

WRITTEN QUESTION P-0992/04
by Francesco Fiori (PPE-DE)
to the Commission

Subject: Telecommunications

The new regulatory framework enables authorities to intervene in the telecommunications market and gives them broad discretionary powers when deciding which obligations would be most appropriate in order to remedy market failure. The directives do not provide sufficiently detailed guidance on how to modulate regulatory action in terms of the possible range of obligations which the authorities may impose.

The Commission indicated in its 2004 work programme that it had adopted a recommendation seeking to lay down guidelines for choosing regulatory action in accordance with the proportionality principle and in keeping with the regulatory objectives laid down in the framework directive.

In its 2004 work programme the ERG states that it plans to adopt a document which it calls a 'draft joint ERG/EC approach on appropriate remedies in the new regulatory framework'. For harmonisation purposes, legislative action is indeed required in order to establish criteria for the application of remedies in the new regulatory framework. Clarifications should therefore be provided as to the legal status of the joint ERG/EC approach and its role in the Community and national legal systems.