

2.2.7. Mobile Telephony Antenna Mast Constructions

The Antenna Mast Constructions volume required all over the Greek territory is directly related to mainly two parameters. First, the (increasing) penetration of the mobile telephony and second the launch of new telecommunications applications based on wireless networks.

In accordance to a Joint Ministerial Decision (JMD)¹², clear requirements have been set for taking all the necessary measures in order to protect the public. The specific measures are taken before releasing any Licence for Constructing an Antenna Mast. EETT is responsible for the granting of Antenna Mast Construction Licences. Each Licence granting requires the previous consent of the Hellenic Atomic Energy Commission (HAEC), which is in charge for protecting the public by the emitted radiation. For this reason, it performs on site inspections and measurements and also provides information to the public. It is noted that the larger the number of antennas of a provider in a certain area, the smaller the electromagnetic radiation emitted by each antenna.

During 2004 EETT received about 1,000 requests/complaints from citizens and other bodies regarding mobile telephony Antenna Mast Constructions. The complaint volume is significantly increased compared to 2003 due to the strong concerns of the public about the appropriate radiation level thresholds and the conformance of the MTOs to the specific thresholds. Following a detailed review of these complaints, it was found that the majority of cases (820) concerned licensed antenna sites.

Regarding illegal Antenna Mast Constructions EETT intervened through performing the necessary

inspections/ examinations, in order to identify their owners and impose the administrative sanctions according to the law. Following that, EETT informed the responsible Town Planning Authorities and the competent Public Prosecutor of the Court of Misdemeanors to ensure removal of any illegal site and impose the necessary¹³ penal sanctions. The complaints and administrative sanctions related to mobile telephony antennas are detailed in subsection 5.2.1.

2.3. Regulation of the Postal Market

The new Regulatory Framework which was implemented under Law 3185/ 2003 by the Regulations on General Authorizations and Individual Licences¹⁴, ensures quality for the provision of the US and Courier services to the benefit of consumers.

It is noted that the US is a set of basic postal services provided permanently, at affordable prices and set quality, to all residents of the country, without discrimination, regardless of their location in the Greek territory. In Greece, the assigned USP is ELTA.

Courier services relate to the special express conveyance of postal items and, as opposed to the US, constitute an individualized service, which requires a minimum level of organizational specifications in postal undertakings, aiming at ensuring the quality of provided services. The new Regulatory Framework provides for the dispatch of Courier items with a special Express Delivery Voucher (EDV) which states their necessary identification details as well as their tracing by a Special Postal Items-Track and Trace-System (SPITTS), that undertakings need to have.

Courier undertakings operate in the framework of the Charter of Obligations towards Consumers (COC), which

¹² JMD 53571/3839/2000, GG Issue 1105/B/06-09-2000.

¹³ Law 2801/2000.

¹⁴ GG Issue 1682/B/14-11-2003 and 1906/B/22-12-2003 respectively.

includes the procedures for the submission of complaints, the fields of responsibility for the undertaking and the amount of compensation in case of loss, delay in delivery or damage to the postal item. COC also provides for a mechanism for the resolution of disputes by setting up a Dispute Resolution Committee, with mandatory participation of a consumers' representative.

Following a relevant opinion of EETT, the following Regulations were issued in 2004, safeguarding consumers' rights:

- A Regulation¹⁵ specifying a more flexible procedure for the holding of Hearings on postal services issues and investigations or other controlling actions, conducted by EETT.
- A Regulation¹⁶ establishing a simplified procedure for the review of users complaints and the resolution of disputes arising between the State and postal undertakings, between postal undertakings and between the latter and consumers, performed by EETT.

2.4. Control of Postal Undertakings

Monitoring of the Postal Services Sector and Benefits to Consumers

In order to implement the abovementioned Regulations, EETT brought into force an effective control system to ensure that undertakings comply with the Regulatory Framework and operate in accordance with the principles of competition and with respect to consumers' rights. In this light, 19 regular controls in Courier undertakings were performed in 2004, in four large cities of Greece. 24 ad hoc controls were

performed as well in order to determine reported illegal operation subsequent to relevant complaints. The above controls contributed to the safeguarding of smooth market operation and the strengthening of consumers' trust to Greek postal undertakings.

As regards the complaints, EETT responded in special cases of complaints and enquiries from consumers, which can be classified as follows:

- Complaints against the USP regarding the quality of US services.
- Complaints against undertakings with a General Authorization about the quality of services and COC issues.
- Complaints against undertakings with a General Authorization about the infringement of USP rights.
- Complaints against undertakings for providing postal services without the required General Authorization or Individual Licence.
- Consumers' enquiries and other issues.

Following the review of complaints, EETT either mediates between the involved parties to reach a settlement or refers the issue to other competent authorities.

Unless a settlement is achieved, EETT summons the parties involved to a Hearing, where the case is reviewed and any violation of the postal legislation is ascertained. Subsequently, where appropriate, EETT may impose sanctions to the violator or take interim regulatory measures in order to avoid any further adverse impact to consumers or to the public interest in general.

¹⁵ MD 36808/1026, GG Issue 970/B/29-06-2004.

¹⁶ MD 36809/1027, GG Issue 1083/B/16-07-2004.