

PARLIAMENT OF THE CZECH REPUBLIC
Chamber of Deputies
Committee for European Affairs

Resolution No. 350

61st Session on 9 March 2017

Annexes to the Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code /Council No. 12252/16, COM(2016)590 final)/

Proposal for a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications /Council No. 12257/16, COM(2016)591 final)/

Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of Internet connectivity in local communities /Council No. 12259/16, COM(2016)589 final)/

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Connectivity for a Competitive Digital Single Market - Towards a European Gigabit Society /Council No. 12364/16, COM(2016)587 final)/

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - 5G for Europe: An Action Plan /Council No. 12279/16, COM(2016)588 final)/

Conclusions of the Resolution:

Committee for European Affairs

- 1. Considered** the Communication from the Commission to the European parliament, the Council, the European Economic and Social committee and the Committee of the Regions - Connectivity for a Competitive Digital Single Market - Towards a European Gigabit Society, COM(2016) 587 final, Council reference 12364/16 and supports the position of the Government on it;
- 2. Considered** the Communication from the Commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – 5G for Europe: An Action Plan, COM(2016) 588 final, Council reference 12279/16 and supports the position of the Government on it;

3. **Comes to the conclusion**, that the aims established by the Communication from the Commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – 5G for Europe: An Action Plan, COM(2016) 588 final, Council reference 12279/16 are too ambitious and their fulfillment will therefore be difficult;
4. **Considered** the proposal for a Regulation of the European parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of Internet connectivity in local communities, COM(2016) 589 final, Council reference 12259/16 and supports the position of the Government on it;
5. **Generally supports** the promotion of high speed wireless networks;
6. **However the proposal** for a Regulation of the European parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of Internet connectivity in local communities, COM(2016) 589 final, Council reference 12259/16:
 - i. Does not lay down sufficiently precise criteria for receiving a financial assistance;
 - ii. May unduly distort competition as a low value of the EU financial assistance awarded for individual actions (below the threshold of 60.000 EUR) does not in itself constitute a sufficient guarantee to avoid a negative impact on competition;
 - iii. Regarding the above mentioned facts a timescale for providing a financial assistance (beginning from the year 2017 until the year 2020) contained in the proposal is too ambitious;
7. **Considered** the proposal for a Directive of the European parliament and of the Council establishing the European Electronic Communications Code (recast), COM(2016) 590 final, Council reference 12252/16 and supports the position of the Government on it;
8. **Comes to the conclusion** that the proposal for a Directive of the European parliament and of the Council establishing the European Electronic Communications Code (recast), COM(2016) 590 final, Council reference 12252/16:
 - i. May cause an increase in regulatory and administrative burden, to which the Committee cannot consent;
 - ii. Should more appropriately take into consideration the costs connected to the universal service requirements while defining the scope and extend of these requirements;
9. **Comes to the conclusion** that the consumer protection in the electronic communication sector is currently well ensured on the EU level and it is therefore not necessary to amend the current consumer protection regulation in this field;

- 10. Considers** that including the list of competences and tasks of BEREC to the proposal for a Directive of the European parliament and of the Council establishing the European Electronic Communications Code and simultaneously to the proposal for a Regulation of the European parliament and of the Council establishing the Body of European Regulators for Electronic Communications may hinder clarity and comprehensibility of legislation;
- 11. Does not consent to** a so called double-lock system, consisting in a fact, that in cases where BEREC and the Commission agree on their position regarding the draft remedies proposed by a national regulator in the field market regulation, the Commission could require amending of that draft measure;
- 12. Is concerned**, that the delegated powers conferred to the Commission by the proposal for the European Electronic Communications Code are too frequent and extensive and these may in some relevant fields implicitly interfere with the powers of member states (e.g. in spectrum-related matters);
- 13. Comes to the conclusion** that a timetable for discussion of the European Electronic Communications Code in the EU institution and a timetable for its adoption, consisting in reaching political agreement until the end of the year 2017 and then implementing by member states until the end of the year 2020 is very ambitious considering the importance and complexity of this proposal;
- 14. Does not consent to** the proposal for a Regulation of the European parliament and of the Council establishing the Body of European Regulators for Electronic Communications, COM(2016) 591 final, Council reference 12257/16 and fully supports the position of the Government on it;
- 15. Is of the opinion**, that BEREC should stay an expert body and not an EU agency with some binding competences;
- 16. Doubts** the compatibility of the proposal for a Regulation establishing the Body of European Regulators for Electronic Communications with the principle of proportionality for the reasons that follow:
- i. The aims of the proposal could be reached by extending the mandate of BEREC without transforming its structure and administration;
 - ii. In the explanatory memorandum, the Commission does not provided sufficiently convincing analysis as for the cost neutrality of turning BEREC into the EU agency;
- 17. Comes to the conclusion**, that the proposal for a Regulation establishing the Body of European Regulators for Electronic Communications does not provide for a sufficient independence on the Commission for the reasons that follow:
- i. The shortlist of candidates who are eligible for a position of the Executive Director is supposed to be proposed by the Commission, but the proposal does not contain the criteria which applies for placing candidates on this shortlist;

- ii. The term of the Executive Director is fixed to five years (renewable), which leads to a relative stability of his position without his independence to the Commission being properly ensured;
- iii. At the same time the Executive Director shall have a significant impact on the selection of employees of the newly founded BEREC agency as he is supposed to have delegated the so called appointing authority powers;
- iv. The powers of the Executive Director, on whose selection the Commission has a significant impact, shall be extended compared to the current competences of the administrative manager of BEREC;
- v. The management board shall newly be composed of members of national regulatory authorities, but also of two representatives of the Commission, with voting rights, which enables the Commission in a relatively significant extend to take part in decision making regarding the important questions in the field of the functioning of BEREC, as for example approval of its on year budget.

18. N o m i n a t e s the Chairman of the Committee on EU affairs to submit this resolution to the Chairman of the European Commission within the framework of political dialogue.