

Digital Single Market

Consultation procedures

The consultation and notification mechanism requires national telecoms regulators to notify the European Commission, the Body of European Regulators for Electronic Communications (BEREC) and telecoms regulators in other EU countries, of measures they plan to introduce to solve market problems.

EU rules (Article 7 and Article 7a of the [Electronic Communications Framework Directive - 2002/21/EC](#) [1]) require national regulatory authorities (NRAs) to conduct national and EU consultations on draft regulatory measures they intend to take prior to their adoption. These consultations should comprise [the definition and analysis of relevant markets](#) [2], designation of operator(s) having significant market power (SMP) and the proposed imposition or removal of regulatory remedies on providers of telecoms networks or services.

Both Article 7 and 7a procedures consist of the following steps:

- If the Commission considers that a draft measure notified by a NRA is contrary to Community law or creates a barrier to the Single Market, it begins an in-depth review lasting up to three months;
- After the in-depth investigation, in close cooperation with [BEREC](#) [3], the Commission may:
 1. withdraw its reservations, if its serious doubts are no longer justified;
 2. issue a "veto" decision requiring the NRA to withdraw its proposals, when a notified draft measure defines a relevant market or designates/does not designate an SMP operator;
 3. issue a recommendation asking NRA to amend or withdraw a measure if it relates to the remedies; if the NRA decides to go forward with its proposal and not comply with the recommendation without a thorough reasoned justification, the Commission may consider undertaking further legal steps, including possible infringement proceedings.

The new rules also enable the Commission to adopt further harmonisation measures in the form of recommendations or legally binding decisions if divergences in the regulatory approaches of national regulators, including remedies, persist across the EU in the longer term, as occurred with access conditions to the [broadband networks](#) [4] and [termination rates](#) [5].

Additional links

- [Market overview table](#) [6]
- [All registered notifications, Commission decisions and adopted measures country by country](#) [7] (excluding confidential information)
- [Commission's Recommendation on relevant markets](#) [8]

- [Explanatory note and the Guidelines on market analysis and assessment of significant market power](#) [9] (SMP).

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Links

[1] <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32002L0021>

[2] <http://ec.europa.eu/digital-single-market/en/news/definition-and-analysis-relevant-markets>

[3] <https://ec.europa.eu/digital-single-market/berec-body-european-regulators-electronic-communications>

[4] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:251:0035:0048:en:PDF>

[5] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:124:0067:0074:EN:PDF>

[6] <https://ec.europa.eu/digital-single-market/en/news/definition-and-analysis-relevant-markets>

[7] <https://circabc.europa.eu/w/browse/a943382e-4c71-4297-817e-f49c443d3165>

[8] http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=uriserv:OJ.L_.2014.295.01.0079.01.ENG

[9] https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/sec_2007_1483_2_0.pdf

[10] https://ec.europa.eu/info/departments/communications-networks-content-and-technology_en