



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 there is exponential growth in 4G and 5G internet connectivity. 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. According to recent research conducted for the IMCO Committee, telecommunication services contribute EUR 86.1 billion annually to the European Union's GDP and new legislative measures introduced by the European Parliament could contribute an additional EUR 40 billion.

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 set out to define the key enabling role

[1] Digital single market, <http://ec.europa.eu/digital-agenda/>



to be played by the use of ICTs in helping the EU to achieve its ambitious 2020 goals. The Europe 2020 strategy highlighted the importance of broadband deployment in providing affordable communication methods for businesses and consumers. Better online access for consumers and businesses across Europe was recognised as a priority by the Commission in its 2015 Digital Single Market (DSM) Strategy^[2] and, more recently, in Ursula von der Leyen's Agenda for Europe, which emphasises the importance of 5G networks^[3].

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 announcing a European Electronic Communications Code, common EU broadband targets for 2025, a plan to foster European industrial leadership in 5th generation (5G) wireless technology and a voucher scheme for public authorities that wish to offer free Wi-Fi access to their citizens (WiFi4EU)^[4];
- [The cost of electronic communications](#) has been lowered^[5] with roaming surcharges for data, calls and SMS [having been eliminated as of 15 June 2017 for consumers who make fair use of such connectivity while travelling in the EU](#);
- Better protection for consumers and businesses has been ensured by the following measures: the adoption of legislation on privacy ([Directive 2009/136/EC](#)^[6]) and data protection ([Regulation \(EU\) 2016/679](#)^[7] and [Directive \(EU\) 2016/680](#)^[8]); strengthening the mandate of the European Network and Information Security Agency (ENISA)^[9]; the adoption of [Directive \(EU\) 2016/1148](#) concerning measures for a high common level of security of network and information systems across the

[2] [COM\(2015\)0192](#)

[3] A Union that strives for more – My agenda for Europe, https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

[4] 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\(2016\)0587](#)

[5] Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1–18

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

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

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

[9] 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



Union^[10]; 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 establishing the 112 single European emergency number ([Directive 2009/136/EC](#)), the 116000 missing children helpline, the 116111 child helpline, the 116123 emotional support helpline, and an online platform for dispute resolution between consumers and online traders^[11];

- Better access to telecommunications has been ensured by the introduction of 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 LTE and 5G, 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 the main socio-economic drivers^[12].

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](#)^[13]) 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 the 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 this area in order to increase benefits for consumers and businesses. It has therefore continuously helped to keep the focus on ICT issues, through legislation, own-initiative reports, oral and written questions, studies^[14], workshops^[15], opinions and resolutions, as well as through calls for greater coordination of national efforts in developing pan-European services and EU support for telecommunications.

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

[11]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

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

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

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

[15]Workshops: <https://www.europarl.europa.eu/committees/en/events/events-workshops>



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](#)^[16]. It likewise [stresses the importance of security in cyberspace](#)^[17] 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](#)^[18].

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^[19]. 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^[20] and [Regulation \(EU\) No 910/2014](#) on electronic identification and trust services for electronic transactions in the internal market^[21] to facilitate electronic businesses^[22]. In response to the Commission’s proposals, Parliament has supported the modernisation of [copyright rules](#)^[23] and the updating of EU [audiovisual media services rules](#)^[24].

Furthermore, Parliament has successfully finalised the legislative work on reforming data protection. [Directive \(EU\) 2016/680](#)^[25] and [Regulation \(EU\) 2016/679](#)^[26] on the protection of natural persons with regard to the processing of data and on the free movement of such data were adopted on 27 April 2016. It has carried out extensive legislative work on the proposals presented as a follow-up to the DSM

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

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

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

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

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

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

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

[23]Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, OJ L 130, 17.5.2019, p. 92

[24]Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, OJ L 303, 28.11.2018, p. 69

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

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



Strategy and its [resolution on Towards a Digital Single Market Act](#)^[27], addressing issues such as unjustified geo-blocking^[28], cross-border parcel delivery^[29], cross-border portability of online content services^[30], a review of the Consumer Protection Cooperation Regulation^[31], audiovisual media services^[32], the free flow of non-personal data^[33], contracts for the online and other distance sales of goods^[34], and contracts for the supply of digital content^[35]. Parliament has also adopted a resolution on internet connectivity for growth, competitiveness and cohesion: [European gigabit society and 5G](#)^[36] backing the timetable for 5G deployment to facilitate connectivity for consumers and businesses.

In its [resolution](#) of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences^[37], Parliament indicated that particular attention should be given to equal access to healthcare - and to accurate and verified information - with the rapid expansion of telemedicine and e-commerce during the pandemic making affordable connectivity particularly important.

According to [recent research](#) conducted for its IMCO Committee, telecommunication services contribute EUR 86.1 billion euros annually to the European Union's GDP and new legislative measures introduced by the European Parliament to further integrate the single market for telecommunication services could contribute an additional EUR 40 billion^[38]. Further European Parliament [studies on new developments in digital services](#)^[39] indicate that future connectivity, evolving towards 6G technologies, will become even more crucial for European businesses and consumers.

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

[28][COM\(2016\)0289](#)

[29][COM\(2016\)0285](#)

[30]COM(2015)0627

[31][COM\(2016\)0283](#)

[32]COM(2016)0287

[33][COM\(2017\)0495](#)

[34][COM\(2015\)0635](#)

[35]COM(2015)0634

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

[37]Texts adopted, [P9_TA\(2020\)0054](#)

[38]J Scott Marcus et al., Contribution to growth: The European Digital Single Market – Delivering economic benefits for citizens and businesses, Study for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2019

[39]Sohnemann, N et al., New Developments in Digital Services, Study for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2020

