



Connectivity and beyond!



In his **2016 State of the Union Address** to the European Parliament mid-September, President Jean-Claude Juncker announced the publication, one week ahead of schedule, of the Commission's proposal to reform the EU rules related to **electronic communication networks and services**. This legislative initiative, which takes the form of a **directive**, intends to recast the framework under which the Commission and national regulators monitor **competition on telecoms markets** and implement the **internal market** to the **benefit of end-users**. This new version, rebranded "**Code of Communications**", adds the fourth political objective of bringing **very-high connectivity** to citizens and businesses in Europe.

This new aim is echoed by two non-legislative initiatives presented on the same day: a communication ambitiously called "[Towards a European Gigabit Society](#)" to upgrade the EU's objectives for connectivity and an [Action plan for 5G](#) deployment. Also to be noted, a [proposal for a regulation](#) to reorient funding and help local communities to finance **free public Wi-Fi**.



In the text of the Code proposed, connectivity is supported in several ways. First, the **technology neutrality principle**, enshrined in the first versions of the telecom package (2002, 2009) and according to which national regulatory authorities should not favour a technology over another, is constrained to situations where it does not contradict with the achievement of the objectives. And since connectivity is one of them, it leaves the door ajar to put forward specific cutting-edge technologies such as fibre to deliver high-connectivity in Europe.

Further down the road to connectivity, the new proposal focuses on fostering investments by adjusting the conditions under which operators can access incumbents' networks, on favouring the possibility for operators to co-invest in new ones (especially in isolated areas) while requiring national

authorities to survey and map current broadband networks and **investment plans** on their territory.

The list of **universal services**, for which Member States must ensure that all end-users have an affordable access, is refocused on voice communications and on a **functional internet access** able to support a set of online services (among which emails, search engines, internet banking or standard video calls, etc.).

Old story told differently, the proposal focuses on a greater **harmonisation of spectrum** to increase the efficiency of this limited resource and to "make it easier for investors". To be noted: longer **licence minimum duration** (25 years), **new competences** for **national regulatory authorities** to define conditions for spectrum assignment and a peer-review mechanism by the European office of national regulators (**BEREC**).

Last but not least, the definition of service is revamped, proposing a new family of "**number-independent**" **communication services** designed to cover "formerly unknown market players" (also referred to as over-the-top players), which will also have to abide by security provisions in the name of public policy interest. This is a first step towards the **level-playing field** traditional telecommunication players wait for.

The role and competences of the BEREC are strengthened by a parallel [proposal for a regulation](#) to turn it into a **European Agency**, an idea already very much opposed by the BEREC itself.

All the proposed changes have to be assessed, amended and adopted by the European Parliament and the Council of the European Union. While previous packages (**2002, 2009** and **2015**) were adopted after **25 months of discussion** on average, the European Commission is pushing for an adoption at the end of next year. A relatively short timeframe considering the hundreds of pages to be debated.

The Commission's proposals for the telecoms framework review

Objectives	Text	Procedure	Appendix
Beef-up non-binding objectives of internet speed for 2020-2025	Communication « Towards a European gigabit society »	Adopted (non-legislative)	Working staff document
Prepare the deployment of 5G (roadmap, spectrum, normalisation, financing) by the Commission, the Member States and the industry	Communication « 5G Action plan»	Adopted (non-législative)	Working staff document
Modernise the current framework to foster investment in mobile and fix high-speed networks (estimated costs : €500 billion)	Proposal to establish the EU electronic communications Code	Co-decision between the Parliament and the Council of the EU (directives) Estimated timeframe: 24 months Transposition in national law required after adoption	Link: Annexes Impact assessment Results of the current regulatory framework's evaluation
A €120 million credit program to help local communities provide Wi-Fi access points for everyone	Proposal to promote Internet connectivity in local communities		Factsheet
Strengthen the Body of European Regulators for Electronic Communications' (BEREC) powers	Proposal on the BEREC		x

EU public consultations*

Single market	Single market information tool	07.11.2016
Innovation	Evaluation of the European Institute of innovation and technology	20.11.2016
Single market	Single digital gateway	28.11.2016
Social	European pillar of social rights	31.12.2016
Competition	Evaluation of procedural and jurisdictional aspects of merger control	13.01.2017
Research	Interim evaluation of Horizon 2020	15.01.2017

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