

The Distinction of EETT's Competencies and its Importance

by Dr Vassilios Th. Kondylis, Lawyer, J.D., Legal Advisor to EETT¹, Lecturer in Public Law at the Law School of the University of Athens

i EETT Competencies

A brief presentation of elements related to the legal framework governing EETT is necessary for better understanding the legislator's choice to assign to it an array of significant competencies with respect to the markets it regulates, supervises and controls. Meanwhile, the steady growth of the relevant sectors is closely linked with the country's economic growth in the last decade.

A. The Legal Framework

EETT was set up in 1992, but its function as an agency in its present form began in 1995. EETT is not included among the Independent Authorities guaranteed by the Constitution. However, on account of the transposition of EU law directives into the Greek legal order, there was a need to create a National Regulatory Authority (NRA) for the sectors of Telecommunications and Postal Services. This is the role EETT was entrusted with.

EETT's Members enjoy functional and personal independence, while its full administrative and financial autonomy is also safeguarded.

Law 3431/2006 (in particular Article 12 thereof) and Law 2668/1998 (in particular Article 7 thereof), as currently in force, proceed to a thorough enumeration of EETT competencies. In addition, several other laws, presidential decrees and ministerial decisions assign further competencies to EETT. This necessitates a classification of these competencies into categories, in order to understand EETT's institutional significance within the Greek legal order. And this classification is extremely important also because the legal nature of each act issued or action taken by EETT is a crucial determinant of the scope of the control to be exercised, particularly at the judicial, parliamentary and social levels.

B. The Distinction of EETT's Competencies and its Importance

- 1) The main category of EETT's competencies involves its regulatory powers for issuing acts related to the regulation of various issues in the sectors of Electronic Communications and Postal Services. For this reason, it is highly important for EETT to always keep seeking and applying methods that improve the quality of the decisions it lays down, aiming at better regulation in these sectors.
- 2) EETT is assigned with competencies for issuing opinions on the adoption of legislative measures for the development of the markets of Electronic Communications and Postal Services.
- 3) It issues individual administrative acts related to the:
 - Enactment of the regulatory acts EETT itself has usually laid down.
 - Imposition of sanctions.
 - Adoption of temporary measures.
- 4) It concludes agreements under public or private law and special Regulations.
- 5) It is authorised to settle disputes by arbitration.
- 6) It conducts consultations according to the EU and the national law, so as to take account of the views of other authorities

concerned, with respect to a specific regulation to be adopted or a measure to be taken, as required by the fundamental principle of transparency in administrative action. It would not be exaggeration to say that this extremely successful practice is reminiscent of the direct Democracy of Pericles's golden era...

- 7) It co-operates with the European Commission, the International Telecommunication Union (ITU), and other international or community organisations or authorities, and in particular with the NRAs of other EU member states or third countries.
- 8) A separate category is composed of material actions carried out by EETT executives, particularly in the field of supervising the radiofrequency spectrum (such as discontinuing the operation of any radioequipment responsible for illegal transmissions).

C. Conclusion

The classification of the major competencies assigned to EETT by the legislator into categories, and their constant and consistent exercise by it, lead to an understanding of the institutional framework governing EETT within the Greek legal order. This favourable framework provides guarantees for the achievement of the strategic objective set by EETT for the creation of fully deregulated and competitive markets that rely on a stable and predictable regulatory environment, as required by the EU and the national law.

¹ The views expressed in this article are personal and do not bind EETT.