Contents

List of contributors Preface Abbreviations Key EU Telecommunication Directives

	Part I	
	Telecommunication Law and Policy of the European Union	1
1	Telecommunication Law and Policy of the European Union Introduction	
	The Regulatory Framework	
	Regulation of Networks and Services	
	The Regulatory Framework For A Competitive Environment	
	General Competition Law in the Telecommunication Sector	2
	Data Protection	4
	Liberalisation of the Terminal Equipment Market and Standardisation	52
	Public Procurement Procedures of Entities Operating in the Telecommunication Sector	53
	Conclusion	54
		55
	Part II	
	Telecommunication Law in EU Member States	
2	Telecommunication Law in Austria	59
	The Austrian Market	59
	Legal Structure	60
	Regulation of Networks and Services	63
	Access and Interconnection	64
	Control of Anti-Competitive Behaviour	66
	Consumer Protection	67
	Data Protection	67
	Access to Property and Rights of Way	68
	Equipment Approvals	68
	Enforcement and Remedies	69
	Convergence	70
3	Telecommunication Law in Belgium	71
	Legal Structure	71
	Regulation of Networks and Services	74
	Service Providers	80
	Access and Interconnection	82
	xi	

xi

Comenna	
aviour/Network Access/ONP	83
	84
YYY	

Contents	xii
Control of Anti-Competitive Behaviour/Network Access/ONP	83
Consumer Protection	84
Access to Property and Rights of Way	85
Equipment Approvals	86
Convergence	87
Telecommunication Law in Denmark	88
Introduction	88
Legal Structure	90
Regulation of Networks and Services	91
Access and Interconnection	93
Control of Anti-Competitive Behaviour	95
Consumer Protection	95
Data Protection	96
Access to Property and Rights of Way	96
Equipment Approvals	96
Enforcement and Remedies	97
Convergence	97
Telecommunication Law in Finland	99
The Finnish Market	99
Legal Structure	100
Regulation of Networks and Services	104
Access and Interconnection	106
Control of Anti-Competitive Behaviour	109
Consumer Protection	110
Data Protection	112
Access to Property and Rights of Way	113
Equipment Approvals	114
Enforcement and Remedies	114
Convergence	115

	Access to Property and Rights of Way
	Equipment Approvals
	Enforcement and Remedies
	Convergence
5	Telecommunication Law in Finland
	The Finnish Market
	Legal Structure
	Regulation of Networks and Services
	Access and Interconnection
	Control of Anti-Competitive Behaviour
	Consumer Protection
	Data Protection
	Access to Property and Rights of Way
	Equipment Approvals
	Enforcement and Remedies
	Convergence

ontroi of Anti-Competitive Benaviour	105
Consumer Protection	110
Data Protection	112
access to Property and Rights of Way	113
Equipment Approvals	114
Inforcement and Remedies	114
Convergence	115
Telecommunication Law in France	116
No Course Mandage	111

	Access to Property and Rights of Way	1
	Equipment Approvals	11
	Enforcement and Remedies	11
	Convergence	1
6	Telecommunication Law in France	1
	The French Market	1
	Legal Structure	11
	Regulation of Networks and Services	12
	Access and Interconnection	12
	Control of Anti-Competitive Behaviour	12
	Consumer Protection	12
	Data Protection	12
	Access to Property and Rights of Way	13
	Equipment Approvals	13
	Enforcement and Remedies	13
	Convergence	13
7	T-1	-

Convergence Telecommunication Law in France The French Market Legal Structure Regulation of Networks and Services Access and Interconnection Control of And-Competitive Behaviour Control of And-Com	115 116 116 117 120 123
The French Market Legal Structure Regulation of Networks and Services Access and Interconnection Control of Anti-Competitive Behaviour Consumer Protection Data Protection Data Protection	116 117 120 123
Legal Structure Regulation of Networks and Services Access and Interconnection Control of Anti-Competitive Behaviour Consumer Protection Data Protection Data Protection	117 120 123
Regulation of Networks and Services Access and Interconnection Control of Anti-Competitive Behaviour Consumer Protection Data Protection Data Protection	120 123
Access and Interconnection Control of Anti-Competitive Behaviour Consumer Protection Data Protection	123
Control of Anti-Competitive Behaviour Consumer Protection Data Protection	
Consumer Protection Data Protection	100
Data Protection	126
	128
Access to Property and Rights of Way	129
	130
Equipment Approvals	132
Enforcement and Remedies	132
Convergence	133
Telecommunication Law in Germany	134
The German Market	134
Legal Structure	134
Regulation of Networks and Services	138
Access and Interconnection	142
Control of Anti-Competitive Behaviour	146

xiii Contents

Regulation of Networks and Services Access and Interconnection

	Consumer Protection	148
	Data Protection/Telecommunications Secrecy/Telecommunication Security	150
	Access to Property and Rights of Way	151
	Equipment Approvals	152
	Enforcement and Remedies	152
	Convergence	153
8	Telecommunication Law in Greece	155
	The Greek Market	155
	Legal Structure	156
	Regulation of Networks and Services	158
	Access and Interconnection	162
	Control of Anti-Competitive Behaviour	164
	Consumer Protection	166
	Data Protection	168
	Access to Property and Rights of Way	169
	Equipment Approvals	169
	Enforcement and Remedies	169
	Convergence	170
		170
9	Telecommunication Law in Ireland	171
'	The Irish Market	171
	Legal Structure	
	Regulation of Networks and Services	172
	Access and Interconnection	181
	Control of Anti-Competitive Behaviour	
	Consumer Protection	185
	Data Protection	
	Access to Property and Rights of Way	192
	Equipment Approvals	192
	Convergence	193
	Convergence	194
16	Telecommunication Law in Italy	
10	The Italian Market	196
	Legal Structure	196
	Regulation of Networks and Services	197
	Access and Interconnection	202
	Control of Anti-Competitive Behaviour	207
	Consumer Protection	211
	Data Protection	213
		216
	Access to Property and Rights of Way	217
	Equipment Approvals	218
	Enforcement and Remedies	218
	Convergence	219
11	Telecommunication Law in Luxembourg	220
	The Luxembourg Market	220

Contents	xiv

Contents	XIV
Control of Anti-Competitive Behaviour	223
Consumer Protection	224
Data Protection	225
Access to Property and Rights of Way	226
Equipment Approvals	226
Enforcement and Remedies	226
Convergence	227
12 Telecommunication Law in The Netherlands	228
Introduction	228
The Dutch market	228
Legal Structure	229
Regulation of Networks and Services	237
Open Network Provision ('ONP'): Consumer Protection and	
Control of Anti-Competitive Behaviour	244
Numbering	253
Data Protection	253
Access to Property and Rights of Way	254
Equipment Approvals	255
Compensation, Enforcement and Remedies	257
Conclusion	257
13 Telecommunication Law in Portugal	259
The Portuguese Market	259
Legal Structure	260
Regulation of Networks and Services	261
Access and Interconnection	264
Control of Anti-Competitive Behaviour	265
Consumer Protection	266
Data Protection	267
Access to Property and Rights of Way	267
Equipment Approvals	268
Enforcement and Remedies	269
Convergence	269
14 Telecommunication Law in Spain	27
The Spanish Market	27
Legal Structure	27:
Regulation of Networks and Services	27
Access and Interconnection	28
Control of Anti-Competitive Behaviour	29
Consumer Protection	29
Data Protection	29
Access to Property and Rights of Way	29
Equipment Approvals	30
Enforcement and Remedies	30
Convergence	30
15 Telecommunication Law in Sweden	30

xv Contents

18 Telecommunication Law in Hungary

Regulation of Networks and Services

Control of Anti-Competitive Behaviour

Access to Property and Rights of Way

The Hungarian Market

Consumer Protection

Equipment Approvals

Data Protection

Access and Interconnection

Legal Structure

Legal Structure	308
Regulation of Networks and Services	310
Access and Interconnection	311
Control of Anti-Competitive Behaviour	313
Consumer Protection	314
Data Protection	315
Access to Property and Rights of Way	315
Equipment Approvals	315
Enforcement and Remedies	315
Convergence	316
Conclusion	310
16 Telecommunication Law in the United Kingdom	31
The UK Market	31
Legal Structure	311
Regulation of Networks and Services	319
Access and Interconnection	32
Control of Anti-Competitive Behaviour	333
Consumer Protection	334
Data Protection/Privacy	33
Access to Property, Rights of Way and Planning	33
Equipment Approvals	33
Enforcement and Remedies	33
Convergence	34
Part III	
Telecommunication Law in non-EU Member State	S
17 Telecommunication Law in the Czech Republic	34
Recent Trends in the Telecommunications Market in the Czech Republic	34
Regulation of Networks, Services and Equipment	34
Interconnection and Access	35
Control of Anti-Competitive Behaviour	35
Consumer Protection	35
Equipment Approvals	35
Data Protection	35
Access to Property and Rights of Way	35

357

357

359

359

362

363

363

365

365

365

Contents	xvi

The Norwegian Market	366
Legal Structure	367
Regulation of Networks and Services	370
Access and Interconnection	373
Control of Anti-Competitive Behaviour	376
Consumer Protection	378
Data Protection	380
Access to Property and Rights of Way	380
Equipment Approvals	380
Enforcement and Remedies	381
Convergence	382
20 Telecommunication Law in Poland	383
The Polish Market	383
Legal Structure	383
Regulation of Networks and Services	385
Tender Procedures	388
Access and Interconnection	390
Consumer Protection and Liability of Operators	392
Control of Anti-Competitive Behaviour	393
Data Protection	394
Access to Property and Rights of Way	395
Equipment Approvals	396
Enforcement and Remedies	397
Convergence	398
21 Telecommunication Law in Russia	399
The Russian Market	399
Legal Structure	404
Regulation of Networks and Services	409
Network Interconnection	413
Control of Anti-Competitive Behaviour	416
Consumer Protection	417
Data Protection	420
Access to Property and Rights of Way	421
Equipment Approvals	422
Enforcement and Remedies	423
Convergence	424
22 Telecommunication Law in Switzerland	425
The Swiss Market	425
Legal Structure	426
Regulation of Networks and Services	428
Access and Interconnection	431
Control of Anti-Competitive Behaviour	433
Consumer Protection	433
Data Protection	435
Access to Property and Rights of Way	436
Equipment Approvals	436
Enforcement and Remedies	430

19 Telecommunications Law in Norway

		Contents

23	3 Telecommunication Law in Ukraine	439
-	Introduction	439
	Legal Framework	440
	The Licensing System	440
	Management of Communications	441
	Regulation of Network Operators	443
	Development of Communication Facilities	443
	Access and Interconnection	443
	Consumer Protection	443
	States of Emergency	44
	Control of Anti-Competitive Behaviour	44
	International Co-operation and Agreements	44
	Data Protection	44
	Equipment Approvals	44

Part IV International Regulatory Framework

24 International Regulatory Framework	449
Introduction	449
The World Trade Organisation	449
Basic GATS Principles	450
The Fourth Protocol	450
Enforcing Fourth Protocol Commitments	453
Accounting Rate System	457
ITU Response	461
EU Response	462
IIS Arrangements	463

Index