear regulatory framework will create the conditions to encourage operators to make further investments, and whereas this is vital to enable the European electronic communications industry to play a leadership role in the international arena,
- L. whereas by interpreting and applying infrastructure regulations for electronic communications the Commission can make a substantial contribution to securing and promoting media pluralism,
- M. whereas, despite the measures taken by NRAs to reduce excessively high roaming charges in the EU, the rates for calls to or from abroad remain too high, and given the existing

risks of anti-competitive agreements and abuse of dominant positions,

- N. whereas a correctly regulated single market can safeguard fair service and price conditions for all consumers, by providing them with the transparency and security required,
 - O. whereas the legal framework helps to determine the emergence and continuance of media pluralism,
 - P. whereas in its White Paper on services of general interest the Commission states that the aim of creating an open and competitive internal market is compatible with that of developing general interest services, and it is therefore essential to safeguard fair price and service conditions for consumers, such as will create a single telecommunications market covering the entire European territory, so as to reduce the digital divide, a priority aim for the European Union,
- 1. Shares the concerns expressed by the Commission in its communication; fully supports the Commission in its role as a driving force for regulation, both as regards the correct interpretation of the new rules and the need to ensure their uniform application in a manner consistent with the objectives of electronic communications regulation, by means of timely and constant monitoring;

Institutional framework

- 2. Stresses the need to open an institutional debate aimed at strengthening and clarifying both the European institutional model in the electronic communications sector and the relevant regulatory framework, and at identifying the best ways of achieving this goal;

Commission

- 3. Calls therefore for the Commission's role to be strengthened and stresses that it should play a central role as the guardian of Community legislation, whereas the European Regulators Group (ERG) should continue to act as a consultative and advisory body for the Commission in accordance with Decision 2002/627/EC, with the goal of consistent and coherent application of the regulatory framework under Article 7(2) of the Framework Directive;
- 4. Fully supports the Commission's activities both in bringing proceedings against Member States failing to comply and in analysing the notifications from NRAs pursuant to Article 7 of the Framework Directive; calls on the Commission to remain vigilant so as to ensure that measures relating to national markets do not jeopardise the completion of the single market in electronic communications;

ERG

- 5. Stresses that the composition and functions of the ERG and the Independent Regulators Group (IRG) overlap to a large extent and that it is therefore necessary to avoid any duplication of effort and unnecessary use of limited administrative resources; with this in mind, recommends that agreement be reached on the gradual merging of the ERG and IRG;

6. Stresses the need for the ERG to confine itself to consultative activities, involving all parties concerned as fully and as transparently as possible, and to pursuing activities specifically entrusted to it under the regulatory framework;

Parliament

7. Calls on the Commission to submit to Parliament its annual report on progress in implementing the regulatory framework as soon as it is adopted, together with any other reports concerning the analysis of the functioning of the electronic communications market, so that Parliament can be involved promptly in the monitoring process;
8. Welcomes the rapid increase in broadband penetration; asks the Commission to inform the Parliament of its activities in monitoring the development of the broadband sector and of the action taken in this respect;

Member States and NRAs

9. Regrets that some Member States have not yet fully transposed the regulatory framework or have not applied it properly, and calls on these Member States to comply immediately with Community law on electronic communications;
10. Calls on the Member States to provide adequate support for the activities of NRAs, whose limited resources do not enable them to complete the tasks assigned to them quickly; calls also on the Member States to introduce the measures needed to speed up the timescale for appeals procedures concerning NRA decisions;
11. Urges the Member States to guarantee the total independence of NRAs and calls on the Commission to monitor the situation closely and keep Parliament informed;
12. Encourages the NRAs and the Commission to carry out better impact assessments and benchmarking concerning the obligations proposed and their efficiency and effectiveness for the markets;
13. Calls on the Member States to comply with the principles of transparency and proportionality and justify the administrative charges imposed on operators for authorisation of services, while respecting public interest concerns; and calls on the Commission to carry out checks in this area without delay;
14. Stresses the importance of adequate frequency allocation for public-interest services, open, transparent and non-discriminatory procedures, and the need for sufficient flexibility when allocating radio frequencies and granting licences;
15. Recommends that the Member States, the Commission and NRAs take account of the need for the regulatory framework to attract and safeguard investment; stresses the need to encourage investments in infrastructure, with particular reference to broadband, third generation mobile telephony and other emerging markets, while taking account of services of general economic interest;
16. Stresses the need to safeguard regulated services even though technology is changing, especially when it comes to the access network; hence, considers it important to maintain

the possibility to give alternative operators access to the new infrastructure on fair and reasonable terms;

17. Points out that regulatory intervention should focus on eliminating distortions that prevent fair competition, taking into account in particular the need to encourage the development of emerging markets and equal opportunities for market participants;
18. Points out that the development of third generation mobile telephony is sometimes hampered by national and local provisions as regards authorisations to establish infrastructures and strict criteria for the granting of licences; calls therefore on the competent authorities to remedy the situation and remove obstacles to the full development of 3G communications;
19. Calls on the Member States to ensure that the sites for installations intended to support the mobile telephony network are selected with due regard for health and the environment and in accordance with transparent urban planning procedures; calls on the Commission to monitor these activities and report on them regularly to the European Parliament; stresses the need for information on radiation values to be made public;
20. Welcomes the voluntary codes to protect users from unsolicited commercial communications and calls for EU-wide transposition of the opt-in rules;
21. Stresses the importance of data privacy in relation to the growing number of requests for data retention, and notes the long-established cooperation by e-communications operators with law-enforcement authorities within a clear legal framework and on a case-by-case basis; recognises that mandatory data-retention obligations would be detrimental to civil liberties and give rise to significant costs for operators; concludes that the introduction of any data-retention rules should be by way of codecision with the European Parliament;

Industry and consumers

22. Stresses that the information and communications technology (ICT) sector serves as an engine for the European economy, contributing significantly to growth and job creation;
23. Points out that European legislation on electronic communications seeks to promote competition among firms, while at the same time ensuring a high level of protection for consumers;
24. Calls on the Commission to carry out and present to Parliament, with the aim of protecting users' rights, studies on a regular basis, in which as a minimum the following parameters are analysed: transparency of invoicing, contract guarantees and trends in prices and markets, for broadband and fixed and mobile telephony;
25. Welcomes the increase in unbundled local loops, but stresses that there must be further development in order to ensure competitive markets for customers;
26. Calls on telecommunications services providers to take account of the interests of disabled users as regards choice, price and benefits in terms of quality and accessibility of telecommunications services, and calls on the regulatory authorities to consult disabled people's representatives when assessing service provision;

27. Calls on 3G service providers to devise price-to-service ratios permitting broadband to be received by as many people in as many places as possible, thus putting an end to geographical borders for broadband;
28. Stresses that it is vital for operators to adopt transparent pricing practices and for consumers to be fully and clearly informed on the services offered and the prices charged, particularly as regards costs; is carefully following the recent procedures of the Commission as regards the Treaty rules on the abuse of dominant positions (Article 82) with respect to international roaming services (and the 'Statement of Objections'); calls on the Commission and the Member States to analyse which structural changes are needed in order to ensure adequate and transparent roaming charges; furthermore, urges the Council to instruct the Commission to draw up an action plan and timetable that will enable consumers to benefit from international roaming at the best possible cost and as soon as possible, throughout European territory, with continuity of service;
29. Calls again on the Commission and European NRAs to strive to ensure that further progress is made with regard to number portability, both for fixed and mobile telephony, and charges for call termination on networks;
30. Points out that a functioning mobile number portability system is vital to healthy competition between mobile operators and stresses, therefore, that the charges for transferring numbers should be set at a low level, or at zero, in all Member States, and that the time required for transferring numbers should be shortened in some Member States;
31. Calls on the Commission to take action to lower the mobile termination rates, which remain at a high level in many Member States and should be linked to the costs incurred;
32. Points out that in its White Paper on services of general interest the Commission stated that the goal of creating an open and competitive internal market was compatible with that of developing accessible, high-quality and affordable general interest services and regulatory intervention should therefore take both into account;
33. Awaits the conclusions of the study into the ways in which Member States interpret the general interest objectives when imposing must-carry obligations;
34. Welcomes the Commission's initiative on transparency in the international roaming sector, which will provide consumers with useful information on retail tariffs applied by different mobile telephony operators in the various EU countries, and calls in particular on service providers to reduce roaming charges, so that economic and social cooperation between the Member States is not restricted by high charges; calls on the Commission to develop new initiatives in order to reduce the high costs of cross-border mobile telephone traffic, so that a real internal market for consumers with payable roaming charges of mobile telephony can soon be realised;
35. Points out that all European citizens must have access to the services of the information society, and that this means using consumer-friendly regulation to reduce the digital gap, particularly for disabled and older people; takes the view that supporting an open European standard to establish interoperability in services, transmission platforms and terminals will make a vital contribution to achieving that aim;

36. Calls on the Commission to investigate how to proceed in order to develop the different national markets in this sector into an internal market without borders and with common legislation and regulations, allowing operators to act and compete in a single market;

o

o o

37. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the European Regulators Group and the national regulatory authorities.

EXPLANATORY STATEMENT

INTRODUCTION

The Commission report comes at a delicate stage in the transition from the old open network provision (ONP) model to the new framework and provides an account of the progress made. The report was published in December last year and analyses the situation as at June 2004. In the course of a mini-public hearing and countless meetings with the parties concerned, both at interinstitutional and operator level, your rapporteur has been able to take stock of developments during the past year.

Substance of the Commission report

In its report the Commission focuses on the sectors in which implementation problems are being encountered and improvements at national level are therefore needed.

Its analysis addresses the following points in particular:

Activities of National Regulatory Authorities (NRA)

The Commission draws attention to the danger that the principles of the independence and impartiality of NRAs may not be observed in the Member States. This can arise where ‘ministries, which have not been notified as NRAs responsible for market analysis, intervene by giving instructions or directions affecting the NRAs’ regulatory decisions’.

A further problem is the length of the procedures for appeals against NRA decisions. Delays in this area create a situation of legal uncertainty for operators and consequently slow down the functioning of the market.

Charges for authorisation of services

The regulatory framework stipulates that charges relating to the management of authorisation systems and the granting of rights of use must be transparent, proportionate and objectively justified and cover only the actual administrative costs incurred.

The Commission is examining the position in a number of States where charges are relatively high.

Rights of way, co-location and facility sharing

The Commission is examining the national criteria for the granting of rights to install masts and antennas for the provision of mobile services, and related fees. These are very strict and in some cases have delayed the roll-out of third generation infrastructure.

Provision of universal service

The Commission notes that in some Member States the universal service provider may have been designated without regard for the principle that no undertaking should be precluded from providing universal service or without the necessary transparency.

Must-carry obligations

The Commission points to the danger that arbitrary decisions may be taken in connection with must-carry obligations, unless such obligations are not imposed only where necessary to meet clearly defined general interests objectives.

Transitional provisions in the EU15

These provisions require the 15 to ensure that regulatory obligations imposed on undertakings with significant market power (SMP) remain in place until regulators have adopted decisions in accordance with the new legislative framework. Market reviews need to be speeded-up and application of the transitional regime limited to a minimum in order to address outstanding issues. These include:

- differences in the manner and detail of the regulatory scrutiny to which wholesale, access and retail tariffs have been subjected;
- Uneven developments across the Member States relating to roll-out of local loop unbundling.

Implementation of the ‘starting conditions’ in the new Member States

The 10 new Member States were required to ensure that regulatory obligations were in place on SMP undertakings by the date of accession.

A number of problems persist in the 10 new Member States:

- cost accounting and tariff transparency;
- problems concerning provision of an appropriate reference interconnection offer;
- absence of full implementation of carrier selection, carrier pre-selection and number portability.

Progress in implementation of legislative framework at 1 June 2005

Infringement proceedings are currently being brought against one Member State which has not yet transposed the legislative framework into national law (Greece).

Proceedings are also being brought against 17 Member States which have not adequately

implemented the provisions of the new regulatory framework (Austria, Czech Republic, Germany, Finland, France, Greece, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden and Hungary). These proceedings concern in particular:

- granting full powers to national regulatory authorities so as to guarantee competition;
- local loop unbundling;
- number portability;
- universal service;
- unwanted communications.

Market analysis and notification procedures pursuant to Article 7 of the Framework Directive are under way. The number of notifications so far received is 216, from 16 Member States. The NRAs which have completed market analyses and notifications in the shortest time and with the greatest efficiency are OFCOM(UK), Ficora (Finland), RTR (Austria), ComReg (Ireland), ANACOM (Portugal), NHH (Hungary) and PTS (Sweden). Looked at objectively, the same can not be said of the NRAs from other Member States such as Spain, Italy, Belgium, Luxembourg, Poland, Czech Republic, Cyprus, Latvia and Estonia, which, on the contrary, have not yet begun the process of notifying the Commission. The differences in the performances of the NRAs, all of which are motivated by the same laudable commitment, are probably due to the difficult legislative and economic conditions in which they are required to operate at national level. It must therefore be ensured that the Member States adopt measures that will enable the NRAs to fulfil their functions more rapidly.

Prospects for the review of the legislative framework

The Commission is required to review the legislative framework and report back to Parliament and the Council by July 2006. Before that date, it will publish a communication assessing whether the objectives laid down in the existing legislative framework have been achieved, which will serve as a consultative document. On the basis of this, the Commission will submit the relevant proposals, if appropriate, by December 2006.

RAPPORTEUR'S POSITION

General remarks on the new regulatory framework

The new European framework is a flexible instrument which enables the regulator to gear intervention to an assessment of the effective level of competition in the market. This regulatory model seeks to enable remedies to be applied on the basis of the principle of proportionality and to make it possible gradually to reduce regulatory burdens when competitive trends in the market so warrant. These characteristic features of the framework are vital in enabling the regulator to intervene appropriately in a developing market marked by recent technological innovations which will enable new services to be provided to European consumers.

Need for timely and uniform implementation - serious delays

Timely, uniform and correct implementation are vital if the European electronic communications market is to become genuinely competitive. Your rapporteur deplores the

delays in implementation and market analyses, which seriously undermine the sound functioning of the market. What is lacking, as was mentioned above, is a clear legal frame of reference, given the continuing uncertainty as to the regulatory approach to adopt during the transitional period. This situation leads to different operating conditions for undertakings in the various Member States and is a barrier to a single market in electronic communications. Furthermore, this acts as a serious deterrent to innovative investment by operators.

A clear and transparent institutional framework

Your rapporteur wishes to identify the functions and roles the institutions should perform when it comes to implementation of the legislation.

The new framework gives broad discretionary powers of intervention to the national authorities, precisely to allow the functional flexibility needed for correct regulatory intervention.

In this connection, emphasis should be placed on the primary role of the Commission as regards correct interpretation of the new legislation. In fact, the Commission's role as guardian of Community law is essential in order to guarantee uniform application consistent with the aims of the regulatory framework.

Your rapporteur would stress that the European Regulators Group (ERG) must exercise the powers entrusted to it in a timely manner and fulfil its consultative role, backing up the Commission's assessment of how the framework is to be properly implemented.

Yet it should be pointed out that the composition and functions of the ERG and IRG (Independent Regulators Group) overlap to a considerable extent and steps should therefore be taken to avoid duplication of effort and of limited administrative resources. With this in view, your rapporteur recommends that the two groups be gradually merged.

As for Parliament's role, the rapporteur is asking for it to be promptly informed by the Commission of its activities relating to analysis of the implementation of the regulatory framework by the Member States. This information is a vital prerequisite if Parliament is to be involved in monitoring and able to provide political impetus for the implementation of the regulatory framework.

The rapporteur has a great many requests to put forward concerning the role of the Member States. First of all, Member States which have not yet completed transposition of the framework are asked to do so immediately; in cases where the regulatory framework has been transposed but not correctly applied, Member States are asked to comply immediately with the relevant Community provisions.

With regard to the National Regulatory Authorities (NRA), Member States are asked to provide adequate support, bearing in mind that the limited resources at their disposal are frequently a cause of delays in completing the tasks entrusted to them under the legislation in this sector. At the same time, the Member States are asked to take the measures necessary to speed up procedures for appeals against NRA decisions.

On the subject of the various problems encountered by the Commission described above, the

rapporteur calls on the Member States to comply with the principles of transparency and proportionality and to justify the administrative charges imposed on operators for authorisation of services. Emphasis is also placed on the importance of open, transparent and non-discriminatory procedures for the allocation of radio frequencies and the granting of licences.

More specifically, on the question of the development of third generation mobile telephony, the rapporteur points to the barriers created by national and local provisions with regard to authorisations for establishing infrastructures and the strict criteria for granting licences. The competent authorities are therefore asked to remedy this state of affairs by adopting measures more favourable to investment on the part of operators, with due regard, however, for the protection of public health and the environment.

The rapporteur points out that the information and communications technology sector is a driving force behind the European economy, contributing significantly to growth and job creation. In the light of this, she shares the belief that regulatory intervention should focus on removing distortions which prevent fair competition.

Accordingly, it is recommended that the Member States, the Commission and the NRAs take account of the need for the regulatory framework to attract and safeguard investments in the wider sense, particularly as regards investment in infrastructure for broadband, third generation mobile telephony and other emerging markets.

The rapporteur stresses the need to protect consumers, as provided for in European legislation on electronic communications. In this connection, operators are reminded of their duty to adopt transparent practices with regard to services and pricing and to provide consumers with clearer information. This applies particularly to the market in mobile telephony and the costs of international roaming.

Finally, the rapporteur commends the Commission on the initiative taken by Commissioner Reding regarding transparency in the international roaming sector. This will provide consumers with useful information on the retail tariffs applied by mobile telephony operators in the various EU countries.

6.10.2005

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Industry, Research and Energy

on European electronic communications regulation and markets 2004
(2005/2052(INI))

Draftswoman: Piia-Noora Kauppi

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Acknowledges the Commission's view that the optimum timeframe for implementation of the EU regulatory framework for electronic communications is short and that it is critical to deliver choice and value for the consumer while maintaining Europe's competitiveness in innovative communications services;
2. Points out that there have been, and still are, problems with the implementation of the new regulatory framework in the Member States to which the Commission should pay greater attention. This is especially important as national regulatory failures might be more dangerous than no regulation at all;
3. Notes that markets are still defined more by technology than by services; suggests that the competition authorities should take over competition issues between market operators and that the national regulatory authorities (NRAs) should focus on the technical supervision and allocation of spectrums;
4. Invites the Commission to consider a review of the list regarding the relevant markets with the aim of establishing a minimum set of markets; the focus should be shifted from historical remains in the market (i.e. leased lines) to real bottle-necks;
5. Regrets the fact that the national appeal procedures are currently too long (lasting up to 2 years) to ensure the efficient resolution of disagreements; urges the Commission to act to shorten the time involved; is also concerned by the systematic suspension of NRA decisions pending appeal;

6. Suggests that for the sake of market development, it is crucial to move away from pure price regulation as this may distort the dynamics of the market, taking into account a previous market analysis;
7. Welcomes the rapid increase in broadband penetration; asks the Commission to inform the Parliament of its activities in monitoring the development of the broadband sector and of the action taken in this respect;
8. Stresses, as the Commission suggests, that the key impetus for future growth in the mobile sector in the EU will in all probability be the development of advanced value-added services, and points out that this growth has been hindered in some Member States due to overly strict interpretation of the regulatory requirements by the national regulatory authorities, causing unhealthy, loss-generating competition in the mobile market; calls on the Commission to introduce pro-active measures for innovative content creation to encourage operators to develop and deploy advanced value-added services;
9. Points out that a functioning mobile number portability system is vital to healthy competition between mobile operators and stresses therefore that the charges for porting numbers should be set at a low level, or at zero, in every Member State, and that the period for carrying out the number portability operation should be shortened in some Member States;
10. Calls on the Commission to consider with market operators and national authorities possible means of increasing transparency and ways of providing customers with information about the communications services available to them in commercial offers made by different market operators, notably regarding international connections, inasmuch as the absence of international accords sometimes gives rise to a deceptive picture of the level of service available;
11. Welcomes the increase in unbundled local loops, but stresses that there must be further development in order to ensure competitive markets for customers;
12. Notes with satisfaction that competition is increasing in the fixed markets, but is concerned about the low level of competition in the local call sector;
13. Calls on the Commission to monitor the arrival of new technologies, such as voice over internet protocol, and the effects of those technologies on the electronic communication markets, on its dynamics and on the regulatory environment; calls on the national authorities to consider temporary waivers so as to allow operator investments in future IP networks carrying voice over internet protocol;
14. Calls on the Commission to take action to lower the mobile termination rates, which remain at a high level in many Member States and should be linked to the costs incurred;
15. Urges the Commission to act to lower international roaming charges, increase the transparency of international pricing for customers and hence enhance mobility and the proper functioning of the internal market; welcomes the Commission's preliminary position on infringements of the competition rules by two of the UK mobile networks operators and awaits the outcome of this procedure;

16. Emphasises the importance of the quality of the legal framework put in place in Member States concerning the national regulatory authorities; notes with concern that, in some Member States, effective competition is precluded by the lack of enforcement of NRA decisions; calls on the Member States to ensure the principles of independence and impartiality of their NRAs;
17. Encourages the NRAs and the Commission to carry out better impact assessments and benchmarking concerning the obligations proposed and their efficiency and effectiveness for the markets;
18. Stresses the importance of keeping the charges relating to the management of authorisation systems and to the procedure for granting rights of use low enough to cover only the actual administrative costs incurred;
19. Acknowledges the importance of transparent consultation concerning the development of the internal market for electronic communication and expects the European Regulators Group to help to ensure the consistent application of the regulatory framework in all the Member States; asks the Commission to monitor closely the activities of the ERG and to ensure its ability to act in conformity with its role;
20. Stresses the importance of the relevant regulation on granting rights to install masts and antennae for the provision of mobile services; notes the contradiction between the roll-out obligations imposed and the often lengthy local procedures for granting installation rights; calls on the Member States to consider setting up a publicly available database of current and future locations;
21. Awaits the conclusions of the study into the ways in which Member States interpret the general interest objectives when imposing must-carry obligations;
22. Welcomes the voluntary codes to protect users from unsolicited commercial communications and calls for EU-wide transposition of the opt-in rules;
23. Stresses the importance of data privacy in relation to the growing number of requests for data retention, noting the long-established cooperation by e-communications operators with law-enforcement authorities within a clear legal framework and on a case-by-case basis; recognises that mandatory data-retention obligations would be detrimental to civil liberties and give rise to significant costs for operators; concludes that the introduction of any data-retention rules should be the subject of codecision with the European Parliament.

PROCEDURE

Title	European electronic communications regulation and markets 2004
Procedure number	2005/2052(INI)
Committee responsible	ITRE
Committee asked for its opinion Date announced in plenary	JURI 12.5.2005
Enhanced cooperation	
Draftswoman Date appointed	Piia-Noora Kauppi 21.4.2005
Discussed in committee	6.10.2005
Date suggestions adopted	6.10.2005
Result of final vote	for: 12 against: 0 abstentions: 0
Members present for the final vote	Maria Berger, Bert Doorn, Giuseppe Gargani, Kurt Lechner, Klaus-Heiner Lehne, Antonio López-Istúriz White, Hans-Peter Mayer, Aloyzas Sakalas, Jaroslav Zvěřina
Substitutes present for the final vote	Nicole Fontaine, Jean-Paul Gauzès, Manuel Medina Ortega
Substitutes under Rule 178(2) present for the final vote	

PROCEDURE

Title	European electronic communications regulation and markets 2004			
Procedure number	2005/2052 (INI)			
Basis in Rules of Procedure	Rule 45			
Committee responsible Date authorisation announced in plenary	ITRE 12.5.2005			
Committee(s) asked for opinion(s) Date announced in plenary	JURI 12.5.2005	IMCO 12.5.2005	ECON 12.5.2005	
Not delivering opinion(s) Date of decision	IMCO 4.10.2005	ECON 10.5.2005		
Enhanced cooperation Date announced in plenary				
Motion(s) for resolution(s) included in report				
Rapporteur(s) Date appointed	Patrizia Toia 17.3.2005			
Previous rapporteur(s)				
Discussed in committee	15.6.2005	29.8.2005	12.9.2005	11.10.2005
Date adopted	11.10.2005			
Result of final vote	for: 40 against: 0 abstentions: 0			
Members present for the final vote	Ivo Belet, Philippe Busquin, Jerzy Buzek, Pilar del Castillo Vera, Lorenzo Cesa, Jorgo Chatzimarkakis, Giles Chichester, Den Dover, Lena Ek, Nicole Fontaine, Adam Gierak, Umberto Guidoni, András Gyürk, Fiona Hall, Rebecca Harms, Ján Hudacký, Romana Jordan Cizelj, Werner Langen, Anne Laperrouze, Vincenzo Lavarra, Pia Elda Locatelli, Angelika Niebler, Reino Paasilinna, Herbert Reul, Mechtild Rothe, Paul Rübig, Andres Tarand, Patrizia Toia, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Alejo Vidal-Quadras Roca, Dominique Vlasto			
Substitutes present for the final vote	Etelka Barsi-Pataky, Norbert Glante, Edit Herczog, Lambert van Nistelrooij, Francisca Pleguezuelos Aguilar, Alyn Smith			
Substitutes under Rule 178(2) present for the final vote	Alessandro Foglietta			
Date tabled – A6	14.10.2005		A6-0305/2005	