

Legal Regulation & Education: Doing the Right Thing?

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Doing the right thing for the Telecommunications Sector in Europe: Too little or too much?

The core legislation surrounding the telecommunications sector within the European Union is undergoing significant reform. The current legislation, specifically the Framework Directive 2002/21/EC seeks to establish harmonised framework for the regulation of electronic communications services, electronic communications networks, associated facilities and associated services, and certain aspects of terminal equipment to facilitate access for disabled users. In addition, it lays down tasks of national regulatory authorities and establishes a set of procedures to ensure the harmonised application of the regulatory framework throughout the Community.

However this legislative landscape is beginning to show the signs of its age as signs of fragmentation are being seen at a European level and problems and restrictions are being noted within the authorization regime. The approach of the new proposals issued in September 2013 contained within Regulation 2013/0309 seeking to amend the Framework Directive (alongside other pieces of legislation) seeks to achieve a greater level of harmonisation, while providing mobile operators with more certainty in relation to access to the wireless network and guaranteeing high levels of consumer protection.

This paper will review the reforms proposed by the new regulation and consider whether the proposals are robust enough to achieve the aims it sets out to secure.