

Welcome to the Bird & Bird Communications Law Bulletin. This is sent, free of charge, to subscribers amongst the contacts, clients and friends of our offices in Brussels, Düsseldorf, The Hague, Hong Kong, London, Milan, Munich, Paris and Stockholm. We also publish other Bulletins with our take on legal, technical and market developments in the electronic communications industry, including the [Competition Law Bulletin](#) and the [IT & Ecommerce Law Bulletin](#).

You have received this because you are on our mailing list. If you know someone else who would be interested in receiving this or other Bulletins, please reply to this email. In your reply, please indicate whether the new recipient would like to receive the Bulletin in plain text or HTML* format. They will then be added to the recipient list.

If you have any queries or wish to speak to someone at Bird & Bird about the Bulletin, please get in touch with [Richard Eccles](#) on +44 (0)20 7415 6000 or email CLB@twobirds.com.

** HTML email is the equivalent of a webpage delivered directly to your inbox. This format of email allows us to send you a branded copy of the Communications Law Bulletin without the need of including attachments. Some email clients do not support HTML email or your company may block users from receiving email in HTML format. Please contact your IT support department if you are unsure if you can receive HTML email.*



Harmonisation

UK: Ofcom's Spectrum Trading Consultation

The UK regulator, Ofcom, put forward detailed proposals in November 2003 for facilitating spectrum trading in accordance with the EC Framework Directive. The proposals are very specific, for example with regard to the format of spectrum trading, the need for liberalisation of the use of spectrum and also 3G roll-out obligations. From Bird & Bird London

Belgium: Interim telecommunications measures

Following pressure from the European Commission, the Belgian regulator has partially implemented a new EC regulatory framework for electronic communications network / service authorisation and local loop unbundling. However, full implementation may be delayed beyond July 2004. From Bird & Bird Brussels



SnapShot

UK: Ofcom's strategic review of telecommunications

The first comprehensive review of the UK telecommunications sector for 13 years began in January 2004 and will continue until the end of the year. The review will be in three phases 1) Current position and prospects for the telecommunications sector; 2) Ofcom's approach to telecommunications regulation; 3) Proposals will be delivered at the end of each phase, in Spring, Summer and Autumn 2004 respectively. From Bird & Bird London

Hong Kong: Anti-competitive conduct in Hong Kong telecommunications markets: draft guidelines

On 28 February 2004, the Hong Kong regulator OFTA issued a consultation paper on draft guidelines regarding anti-competitive conduct under the Telecommunications Ordinance. The guidelines are intended to replace the current 1995 issue and responses are due by 26 April 2004.

From Bird & Bird Hong Kong



Deal Room

The Netherlands: Telecommunications cables: 100 years of Dutch law

A review of the case law regarding obligations under the Dutch Telecommunications Act which came into effect 100 years ago. New draft legislation concerning the obligations of property owners to allow the laying of cables is to be proposed shortly. From Bird & Bird The Hague

France: Opening-up the ADSL Market

The incumbent operator, France Telecom, has been very reluctant to implement local loop unbundling to allow competitors to enter the ADSL market. This article reviews the case law developments whereby the French Telecoms Authority, ART, and also the European Commission, have intervened to facilitate competition. The article reviews these cases and also current issues concerning the provision of television transmission via DSL, allegations of, bundling with telephony services and the need for full local loop unbundling. From Bird & Bird Paris



Finance

UK: A chance to cut your rates: telecommunications network valuations for tax purposes

UK telecom network operators currently pay business rates on telecoms fibre based on 1998 network valuations, which may greatly exceed current market values. This article sets out lines of argument that can be made by reference to recent case law and the different methods used to value telecoms fibre. Early preparation and strategic planning for revaluation in 2005 may help telecommunications operators significantly reduce their overheads. From Bird & Bird London



Interconnection

Sweden: Infrastructure sharing for mobile networks

This article reviews a requirement of the Swedish Electronic Communications Act to provide co-location or shared use of property or resources in certain circumstances regardless of whether the operator concerned holds significant market power. The article focuses on the application of such requirements to mast-sharing in the context of 3G roll-out and explains the relevant case law, taking into account the fact that an incumbent's network may already be operating at full capacity. From Bird & Bird Stockholm



Radio

Italy: Wi-Fi

Wi-Fi allows broadband access to telecommunications networks through short range radio transmission. This article surveys public Wi-Fi provision in Italy, including the national legislative measures and main issues for service providers. These include the need for operators to identify users of Wi-Fi services as well as how to deal with risks of interference, limited availability of suitable sites, an alternative to site access and the possible need for roaming agreements. From Bird & Bird Milan

Nothing in this Bulletin constitutes legal advice. Always consult a suitably qualified lawyer on any specific legal problem or matter. Bird & Bird assumes no responsibility for information contained in this Bulletin and disclaims all liability in respect of such information.

