

Electronic Communication Legislation

Comparison between the EU legislation
and the draft law
for the Republic of Macedonia

Key EU Requirements

- I. Independent Regulator
- II. Simple notification
- III. Regulatory Interventions on SMPs
- IV. Universal Service Obligations



I. Independent Regulator, EU requirements:

1. Must ensure impartiality of all decisions
2. Effective structural separation between regulatory functions and activities associated with ownership or control.
3. Must have necessary expertise and financial resources.
4. Must consult all interested parties and take account of their comments before deciding



Independent Regulator

- ◆ Art 7 sets the basic rules for the independent regulator and covers in particular issues 1 and 2.
- ◆ The financing is secured through obligation on operators to pay a monitoring fee.
- ◆ Art 20 contains the basic rules regarding the operation of the agency.
- ◆ More detailed rules on staffing and consultation will be determined in relevant by-laws.



II. Simple notification, EU rules

- ◆ The least onerous authorisation system possible without any explicit administrative decision.
- ◆ Any procedural requirement must be limited to a simple notification.
- ◆ No licensing allowed (except with regard to use of limited resources)



Notification

- ◆ Art 28 defines a Notification Procedure, fully in line with the EU requirements.



III. Regulatory safeguards, EU requirements

- ◆ The EU 1998 regulatory package was designed to facilitate transition from monopoly to competition.
- ◆ The new 2002 package reduces regulatory interventions when competition exists.
- ◆ For non-competitive markets, all regulatory obligations in 1998 package must still be fulfilled.



Regulatory safeguards

EU requirements, continued

Obligations to be imposed on operators with Significant Market Power, SMPs;

- ◆ Transparency
- ◆ Non-discrimination
- ◆ Accounting separation
- ◆ Provide access to networks and/or services
- ◆ Price control incl. cost orientation



Regulatory obligations on SMPs

- ◆ Chapter Five contains the relevant provisions to ensure competition in accordance with the EU legislation.



IV. Universal Services, EU regulation:

1. Defines a minimum set of services that should be offered to all end-users at affordable prices
2. Safeguards regarding the provision of services, including the financing thereof.
3. Consumer protection



Provision of Services

- ◆ The minimum set of services in EU regulation goes beyond what can realistically be fulfilled directly in Macedonia.
- ◆ Art 147 provides for a gradual implementation.



Financing of USO

- ◆ Art 38 and 39 contains provisions regarding the financing of USO, fully in accordance with the EU legislation



Consumer protection

- ◆ Chapter ten provides the regulatory safeguards to protect the consumer interests.





Благодарам

Jerker Torngren

Chief of Party, e-Gov IMPACT Project

torngren@internews.org