

CORRIGENDA

Corrigendum to Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services

(Official Journal of the European Union L 337 of 18 December 2009)

On page 39, recital 19, two last sentences:

for: ‘...Therefore the Commission may participate in ensuring a higher level of consistency in the application of remedies by adopting opinions on draft measures proposed by national regulatory authorities. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions and/or opinion.’

read: ‘... Therefore the Commission may participate in ensuring a higher level of consistency in the application of remedies by adopting recommendations on draft measures proposed by national regulatory authorities. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions and/or recommendations.’;

on page 42, recital 47, footnote 2:

for: ⁽²⁾ Commission Recommendation of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to *ex-ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (OJ L 114, 8.5.2003, p. 45).’;

read: ⁽²⁾ Commission Recommendation of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (OJ L 344, 28.12.2007, p. 65).’;

on page 44, recital 66:

for: ‘(66) The Commission should be empowered to adopt implementing measures with a view to adapting the conditions for access to digital television and radio services set out in Annex I to market and technological developments. This is also the case for the minimum list of items in Annex II that must be made public to meet the obligation of transparency.’;

read: ‘(66) The Commission should be empowered to adopt implementing measures with a view to adapting the conditions for access to digital television and radio services set out in Annex I to Directive 2002/19/EC (Access Directive) to market and technological developments. This is also the case for the minimum list of items in Annex II to Directive 2002/19/EC (Access Directive) that must be made public to meet the obligation of transparency.’;

on page 47, point (b) of Article 1(3):

for: ‘(b) the following paragraphs shall be inserted:

“3a. Without prejudice to the provisions of paragraphs 4 and 5, national regulatory authorities responsible for *ex-ante* market regulation or for the resolution of disputes between undertakings in accordance with Article 20 or 21 of this Directive shall act independently and shall not seek or take instructions from any other body in relation to the exercise of these tasks assigned to them under national law implementing Community law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 4 shall have the power to suspend or overturn decisions by the national regulatory authorities. Member States shall ensure that the head of a national regulatory authority, or ...”’;

read: ‘(b) the following paragraphs shall be inserted:

“3a. Without prejudice to the provisions of paragraphs 4 and 5, national regulatory authorities responsible for *ex-ante* market regulation or for the resolution of disputes between undertakings in accordance with Article 20 or 21 of this Directive shall act independently and shall not seek or take instructions from any other body in relation to the exercise of these tasks assigned to them under national law implementing Community law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 4 shall have the power to suspend or overturn decisions by the national regulatory authorities.

Member States shall ensure that the head of a national regulatory authority, or ...”’;

on page 58, Article 1(23), new Article 21(3), first subparagraph:

for: '3. Member States may make provision for the competent national regulatory authorities jointly to decline to resolve a dispute where other mechanisms, including mediation, exist and would better contribute to resolving of the dispute in a timely manner in accordance with the provisions of Article 8.'

read: '3. Member States may make provision for the competent national regulatory authorities jointly to decline to resolve a dispute where other mechanisms, including mediation, exist and would better contribute to resolving of the dispute in a timely manner in accordance with the provisions of Article 8.;

on page 59, point (a)(ii) of Article 2(3), new point (ab):

for: "'(ab) in justified cases and to the extent that is necessary, the obligations on undertakings that control access to end-users to make their services interoperable.'",

read: "'(ab) in justified cases and to the extent that is necessary, obligations on undertakings that control access to end-users to make their services interoperable.'";

on page 60, point (a) of Article 2(8), new point (a) of Article 12(1):

for: "'(a) to give third parties access to specified network elements and/or facilities, including access to network elements which are not active and/or unbundled access to the local loop, to, inter alia, allow carrier selection and/or pre-selection and/or subscriber line resale offer.'";

read: "'(a) to give third parties access to specified network elements and/or facilities, including access to network elements which are not active and/or unbundled access to the local loop, to, inter alia, allow carrier selection and/or pre-selection and/or subscriber line resale offers.'";

on page 61, Article 2(10), point (c) of new Article 13a(2):

for: '(c) ..., and on other stakeholders including, in particular, the expected impact on competition and any potential entailing effects on consumers';

read: '(c) ..., and on other stakeholders including, in particular, the expected impact on competition and any potential consequential effects on consumers';

Corrigendum to Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

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On page 29, point (c) of Article 2(2):

for: '(c) the following point shall be added:

"(h) 'personal data breach' means ...";

read: '(c) the following point shall be added:

"(i) 'personal data breach' means ...";
