



AFFORDABLE COMMUNICATIONS FOR BUSINESSES AND CONSUMERS

Information and communication technologies (ICTs) and data and internet access services have taken the place of traditional telephone services as key products for both consumers and businesses. Today, more and more audiovisual content is available on demand and 4G and 5G Internet connectivity is experiencing exponential growth. In response, the EU has set up a regulatory framework for telecommunications covering fixed and wireless telecoms, the Internet, broadcasting and transmission services, made up of a series of rules that apply throughout the EU Member States.

LEGAL BASIS

Since the Treaties did not provide for any direct powers in the field of electronic communications networks and services, jurisdiction over this field has instead been drawn from various articles within the TFEU. Given the complex nature of media goods and services, which can be defined neither solely as cultural goods nor simply as economic goods, policies have had to be created based on that jurisdiction. The EU may take relevant actions within the framework of sectoral and horizontal policies, such as: industrial policy (Article 173 TFEU); competition policy (Articles 101-109 TFEU); trade policy (Articles 206 and 207 TFEU); the trans-European networks (TENs) (Articles 170-172 TFEU); research and technological development and space (Articles 179-190 TFEU); the approximation of laws for technological harmonisation, or the use of similar technological standards (Article 114 TFEU); the free movement of goods (Articles 28, 30 and 34-35 TFEU); the free movement of people, services and capital (Articles 45-66 TFEU); education, vocational training, youth and sport (Articles 165 and 166 TFEU); and culture (Article 167 TFEU).

OBJECTIVES

Following up on the Lisbon Strategy, the Digital Agenda for Europe^[1] (DAE) was conceived as one of the seven flagship initiatives of the Europe 2020 strategy adopted by the Commission. Published in May 2010, it sets out to define the key enabling role that the use of ICTs will have to play if the EU is to achieve its ambitious 2020 goals. The Europe 2020 strategy highlights the importance of broadband deployment in providing affordable communication methods for businesses and consumers. The

[1] Digital Single Market - <http://ec.europa.eu/digital-agenda/>



current regulatory framework for the electronic communications network and electronic communication services is therefore built on three main objectives: encouraging competition, improving the functioning of the market and guaranteeing basic user rights. By encouraging competition, the overall goal is for EU consumers to benefit from a greater choice of affordable, high-quality and innovative services. The rules are simple, flexible, and technology-neutral and the long-term aim is deregulation.

ACHIEVEMENTS

The current regulatory framework for telecommunications, made up of a package of Directives and Regulations, was adopted in September 2016 to take into account the rapid development of the sector and to harmonise rules on both the actual regulation of electronic communication networks and services and the relevant implementation procedures.

- On 14 September 2016, in its communication on ‘Connectivity for a Competitive Digital Single Market – Towards a European Gigabit Society’, the Commission asked Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions to examine its proposal to revise existing targets and legislation on electronic telecommunications;
- [The cost of electronic communications](#) is lower^[2] now that roaming charges for data, calls and SMS [have been eliminated for EU residents travelling in the EU or internationally](#). Since June 2017, prices have been cheaper for both citizens and visitors thanks to the ‘Roam Like At Home’ rules and the free Wi-Fi hotspots offered to citizens and visitors in public spaces across Europe through WiFi4EU^[3];
- Better protection for consumers and businesses is ensured by adopting legislation on privacy ([Directive 2009/136/EC](#)^[4]) and data protection ([Directive 95/46/EC](#)^[5]), further improved by the new regulatory framework on data protection ([Regulation \(EU\) 2016/679](#)^[6] and [Directive \(EU\) 2016/680](#)); by strengthening the mandate of the European Network and Information Security Agency (ENISA)^[7]; by adopting [Directive \(EU\) 2016/1148](#) concerning measures for a high common level of security of network and information systems across the Union^[8]; by strengthening the right to change fixed-line or mobile operator within one working day while retaining one’s original phone number, i.e. number portability ([Directive 2009/136/EC](#)), and by establishing the 112 single European emergency number ([Directive 2009/136/EC](#)), the 116000 missing children helpline, the 116111 child helpline, and the 116123

[2][OJ L 172, 30.6.2012](#), p. 10. EU law has contributed to a drop in the prices of telecoms services of around 30% over the past decade.

[3]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\(2016\)0589](#)).

[4]OJ L 337, 18.12.2009, p. 11

[5]OJ L 281, 23.11.1995, p. 31

[6]OJ L 119, 4.5.2016, p. 1

[7]Established under Regulation (EC) No 460/2004, OJ L 77, 13.3.2004, p. 1; European Parliament legislative resolution of 16 April 2013 on the proposal for a regulation of the European Parliament and of the Council concerning the European Network and Information Security Agency (ENISA), OJ C 45, 5.2.2016, p. 102

[8]OJ L 194, 19.7.2016, p. 1.



emotional support helpline and an online platform for dispute resolution between consumers and online traders^[9];

- Better access to telecommunications was ensured by introducing legislation to stimulate competition with clear and inclusive rules, better quality, better prices, and more services (The European Electronic Communications Code); by investing in broadband networks supporting high-speed Internet; by supporting wireless technologies, such as 3G and LTE, through the radio spectrum policy programme, and [by harmonising the use of the 470-790 MHz frequency band in the Union](#) to establish gigabit connectivity for all of the main socio-economic drivers^[10].

In order to improve the consistency of national regulatory procedures for telecommunications, the Body of European Regulators for Electronic Communications (BEREC) ([Regulation \(EU\) 2018/1971](#)^[11]) provides for cooperation between national regulators and the Commission, promoting best practices and common approaches, while at the same time avoiding inconsistent regulation that could distort competition in the single market in the field of telecommunications. This updated legislation puts the National Regulatory Authorities (NRAs) in charge of promoting competition in the provision of electronic communications networks and services, as well as setting out the principles underpinning their operation: independence, impartiality and transparency, and right of appeal. As regards spectrum management, the multiannual radio spectrum policy programme sets out policy directions and objectives for the strategic planning and harmonisation of the radio spectrum. This ensures that the internal market functions in EU policy areas involving spectrum use, such as electronic communications, research, technological development and space, transport, energy, and audiovisual policies.

ROLE OF THE EUROPEAN PARLIAMENT

Parliament advocates a robust and advanced ICT policy and has been very active in the adoption of legislative acts in the area in order to increase benefits for consumers and businesses. It has therefore continuously helped to keep the focus on ICT issues, through own-initiative reports, oral and written questions, studies^[12], workshops^[13], opinions and resolutions, as well as through calls for greater coordination of national efforts for the development of pan-European services and EU support for telecommunications.

Parliament has recalled the need to use the ‘digital dividend’ spectrum to achieve broadband for all EU citizens, and has stressed that further action is needed to ensure ubiquitous and high-speed access to broadband, as well as [digital literacy and competences for all citizens and consumers](#)^[14]. It likewise [stresses the importance](#)

[9]The platform is accessible at: <http://ec.europa.eu/consumers/odr/> and additional information may be found at: http://ec.europa.eu/consumers/solving_consumer_disputes/non-judicial_redress/adr-odr/index_en.htm

[10]OJ L 138, 25.5.2017, p. 131

[11]OJ L 321, 17.12.2018, p. 1

[12]EP Think Thank: <http://www.europarl.europa.eu/aboutparliament/en/0083c7a4db/Think-Tank.html#studies>

[13]Hearings: <http://www.europarl.europa.eu/committees/en/events.html?id=workshops#documents>

[14]OJ C 81 E, 15.3.2011, p. 45



[of security in cyberspace](#)^[15] in order to ensure robust protection for privacy and civil liberties for consumers and businesses in a digital environment. At the same time, Parliament strongly promotes technological neutrality, ‘net neutrality’ and ‘net freedoms’ for EU citizens, as well as measures regarding access to or the use of services and applications through telecommunications networks, on the basis of respect for the fundamental rights and freedoms of citizens. Such measures must also ensure that [Internet service providers do not degrade users’ ability to access content and applications and/or run services of their own choice](#)^[16].

Parliament is systematically consolidating these guarantees through legislation. It plays a key role in removing obstacles within the Digital Single Market and modernising EU telecommunication rules that apply to today’s digital and data-driven products and services [to increase digital benefits for consumers and businesses](#). Parliament has therefore improved data access and transfer for all by setting network neutrality standards, harmonising the use of the 470-790 MHz frequency band, supporting free Wi-Fi connections for all in towns and villages (Wifi4EU), investing in high-performance computing and science cloud services (European Open Science Cloud) and ending roaming tariffs, for example through the [‘Roam Like At Home’ rules](#)^[17]. Parliament has initiated and completed important legislative work to boost e-commerce for consumers and businesses in the EU, especially for SMEs. Examples include [Directive 2014/61/EU](#) on measures to reduce the cost of deploying high-speed electronic communications networks^[18] and [Regulation \(EU\) No 910/2014](#) on electronic identification and trust services for electronic transactions in the internal market^[19] to facilitate electronic businesses^[20]. In response to the Commission’s proposals, Parliament has supported the modernisation of copyright rules and the updating of EU audiovisual media services rules.

Furthermore, Parliament successfully finalised the legislative work on reforming data protection. On 27 April 2016, [Directive \(EU\) 2016/680](#)^[21] was adopted to guarantee an effective application of the protection of natural persons in relation to the processing of personal data as a fundamental right. Moreover, Parliament and the Council adopted [Regulation \(EU\) 2016/679](#)^[22] on the protection of natural persons with regard to the processing of data and on the free movement of such data. Recently, Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE) voted in favour of the rules on the respect for private life and the protection of personal data in electronic communications to facilitate business^[23]. Parliament carrying out extensive legislative work on the proposals presented as a follow-up to the DSM Strategy and the [resolution on Towards a Digital Single Market Act](#)^[24], which address issues such as unjustified geo-blocking^[25], cross-border parcel delivery^[26], cross-border portability of online

[15]OJ C 332 E, 15.11.2013, p. 22

[16]OJ C 153 E, 31.5.2013, p. 128

[17]OJ L 310, 26.11.2015, p. 1

[18]OJ L 155, 23.5.2014, p. 1

[19]OJ L 257, 28.8.2014, p. 73

[20][COM\(2017\)0228](#) - no longer in force

[21]OJ L 119, 4.5.2016, p. 89

[22]OJ L 119, 4.5.2016, p. 1.

[23][COM\(2017\)0010](#).

[24]OJ C 11, 12.1.2018, p. 55

[25][COM\(2016\)0289](#).



content services^[27], a revision of the Consumer Protection Cooperation Regulation^[28], audiovisual media services^[29], free flow of non-personal data^[30], contracts for the online and other distance sales of goods^[31], and contracts for the supply of digital content^[32]. Parliament recently adopted a resolution on internet connectivity for growth, competitiveness and cohesion: [European gigabit society and 5G](#)^[33] backing the timetable for 5G deployment to facilitate connectivity for consumers and businesses.

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[26][COM\(2016\)0285](#).

[27]COM(2015)0627.

[28][COM\(2016\)0283](#).

[29]COM(2016)0287.

[30][COM\(2017\)0495](#).

[31]COM(2015)0635.

[32]COM(2015)0634.

[33]OJ C 307, 30.8.2018, p. 144.

