

ABSTRACT INGLESE

The new European As electronic communication plan has entered into force, a new set of laws, which is apt to modify and integrate the Telecom 2002 package communication system has been introduced. These innovations have been determined not only by the need- felt by the European legislator- to modulate the normative framework in order to adapt it to the technological and economic developments, which have revolutionized the communication trade over the past decade, but also by the need to overcome the difficulties, encountered during the phase of application of the normative system in force.

The *iter* which has led to the definition of the new legislative plan (which has taken place with the Communication on the re-examination of the normative community framework for the 2006 electronic communication networks and services) has been particularly complex and has alternated both moments of stasis and acceleration. The first decisive passage occurred in 2007, when the Committee has articulated, on the 13th of November, the reformation proposal package in two legislation proposals: the COM (2007) 697-2007/0247 (COD) (defined as better legislation directive) and the COM (2007) 698-2007/0248 (COD) (defined as citizen rights guideline). The package of proposals was completed with the regulation proposal COM (2007) 699-2007/0249 (COD), apt to institute a unique European communication Regulator. These acts were transmitted to the European Parliament and passed before the Council, respectively on the 13th, 15th and 16th of November.

It should be first of all underlined that, except for the afore mentioned legislative measure, which is apt to establish the new European Authority, the new dispositions, hypothesized by the Community legislator, are not intended to revolutionize the normative framework set by the 2002 Telecom package. Rather, they have been conceived with the aim of updating the rules in force through the adoption of several modifications. In particular, through the revision proposal of the legislative framework and the authorization and access normative, the community legislator wanted at once to increase the efficacy and reduce the administrative resources needed to attenuate the economic regulation, as well as to facilitate the access to the radio frequencies. On the other hand, through the reformation of both regulations on the universal service and on the protection of private life in the electronic communication sector, the Committee wanted to preserve the protection of the rights of the consumers and users as well as to ensure reliability and safety, safeguarding, in this way, an high level of protection for the privacy and personal information of the consumers. Moreover, the European legislator wanted to improve the coordination of the ANR activities in the different countries and to strengthen the action already done by the ERG. In this view, it has been suggested

the introduction of an independent authority whose aim was to contribute to the completion of the internal trade and to help the Committee and national legislators realize the European discipline concerning the electronic communications.

The aim of this work is to contribute to the reconstruction of the developmental guidelines which have led to the definition of the new communitarian framework for electronic communications, with an attempt, within this field, to outline the new European normative model, based on the presence of the BEREC (Body of European Regulators for Electronic Communications).

In order to analyze the new normative, it is necessary to retrace the directives, which have led to the definition of the new system now regulating the electronic communications industry, (comprised in the field of those services which represent general economic interests), in which it has arisen a sort of administrative interconnection between different normative levels, now characterizing the legislative community framework.

This evolution has shaped the rise of a heterogeneous and integrated set of laws, which unifies a plurality of institutional levels, constituting the electronic communications European legislative space. For this reason, even though one should depart from the idea that the field of observation is that of the public law, one should not neglect the fact that the developmental scenario characterizing the legislation of the electronic communications, is a consequence of the European normative dynamics, which do intervene on the dialectical relationship between the trade structures and the public intervention in the economic processes; for this reason it emerges the need of an integrated sector regulation. Such branch keeps on re-defining itself in the light of the developmental guidelines in the technological-industrial and economic-commercial fields, which constitute the process of convergence between voices, images and data.

In this field, it should be taken into account that such a strong technological innovation calls into question the competing regulation. Indeed, the normative structure of communications is distinctive for its everlasting dynamism, as it is characterized by both the reinforcement of the federal value of the European structure and the emergence of new forms of regulations, which are based on heterogeneous reticular institutions (partly national and partly communitarian, authorized to carry out regulatory functions in the integrated electronic communication trades).

Within this context, departing from the idea that the European Regulators Committee, represents the principle innovation of the new normative bill (which completes the integrated administrative structure of the European regulation in matters of electronic communications), the objective is to contribute to the homogenous reconstruction of the normative system, placing the BEREC within the European regulation model. This is made in the attempt to render the framework as organic as possible in comparison with the legislative structure in force, taking into account the

transformations which have changed and refreshed the normative-institutional structures of the system of economic public intervention, in the passage from “guided to ruled trade”.