

ANNEX 2

TRANSPOSITION OF HARMONISATION DIRECTIVES

Annex 2 Transposition of harmonisation directives

METHOD OF ASSESSMENT

In arriving at the directive-by-directive assessment of transposition for each Member State set out in this Annex, the Commission has taken account of the key principles laid down in each directive, and limited itself to the following three categories:

- “Substantially transposed” means that it is considered that the major provisions and principles of the directive concerned are transposed, and therefore the legislation allows the implementation of the main objectives pursued by the directives within the territory of the Member States. This is necessary for a proper assessment of the particularly complex rules in force, both at Community and national level, in the telecommunications field. The Commission nonetheless reserves the right to bring infringement proceedings where concerns are expressed or a subsequent examination shows that proper transposition or implementation is lacking;
- “Partially transposed” means that it is considered that important principles have not been transposed, or that transposition of important principles is not in conformity with the package. Where draft measures have been examined in the context of this exercise, these are referred to, and a brief assessment of their conformity given. The Commission has already begun or will bring proceedings where there is substantial delay in adopting the necessary measures;
- “Not transposed” means that no transposition measures have been notified to the Commission. In all those cases the Commission has already begun proceedings for failure to communicate measures. Draft measures are treated as above.

OVERVIEW OF TRANSPOSITION OF HARMONISATION DIRECTIVES (1.10.1999)

Directive	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK
ONP Framework 90/387/EEC as amended by 97/51/EC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	✓	✓	✓	1)	✓	✓	✓	✓	•	✓	•	1)	✓	✓	✓
Leased Lines 92/44/EEC as amended by 97/51/EC	•	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	1)	✓	✓	✓
	•	✓	✓	1)	✓	✓	✓	✗	✓	✓	✓	1)	✓	✓	✓
New Voice Telephony 98/10/EC	•	✓	✓	1)	✓	✓	✓	✗ ³⁾	•	✓	✓	•	✓	✓	✓
Licensing 97/13/EC	•	✓	✓	1)	✓	✓	✓	•	✓	✓	✓	✓	✓	✓	✓
Interconnection 97/33/EC	1)	✓	✓	1)	✓	✓	✓	✓	•	✓	✓	✓	✓	✓	✓
Numbering 98/61/EC amending 97/33/EC	✓	✓	✓	1)	✓	•	✓	•	✓	✓	✓	✓	•	✓	2)
Data Protection 97/66/EC	•	•	✓	✗	✓	•	✗	✓	✗	•	✓	✓	✓	✓	•

Legend: ✓ Substantially transposed, • Partially transposed, ✗ Not transposed.

Notes: ¹⁾ Recent legislation under examination, ²⁾ Deferment requested, ³⁾ Old Voice Telephony 95/62/EC is substantially transposed.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: BELGIUM

ONP Framework: The Directive, as amended by Directive 97/51EC, is substantially transposed by the *Loi du 21 mars 1991 portant réforme de certaines entreprises publiques économiques/Wet van 21 maart 1991 betreffende de hervorming van sommige economische overheidsbedrijven*, as amended by the *Loi du 19 décembre 1997 modifiant la loi du 21 mars 1991 afin d'adapter le cadre réglementaire aux obligations en matière de libre concurrence et d'harmonisation sur le marché des télécommunications découlant des décisions de l'Union européenne/Wet van 19 december 1997 tot wijziging van de wet van 21 maart 1991 teneinde het reglementaire kader aan te passen aan de verplichtingen die inzake vrije mededinging en harmonisatie op de markt voor telecommunicatie, voortvloeien uit de van kracht zijnde beslissingen van de Europese Unie.*

Leased Lines: The Directive, as amended by Directive 97/51/EC, is partially transposed in a complex of laws, *the Loi du 21 mars 1991/Wet van 21 maart 1991* as amended by the *Loi du 19 décembre 1997/ Wet van 19 december 1997*, and Royal Decrees, such as the *Arrêté Royal du 22 juin 1998 fixant le cahier des charges pour le service de téléphonie vocale et la procédure relative à l'attribution des autorisations individuelles/Koninklijk Besluit van 22 juni 1998 tot vaststelling van het bestek van toepassing op de spraaktelefoniedienst en de procedure inzake de toekenning van individuele vergunningen*, the *Arrêté Royal du 22 juin 1998 relatif aux conditions d'établissement et de l'exploitation de réseaux publics de télécommunications/Koninklijk Besluit van 22 juni 1998 betreffende de voorwaarden inzake aanleg en exploitatie van openbare telecommunicatienetwerken* and the *Arrêté Royal du 4 mars 1999 adaptant certaines dispositions de la loi du 21 mars 1991/Koninklijk Besluit van 4 maart 1999 tot aanpassing van sommige bepalingen van de wet van 21 maart 1991*. There is concern regarding transposition of the cost-accounting principle and the availability of information.

New Voice Telephony: The provisions are partially transposed in *the Loi du 21 mars 1991/Wet van 21 maart 1991* as amended by the *Loi du 19 décembre 1997/Wet van 19 december 1997* and by secondary legislation in the *two Arrêtés Royaux du 22 juin 1998/Koninklijke Besluiten van 22 juni 1998* and *the Arrêté Royal du 4 mars 1999/Koninklijk Besluit van 4 maart 1999*. Some provisions are not fully transposed, in particular those relating to cost accounting and the conciliation procedure.

Licensing: Partial transposition has been achieved through the *Loi du 21 mars 1991/Wet van 21 maart 1991*, as supplemented by the *Arrêtés Royaux du 22 juin 1998/Koninklijke Besluiten van 22 June 1998* and the *Arrêté Royal du 16 juillet 1998 relatif aux conditions d'installation et d'exploitation de réseaux non-publics de télécommunications/Koninklijk Besluit van 16 juli 1998 betreffende de voorwaarden voor de aanleg en de exploitatie van niet-openbare telecommunicatienetwerken*, and also by the *two Arrêtés Royaux du 20 avril 1999 relatif aux redevances pour faire une déclaration de service de*

Télécommunications et concernant les catégories de services soumis à des conditions d'exploitation/Koninklijke Besluiten van 20 april 1999 betreffende de rechten die betaald moeten worden bij een aangifte van telecommunicatiediensten en betreffende de categorieën van diensten waarvoor exploitatievoorwaarden worden opgelegd and the related Arrêtés ministérielles du 11 juin 1999/Ministeriële Besluiten van 11 June 1999 concerning telecommunication services. There is still concern in particular regarding fees and licensing conditions, such as the requirement to devote a percentage of turnover to R&D in the telecommunications sector.

Interconnection: Partial transposition has been achieved by *the Loi du 21 mars 1991/Wet van 21 maart 1991* and with secondary legislation such as the two *Arrêtés Royaux du 22 juin 1998/Koninklijke Besluiten van 22 juni 1998* and the *Arrêté Royal du 4 mars 1999 adaptant certaines dispositions de la loi du 21 mars 1991/Koninklijk Besluit tot aanpassing van sommige bepalingen van de wet van 21 maart 1991*. Concerns relating to the dispute resolution procedure will be substantially met once new secondary legislation on the procedure is published. Concerns relating to the cost-accounting system still remain.

Numbering: The Directive is substantially transposed by the *Loi du 21 mars 1991/Wet van 21 maart 1991*, followed by the *Arrêté Royal du 22 juin 1998 fixant le cahier des charges pour le service de téléphonie vocale et la procédure relative à l'attribution des autorisations individuelles/Koninklijk Besluit van 22 juni 1998 tot vaststelling van het bestek van toepassing op de spraaktelefoniedienst en de procedure inzake de toekenning van individuele vergunningen* and by a new Decree approved by the Council of Ministers on 17 September 1999, but not yet published, incorporating the European date for the introduction of number portability.

Data protection: The Directive is partially transposed by the *current Loi du 21 mars 1991/Wet van 21 maart 1991* and the *Arrêté Royal du 22 juin 1998 fixant le cahier des charges pour le service de téléphonie vocale et la procédure relative à l'attribution des autorisations individuelles/Koninklijk Besluit van 22 juni 1998 tot vaststelling van het bestek van toepassing op de spraaktelefoniedienst en de procedure inzake de toekenning van individuele vergunningen*. Draft legislation to complete transposition of the Directive (e.g. on traffic and billing data; itemised billing) is under preparation.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: DENMARK

- **ONP Framework:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the complex of laws and executive orders relating to the telecommunications sector, including in particular the Act on Certain Conditions in the Telecommunications Field (*Lov om visse forhold på telekommunikationsområdet*) (Promulgation Order No. 501 of 22.6.1995) as amended, Act No. 466 of 12 June 1996 on Universal Service Obligation and Certain Consumer Interests within the Telecommunications Sector (*Lov om forsyningspligt og visse forbrugerforhold inden for telesektoren*) as amended and Act No. 395 of 10 June 1997 on the National Telecom Agency (*Lov om Telestyrelsen*).
- **Leased Lines:** The Directive and its amendment by Directive 97/51/EC is substantially transposed by Act No. 470 of 1 July 1998 amending a number of Acts in the telecommunications field, by consolidated Act No. 860 of 4 December 1998 on Competition Conditions and Interconnection in the Telecommunications Sector (*Bekendtgørelse af lov om konkurrenceforhold og samtrafik i Telesektoren*) and by associated executive orders.
- **New Voice Telephony:** The Directive is substantially transposed by the Act on Universal Service Obligation etc and by the Act on Competition Conditions and Interconnection in the Telecommunications Sector referred to above as well as by a series of other laws and executive orders.
- **Licensing:** The Directive is substantially transposed by Act No. 468 of 12 June 1996 (*Lov om offentlig mobilkommunikation*) as amended by Act No. 396 of 10 June 1997 and by Act No. 394 of 10 June 1997 on Radiocommunications and Assignment of Radio Frequencies (*Lov om radiokommunikation og tildeling af radiofrekvenser*).
- **Interconnection:** The Directive is substantially transposed by consolidated Act No. 860 of 4 December 1998 referred to above, by Executive Order No. 861 of 4 December 1998 on Interconnection Agreements in the Telecommunications Sector etc. (*Bekendtgørelse om aftaler om samtrafik i telesektoren m.v.*), by Executive Order No. 987 of 11 December 1997 on Standard Offers in the Interconnection Field (*Bekendtgørelse om standardtilbud på samtrafikområdet*) and by the Act on Universal Service Obligation etc as amended and referred to above.
- **Numbering:** The Directive is substantially transposed by Act No. 392 of 10 June 1997 on Assignment and Use of Numbering Resources etc (*Lov om tildeling og anvendelse af nummerressourcer m.v.*) as amended and by associated Executive Orders.
- **Data Protection:** The Directive is partially transposed by Executive Orders on the Provision of Telecommunications Networks and Services (*Bekendtgørelse om udbud af telenet og teletjenester*) and on Databases of Directory Enquiry Services (*Bekendtgørelse om nummeroplysningsdatabaser*). Article 12 of the Directive remains to be transposed by an amendment to the Marketing Act (*Markedsføringslov*).

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: GERMANY

- **ONP Framework:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz vom 25. Juli 1996 (TKG)*) and the regulations on consumer protection (*Telekommunikations-Kundenschutzverordnung vom 11. Dezember 1997 (TKV)*), universal service (*Telekommunikations-Universaldienstleistungsverordnung vom 30. Januar 1997 (TUDLV)*) and network access (*Netzzugangsverordnung vom 23. Oktober 1996 (NZV)*).
- **Leased Lines:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the Telecommunications Act (*TKG*) and the regulations on consumer protection (*TKV*) and universal service (*TUDLV*).
- **New Voice Telephony:** The Directive is substantially transposed by the Telecommunications Act (*TKG*) and the regulations on consumer protection (*TKV*), universal service (*TUDLV*), network access (*NZV*) and tariffs (*Entgeltregulierungsverordnung vom 1. Oktober 1996 (TEntgV)*). Concerns remain with regard to the transposition of the cost-accounting obligation.
- **Licensing:** The Directive is substantially transposed by the Telecommunications Act (*TKG*). There is concern regarding transposition of the principle that licence fees should only cover administrative costs.
- **Interconnection:** The Directive is substantially transposed by the Telecommunications Act (*TKG*) and the regulations on universal service (*TUDLV*), network access (*NZV*), data protection (*Telekommunikationsdienstunternehmen-Datenschutzverordnung vom 12. Juli 1996 (TDSV)*) and tariffs (*TEntgV*). There is concern regarding the scope of operators with a right and obligation to interconnect, the definition of significant market power for mobile operators, insufficient powers of the NRA to intervene in interconnection negotiations and to establish the reference interconnection offer, and the transposition of cost-accounting principles.
- **Numbering:** The Directive is substantially transposed by the Telecommunications Act (*TKG*).
- **Data Protection:** The Directive is substantially transposed by the Telecommunications Act (*TKG*) and the regulation on data protection (*TDSV*).

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: GREECE

- **ONP Framework:** Directive 90/387/EEC is substantially transposed by *Law No 2246/94* on the organisation and operation of the telecommunications sector («*Οργάνωση και λειτουργία του τομέα τηλεπικοινωνιών*»). Presidential Decree 156/1999 «*Για την τροποποίηση του Ν. 2246/94 και του Προεδρικού Διατάγματος 40/96 σε συμμόρφωση προς την οδηγία 97/51/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου σχετικά με την τροποποίηση των οδηγιών 90/387/ΕΟΚ και 92/44/ΕΟΚ του Συμβουλίου με σκοπό την προσαρμογή του Τηλεπικοινωνιακού Τομέα στο Ανταγωνιστικό Περιβάλλον*» was recently notified to the Commission as the national measures transposing Directive 97/51/EC. The Decree is currently under scrutiny by the Commission services to verify its conformity with the Directive.
- **Leased Lines:** Directive 92/44/EEC is substantially transposed by Presidential Decree 40/96 «*Παροχή ανοικτού δικτύου στις μισθωμένες γραμμές σε προσαρμογή προς την οδηγία 92/44/ΕΟΚ*». Presidential Decree 156/1999 «*Για την τροποποίηση του Ν. 2246/94 και του Προεδρικού Διατάγματος 40/96 σε συμμόρφωση προς την οδηγία 97/51/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου σχετικά με την τροποποίηση των οδηγιών 90/387/ΕΟΚ και 92/44/ΕΟΚ του Συμβουλίου με σκοπό την προσαρμογή του Τηλεπικοινωνιακού Τομέα στο Ανταγωνιστικό Περιβάλλον*» was recently notified to the Commission as the national measures transposing Directive 97/51/EC. The Decree is currently under scrutiny by the Commission services to verify its conformity with the Directive.
- **New Voice Telephony:** Presidential Decree 181/1999 «*Προσαρμογή στην Οδηγία 98/10/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου για την εφαρμογή της παροχής ανοικτού δικτύου (ONP) στην φωνητική τηλεφωνία και την καθολική υπηρεσία για τις τηλεπικοινωνίες σε ανταγωνιστικό περιβάλλον*» was recently notified to the Commission as the national measures transposing the Directive. The Decree is currently under scrutiny by the Commission services to verify its conformity with the Directive.
- **Licensing:** Presidential Decree 157/1999 «*Χορήγηση Γενικών και Ειδικών Αδειών στον τομέα των τηλεπικοινωνιακών υπηρεσιών, σε προσαρμογή προς την Οδηγία 97/13/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου*» was recently notified to the Commission as the national measures transposing the Directive. The Decree is currently under scrutiny by the Commission services to verify its conformity with the Directive.

- **Interconnection:** Presidential Decree 165/1999 «Για την τροποποίηση του Ν. 2246/94, όπως εκάστοτε ισχύει σε συμμόρφωση α) με την Οδηγία 97/33/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου για την διασύνδεση στο χώρο των τηλεπικοινωνιών προκειμένου να διασφαλιστεί καθολική υπηρεσία και διαλειτουργικότητα, με εφαρμογή των αρχών παροχής ανοικτού δικτύου (ONP) και β) σε συμμόρφωση προς την Οδηγία 98/61/ΕΚ του ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου 'Περί τροποποίησης της Οδηγίας 97/33/ΕΚ σε ότι αφορά τη φορητότητα των αριθμών και την προεπιλογή φορέα» was recently notified to the Commission as the national measures transposing the Directive. The Decree is currently under scrutiny by the Commission services to verify its conformity with the Directive.
- **Numbering:** Presidential Decree 165/1999 «Για την τροποποίηση του Ν. 2246/94, όπως εκάστοτε ισχύει σε συμμόρφωση α) με την Οδηγία 97/33/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου για την διασύνδεση στο χώρο των τηλεπικοινωνιών προκειμένου να διασφαλιστεί καθολική υπηρεσία και διαλειτουργικότητα, με εφαρμογή των αρχών παροχής ανοικτού δικτύου (ONP) και β) σε συμμόρφωση προς την Οδηγία 98/61/ΕΚ του ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου 'Περί τροποποίησης της Οδηγίας 97/33/ΕΚ σε ότι αφορά τη φορητότητα των αριθμών και την προεπιλογή φορέα» was recently notified to the Commission as the national measures transposing the Directive. The Decree is currently under scrutiny by the Commission services to verify its conformity with the Directive.
- **Data Protection:** No national measures transposing the Directive have been notified to the Commission.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: SPAIN

- **ONP Framework:** The Directive, as amended by Directive 97/51/EC, is substantially transposed basically by the *Ley General de Telecomunicaciones* and the *Ley de Liberalización de las Telecomunicaciones*.
- **Leased Lines:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the *Ley General de Telecomunicaciones*, the *Ley de Liberalización de las Telecomunicaciones* and the *Orden Ministerial de Licencias Individuales* of September 1998.
- **New Voice Telephony:** The Directive is substantially transposed by the *Ley General de Telecomunicaciones*, the *Real Decreto 1736/1998* on universal service and the *Orden Ministerial de Licencias Individuales* of September 1998.
- **Licensing:** The Directive is substantially transposed by the *Ley General de Telecomunicaciones*, two *Ordenes Ministeriales de Licencias Individuales y Autorizaciones Generales* of September 1998, a *Real Decreto* on fees of July 1998, and a *Real Decreto 1652/1998 de Registros y de Procedimiento de Ventanilla Única* of September 1998. There are concerns relating to different conditions for carrier pre-selection with regard to two different types of licence.
- **Interconnection:** The Directive is substantially transposed by the *Ley General de Telecomunicaciones*, the *Real Decreto 1651/1998* on interconnection and numbering and the *Real Decreto 1736/1998* on universal service.
- **Numbering:** The Directive is substantially transposed by the “*Ley 11/1998 General de Telecomunicaciones*”, the “*Real Decreto 1651/1998, de 24 de julio, por el que se aprueba el reglamento por el que se desarrolla el Título II de la Ley 11/1998, de 24 de abril, General de Telecomunicaciones, en lo relativo a la interconexión y al acceso a las redes públicas y a la numeración*” and the “*Orden de 22 de septiembre de 1998*” on Individual Licences.
- **Data Protection:** The Directive is substantially transposed by the “*Real Decreto 1736/1998, de 31 de julio, por el que se aprueba el Reglamento por el que se desarrolla el Título III de la Ley General de Telecomunicaciones en lo relativo al servicio universal de telecomunicaciones, a las demás obligaciones de servicio público y a las obligaciones de carácter público en la prestación de los servicios y en la explotación de las redes de telecomunicaciones*”

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: FRANCE

- **ONP Framework:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the Telecommunications Act (*Loi n° 96-659 du 26 juillet 1996 de réglementation des télécommunications* and *Loi n° 90-1170 du 29 décembre 1990*, the latter of which has not been notified to the Commission).
- **Leased Lines:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the Telecommunications Act and the decree on obligations of the incumbent operator (*Cahier des charges de France Télécom, décret 96-1225 du 27 décembre 1996*). Although secondary legislation has still to be adopted to transpose in full the amendment to the Directive, the main provisions are already included in the legislation referred to.
- **New Voice Telephony:** The Directive is substantially transposed by the Telecommunications Act (*Loi n° 96-659*), the decree on obligations of the incumbent operator (*Décret n° 96-1225*), the decree on standard clauses (*Décret n° 96-1175 du 27 décembre 1996 relatif aux clauses types des cahiers des charges associés aux autorisations attribuées en application des articles L.33-1 et L-34-1*) and the regulation on France Télécom's licence conditions (*Arrêté du 12 mars 1998 autorisant la société France Télécom à établir et exploiter un réseau de télécommunications ouvert au public et à fournir le service téléphonique au public*). Secondary legislation to transpose, inter alia, the provisions related to cost-orientation for the universal service directory, contracts and treatment of the subscriber in case of non-payment has still to be adopted.
- **Licensing:** The Directive is substantially transposed by the Telecommunications Act (*Loi n° 96-659*), the decree on standard clauses (*Décret n° 96-1175*) and the decree laying down administrative procedures for granting individual licences (*Décret n° 99-25 du 13 janvier 1999 relatif à l'instruction des demandes d'autorisation pour l'établissement et l'exploitation des réseaux de télécommunications ouverts au public et pour la fourniture du service téléphonique public*). There are concerns relating to the licensing condition as to the requirement to devote a percentage of investment to research and training in the telecommunications sector.
- **Interconnection:** The Directive is substantially transposed by the Telecommunications Act and by two Decrees on interconnection and universal service financing, which were adopted in March and May 1997 respectively (*décret n° 97-188 du 3 mars 1997 relatif à l'interconnexion prévue par l'article L. 34-8 du code des postes et télécommunications, décret n° 97-475 du 13 mai 1997 relatif au financement du service universel*). There is concern relating to certain obligations imposed on all organisations, irrespective of their market power, the scope of the NRA's powers and the calculation of the contribution to universal service.

- **Numbering:** The Directive is partially transposed by the Telecommunications Act (*Loi n° 96-659*), and two decisions of the *Autorité de Régulation des Télécommunications - ART* (*Décision n° 97-196 de l'autorité de régulation des télécommunications en date du 16 juillet 1997 relative aux modalités d'attribution d'un chiffre de sélection du transporteur; Décision n° 98-75 de l'autorité de régulation des télécommunications du 2 février 1998 approuvant les règles de gestion du plan national de numérotation*). Legislation to transpose introduction of pre-selection as from 1 January 2000 has not yet been adopted.
- **Data Protection:** The Directive is partially transposed by the Telecommunications Act (*Loi n° 96-659* and *Loi n° 90-1170*, the latter of which has not been notified to the Commission) and the decree on standard clauses (*Décret n° 96-1175*) du 29 décembre 1990). Legislation relating to the obligation to inform subscribers of network security risks, erasing of data, restrictions requested by the subscriber for itemised billing, identification of the calling line and unsolicited calls has not yet been adopted.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: IRELAND

- **ONP Framework:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by a complex of primary and secondary legislation (including *Telecommunications (Miscellaneous Provisions) Act, 1996, Statutory Instrument (S.I.) No. 45 of 1992, S.I. No. 328 of 1994 and S.I. No.109 of 1998*).
- **Leased Lines:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the *European Communities (Leased Lines) Regulations 1998, S.I. No. 109 of 1998*.
- **New Voice Telephony:** The Directive is substantially transposed by the *European Communities (Voice Telephony and Universal Service) Regulations, S.I. No.71 of 1999*.
- **Licensing:** The Directive is substantially transposed by the *European Communities (Telecommunications Licences) Regulations 1998, S.I. No. 96 of 1998*.
- **Interconnection:** The Directive is substantially transposed by the *European Communities (Interconnection in Telecommunications) Regulations 1998, S.I. No.15 of 1998*.
- **Numbering:** The Directive is substantially transposed by the *European Communities (Interconnection in Telecommunications) (Amendment) Regulations, 1999, S.I. No. 249 of 1999*.
- **Data Protection:** No national measures transposing the Directive have been notified to the Commission.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: ITALY

- **ONP Framework:** The Directive is substantially transposed by Decree No. 55 of 9 February 1993, as integrated and supplemented by the framework law "*Regolamento per l'attuazione di direttive comunitarie nel settore delle comunicazioni*" No. 318 of 19 September 1997. Although no legislation transposing its amendment by Directive 97/51/EC has been communicated, the main provisions are included in the framework law referred to above and in law No. 249 of 31 July 1997 setting up the NRA.
- **Leased Lines:** The Leased Lines Directive is substantially transposed by Decree No. 289 of 2 May 1994 and further integrated by the "*Regolamento*" referred to above. The draft Presidential Decree transposing the amendment by Directive 97/51/EC has not yet been notified.
- **New Voice Telephony:** The draft Presidential Decree substantially transposing the Directive into national law has not yet been notified. The Old Voice Telephony Directive 95/62/EC, however, is substantially transposed.
- **Licensing:** The Directive is partially transposed by the "*Regolamento*" referred to above, as supplemented by the Decree on individual licences "*Disposizioni per il rilascio delle licenze individuali nel settore delle telecomunicazioni*" of 25 November 1997 and by the Decree on licence fees "*Determinazione dei contributi per le autorizzazioni generali e le licenze individuali concernenti l'offerta al pubblico di servizi di telecomunicazioni*" of 5 February 1998. The transposition is still incomplete in relation to conditions attached to general authorisations and non-public services. The existing legislation on satellites (Decree No. 55 of 11 February 1997 and the Decree of 28 March 1997 on fees for satellite services) still needs to be brought into line with the provisions of the Directive.
- **Interconnection:** The Directive is substantially transposed by the Decree on interconnection "*Disposizioni in materia di interconnessione nel settore delle telecomunicazioni*" of 23 April 1998, the Ministerial Decree on numbering of 27 February 1998, updated by the Decision of the NRA of 29 July 1999 on the new numbering plan and related norms and the Decree on universal service "*Finanziamento del servizio universale nel settore delle telecomunicazioni*" of 10 March 1998, which supplement the general provisions of the "*Regolamento*".
- **Numbering:** Although no transposition measures have been notified to the Commission, the provisions relating to carrier pre-selection have been partially transposed by the "*Regolamento*", the New Numbering Plan of 29 July 1999 and by the Licensing Decree. The draft Presidential Decree substantially transposing this Directive has not yet been adopted.
- **Data Protection:** The Directive is substantially transposed by Decree No. 171 "*Disposizioni in materia di tutela della vita privata nel settore delle telecomunicazioni*" of 13 May 1998.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: LUXEMBOURG

- **ONP Framework:** The Directive is substantially transposed and its amendment by Directive 97/51/EC is partially transposed by the Telecommunications Act (*loi du 21 mars 1997 sur les télécommunications*) and the law on creation of the incumbent operator (*loi du 10 août 1992 portant création de l'entreprise des postes et télécommunications (EPT)*). There is concern as to the necessary structural separation of regulation and supervision of the State-owned operator *EPT*.
- **Leased Lines:** The amendment by Directive 97/51/EC is substantially transposed by the Telecommunications Act, the regulation on obligations for network/voice telephony providers (*règlement grand-ducal du 22 décembre 1997 fixant les conditions du cahier des charges pour l'établissement et l'exploitation de réseaux fixes de télécommunications et de services de téléphonie*) and the regulation on obligations for network providers (*règlement grand-ducal du 22 décembre 1997 fixant les conditions du cahier des charges pour l'établissement et l'exploitation de réseaux fixes de télécommunications*). Directive 92/44/EEC, however, is only partially transposed by the Telecommunications Act since transposition of the principles of cost-orientation and cost accounting is still lacking.
- **New Voice Telephony:** The Directive is partially transposed by the Telecommunications Act, the regulation on obligations for network/voice telephony providers, the regulation on obligations for network providers, the regulation on universal service (*règlement grand-ducal du 26 mai 1998 sur le service universel de télécommunication*), and the regulation on licence procedures (*règlement grand-ducal du 2 juillet 1998 fixant les critères et les procédures d'octroi de licences de télécommunications*). The main concerns relate to cost-orientation and transparency of tariffs, the appropriateness of the accounting system and the lack of certain powers for the NRA.
- **Licensing:** The Directive is substantially transposed by the Telecommunications Act, the regulation on licence procedures and the regulation on licence fees (*règlement grand-ducal du 25 Septembre 1998 fixant le montant et les modalités de paiement des redevances*). There is concern about the delays in granting licences.
- **Interconnection:** The Directive is partially transposed by the Telecommunications Act, the regulation on obligations for network/voice telephony providers and the regulation on obligations for network providers. There is concern in particular as regards the lack of powers of the NRA to decide definitely on dispute settlement.
- **Numbering:** The Directive is substantially transposed by the Telecommunications Act, the regulation on obligations for network/voice telephony providers, the regulation on obligations for network providers and decisions of the NRA (*Décision 99/17/ILT du 19 avril 1999 - Règles relatives à la numérotation ; décision 99/16/ILT du 31 mars 1999 - Décision de la Direction de l'Institut Luxembourgeois des Télécommunications relative à la sélection du transporteur des télécommunications*).
- **Data Protection:** No transposing measures have been notified to the Commission.

**OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES:
THE NETHERLANDS**

ONP Framework: Directive 90/387/EEC, as amended by Directive 97/51/EC, is substantially transposed by the Netherlands Telecommunications Act, the *Wet van 19 oktober inzake de telecommunicatie (Telecommunicatiewet)*, Stb 610, 1998.

Leased Lines: Directive 90/387/EEC, as amended by Directive 97/51/EC, is substantially transposed by the *Telecommunicatiewet*, Stb. 610, 1998 and related secondary legislation such as the *Besluit ONP huurlijnen en telefonie*, Stb. 639, 1998 and the *Besluit ONP-geschillenbeslechting*, Stb. 637, 1998).

New Voice Telephony: Substantial transposition has been achieved by the *Telecommunicatiewet*, Stb. 610, 1998 and the Royal Decrees on universal service and dispute resolution, *Besluit universele dienstverlening*, Stb. 637, 1998, *Regeling tarieven universeledienstverlening* (published in *Staatscourant* 1998, nr. 230, p. 9) and *Besluit ONP-geschillenbeslechting*, Stb. 634, 1998.

Licensing: The Directive is substantially transposed by the *Telecommunicatiewet*, Stb. 610, 1998 and by secondary legislation such as the *Frequentiebesluit*, Stb. 638, 1998, *Besluit Vergoedingen Telecommunicatiewet*, Stb. 130, 1999 en *Regeling Vergoedingen OPTA 1999II*, *Staatscourant*, Nr. 62, p. 17.

Interconnection: The Directive is substantially transposed by the *Telecommunicatiewet*, Stb. 610, 1998 and secondary legislation; *Besluit nummerportabiliteit*, Stb. 635, 1998, *Besluit ONP huurlijnen en telefonie*, Stb. 639, 1998.

Numbering: The provisions concerning number portability and carrier preselection are substantially transposed by the *Telecommunicatiewet*, Stb. 610, 1998 and additional Decrees (i.e. *Besluit nummerportabiliteit*, Stb. 635, 1998, *Besluit ONP huurlijnen en telefonie*, Stb. 639, 1998).

Data protection: Transposition is partially achieved by the *Telecommunicatiewet*, *Regeling nummeridentificatie* (published in *Staatscourant* 1998, nr. 230, p. 10), *Besluit 1-1-2 alarmcentrales* (published in *Staatscourant* 1998, nr. 235, p. 5). Additional secondary legislation concerning billing issues and unsolicited calls are currently under preparation.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: AUSTRIA

- **ONP Framework:** The Directive is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz 1997*); however, its amendment by Directive 97/51/EC is only partially transposed. Concerns exist in particular with regard to lack of appropriate remedies against the decisions of the NRA.
- **Leased Lines:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz 1997*), and secondary legislation on tariffs (*Telekom-Tarifgestaltungsverordnung 1996*) and general terms and conditions (*Rahmenrichtlinienverordnung 1994*).
- **New Voice Telephony:** The Directive is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz 1997*), and secondary legislation on tariffs (*Telekom-Tarifgestaltungsverordnung 1996*, *Entgeltverordnung 1999*) and general terms of trade (*Rahmenrichtlinienverordnung 1994*), on numbering (*Nummerierungsverordnung 1997*), interconnection (*Zusammenschaltungsverordnung 1998*) and universal service (*Universaldienstverordnung 1999*). Concerns still exist in particular with regard to lack of powers for the NRA.
- **Licensing:** The Directive is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz 1997*) and secondary legislation on fees (*Telekommunikationsgebührenverordnung 1998*). Concerns remain in relation to certain procedural aspects including the lack of efficient remedies against the decisions of the NRA as regards the granting, amending or withdrawal of licences.
- **Interconnection:** The Directive is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz 1997*), as amended in 1999, and secondary legislation on numbering (*Nummerierungsverordnung 1997*) and on interconnection (*Zusammenschaltungsverordnung 1998*).
- **Numbering:** The Directive is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz 1997*), and by secondary legislation on numbering (*Nummerierungsverordnung 1997*).
- **Data Protection:** The Directive is substantially transposed by the Telecommunications Act (*Telekommunikationsgesetz 1997*).

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: PORTUGAL

- **ONP Framework:** The Directive is substantially transposed basically by the Telecommunications Act (*Lei num. 91/97 de Bases das Telecomunicações*). New secondary legislation was recently notified to the Commission as the national measures transposing Directive 97/51/EC which is currently under scrutiny by the Commission services to verify its conformity with the Directive.
- **Leased Lines:** The Portuguese authorities notified the “*Regulamento de Exploração de Redes Públicas de Telecomunicações*” adopted by the “*Decreto-lei num.290-A/99*” in July 1999 as national legislation transposing the Leased Lines Directives, as amended by Directive 97/51/EC. The legislation is currently under scrutiny by the Commission services to verify its conformity with the Directive.
- **New Voice Telephony:** The Decree-Law on fixed telephony adopted in September 1997 (*Regulamento de Exploração do Serviço Fixo de Telefone*) and the “*Aviso no Diário da Republica num. 278/98, III Série*” of December 1998 partially transposes the Directive. Transposition is still incomplete, in particular with regard to the scope and financing of universal service, quality of universal service, principles of tariffs and cost accounting. However, the Portuguese authorities recently announced the adoption of two decrees on universal service and voice telephony respectively, which have not yet been published.
- **Licensing:** This Directive is substantially transposed by the Decree-law of December 1997 on access to the activity of telecommunications operators (*Regulamento de acesso à actividade de operador de redes públicas de telecomunicações e de prestador de serviço de telecomunicações de uso público*).
- **Interconnection:** This Directive is substantially transposed by the “*Decreto-lei 415/98*” of 31 December 1998.
- **Numbering:** The “*Decreto-lei 415/98*” of 31 December 98 substantially transposes the Directive, which grants Portugal a derogation for carrier pre-selection and number portability until 1 January 2002.
- **Data Protection:** The Directive is substantially transposed by the “*Lei num 69/98, de 28 de Outubro que Regula o tratamento dos dados pessoais e a protecção da privacidade no sector das telecomunicações*”.

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: FINLAND

- **ONP Framework:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the Telecommunications Market Act (396/1997) (*Telemarkkinalaki-Telemarknadslagen*) as amended (the Act) and a complex of secondary legislation.
- **Leased Lines:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by the Act and other primary legislation, and by the secondary legislation referred to above, notably the Decisions of the Ministry of Transport and Communications (the Ministry) on Certain Tariffs referred to in European Community Legislation (*Liikenneministeriön päätös eräistä yhteisöjen lainsäädännössä tarkoitetuista telemaksuista; Trafikministeriets beslut 1300/1997*) and on the Provision of Certain Leased Lines referred to in European Community Legislation (*Liikenneministeriön päätös eräiden Euroopan yhteisöjen lainsäädännössä tarkoitetuista kiinteiden yhteyksien tarjonnasta; Trafikministeriets beslut 1301/97*).
- **New Voice Telephony:** The Directive is substantially transposed by the Act and other primary and secondary legislation referred to above, notably the Decisions of the Ministry on Certain Telecommunications Services referred to in European Community legislation (*Liikenneministeriön päätös eräistä Euroopan yhteisöjen lainsäädännössä tarkoitetuista telepalveluista; Trafikministeriets beslut 471/1997*), on the General Grounds for the Delivery Terms of Telecommunications Services (*Liikenneministeriön päätös telepalveluiden toimitusehtojen yleisistä perusteista; Trafikministeriets beslut 478/1997*) and on the Service Level of Telecommunications Operators referred to in European Community Legislation (*Liikenneministeriön päätös Euroopan yhteisöjen lainsäädännössä tarkoitetuista teleyritysten palvelutasosta, Trafikministeriets beslut 417/1998*).
- **Licensing:** The Directive is substantially transposed by the Act and other primary and secondary legislation as referred to above, in particular the Radio Act (517/1988) (*Radiolaki - Radiolagen*) as amended and the Decisions of the Ministry on Licences and Notifications on Telecommunications (*Liikenneministeriön päätös toimiluvista ja teletoimintailmoituksista; Trafikministeriets beslut 473/1997*) and on the Scope of Application of the Telecommunications Market Act and the Duty to Notify on Telecommunications (*Liikenneministeriön päätös telemarkkinalain soveltamisalasta ja teletoiminnan ilmoitusvelvollisuudesta; Trafikministeriets beslut 475/1997*) as amended.
- **Interconnection:** The Directive is substantially transposed by the Act and other primary and secondary legislation as referred to above, in particular the Decision of the Ministry on the Interconnection of Telecommunications Networks and Services of Telecommunications Operators (*Liikenneministeriön päätös teleyritysten televerkkojen ja -palvelujen yhteenliittämisestä; Trafikministeriets beslut 1393/1997*) as amended and the Telecommunications Administration Centre (TAC) (*Telehallintokeskus [THK]; Teleförvaltningscentralen [TFC]*) Regulation on Submission and Publicity of Interconnection Agreements (*THK:n määräys yhteenliittämissopimusten toimittamisesta ja julkisuudesta; TFC föreskrift 44/1998*).

- **Numbering:** The Directive is partially transposed by the Act, by the Decision of the Ministry on the Interconnection of Telecommunications Networks and Services of Telecommunications Operators (*Liikenneministeriön päätös teleyritysten televerkkojen ja -palvelujen yhteenliittämisestä; Trafikministeriets beslut 1393/1997*) as amended and by the TAC Regulation on Telephone Number Portability (*THK:n määräys puhelinumero­n siirrettävyydestä; TFC föreskrift 46/1999*). However, carrier preselection is not available for local calls or for calls from fixed to mobile.
- **Data Protection:** The Directive is substantially transposed by amendments to the Act effected by Act (566/1999) (*Laki telemarkkinalain muuttamisesta*), by the Act on the Protection of Privacy and Data Security in Telecommunications (565/1999) (*Laki yksityisyyden suojasta televiestinnässä ja teletoiminnan tietoturvasta*) and by the TAC Regulations on the Information Security of Telecommunications Operators (*THK:n määräys teleyritysten tietoturvasta; TFC föreskrift 47/1999*) and on the Physical Protection of Premises and Networks of Telecommunications Operators (*THK:n määräys teleyritysten tilojen ja televerkkojen fyysisestä suojaamisesta; TFC föreskrift 48/1999*).

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: SWEDEN

- **ONP Framework:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by primary legislation (*Telelagen*) and secondary legislation (*Teleförordningen*). The independence of the National Regulatory Authority, *Post- och Telestyrelsen (PTS)*, is set out in the constitution (*Regeringsformen*).
- **Leased Lines:** The Directive, as amended by Directive 97/51/EC, is substantially transposed by primary legislation (*Telelagen*) and through licence conditions.
- **New Voice Telephony:** The Directive is substantially transposed by a complex of primary legislation, including the Telecommunications Act (*Telelagen*), secondary legislation (including *Teleförordningen*) and licence conditions.
- **Licensing:** The Directive is substantially transposed by a complex of primary legislation, including the Telecommunications Act (*Telelagen*), secondary legislation (including *Teleförordningen*) and licence conditions.
- **Interconnection:** The Directive is substantially transposed by a complex of primary legislation, including the Telecommunications Act (*Telelagen*), and secondary legislation, including *Teleförordningen* and *Förordningen med instruktion för Post-och Telestyrelsen*.
- **Numbering Directive:** The Directive is substantially transposed by a complex of primary legislation (*Telelagen*) and secondary legislation, including *Post-och Telestyrelsens föreskrifter om förval*.
- **Data Protection:** The Directive is substantially transposed through a complex of primary legislation, including the Telecommunications Act (*Telelagen*), and secondary legislation (including *Teleförordningen*).

OVERVIEW OF TRANSPOSITION OF RECENT HARMONISATION DIRECTIVES: UNITED KINGDOM

- **ONP Framework**: The Directive, as amended by Directive 97/51/EC, is substantially transposed by primary legislation (*Telecommunications Act 1984*) and secondary legislation (the *Telecommunications (Open Network Provision and Leased Lines) Regulations 1997*)
- **Leased Lines**: The *Telecommunications (Open Network Provision and Leased Lines) Regulations 1997* substantially transpose the Directive, as amended by Directive 97/51/EC.
- **New Voice Telephony**: The Directive is substantially transposed by the *Telecommunications (Open Network Provision)(Voice Telephony) Regulations 1998*.
- **Licensing**: The *Telecommunications (Licensing) Regulations 1997* and a complex of primary legislation and other measures substantially transpose the Directive.
- **Interconnection**: The *Telecommunications (Interconnection) Regulations 1997* substantially transpose the Directive.
- **Numbering Directive**: The UK authorities have requested a deferment for the introduction of carrier pre-selection. Draft Regulations substantially transposing the Directive have still to be adopted.
- **Data Protection**: The *Telecommunications (Data Protection and Privacy)(Direct Marketing) Regulations 1998* partially transpose the Directive. Concerns exist with regard to most Articles of the Directive, but it is expected that substantial transposition will be achieved through forthcoming primary and secondary legislation.