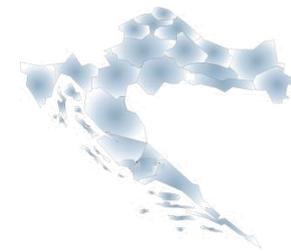




# **Digital Single Market - current and forthcoming EC activities**

**INFOFEST  
Budva, Montenegro  
September 26, 2016**



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# DSM STRATEGY

- ❖ A Digital Single Market Strategy for Europe, COM(2015) 192 final - adopted by EC on 6 May 2015
- ❖ Includes set of actions to be delivered by the end of 2016
- ❖ Three pillars:
  - better access for consumers and businesses to online goods and services across Europe
  - creating the right conditions for digital networks and services to flourish
  - maximising the growth potential of our European Digital Economy



# PROPOSAL FOR A

- ❖ **DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain aspects concerning contracts for the supply of digital content, COM(2015) 634 final**
  
- ❖ **DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain aspects concerning contracts for the online and other distance sales of goods, COM(2015) 635 final**
  - the goal is to reduce the uncertainty faced by businesses and consumers due to the complexity of the legal framework and the costs incurred by businesses resulting from differences in contract law between Member States



# PROPOSAL FOR A

- ❖ **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring the cross-border portability of online content services in the internal market, COM(2015) 627 final**
  - Cross-border portability concerns online content services to which consumers have lawful access, or content that they purchased or rented online in their country of residence and to which they want to continue to have access when travelling in the EU
  
- ❖ **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on cross-border parcel delivery services, COM(2016) 285 final**
  - Improving the physical delivery of goods ordered online as one of the key elements for e-commerce growth



# PROPOSAL FOR A

**❖ Directive of the European Parliament and of the Council 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 in view of changing market realities, COM(2016) 287 final**

- TV broadcasting, video-on-demand and user-generated content are subject to different rules and varying levels of consumer protection
- Rules applicable to all market players (in particular those for the promotion of European works), the protection of minors and advertising rules



# EU TELECOMS REVIEW

- ❖ **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**
  
- ❖ **Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE European Electronic Communications Code (Recast), COM(2016) 590 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, COM(2016) 589 final**
  - Access regulation, Spectrum, Universal Services, Services and end-user protection, Institutional governance



- ❖ Strengthen NRAs powers to impose symmetric access obligations
- ❖ „Double lock” veto – if both Commission and BEREC agree proposed remedy has to be amended
- ❖ NRAs should not impose access obligations if the network upgrade is significant improvement compared to available network
- ❖ Wholesale only access by SMP operator will be based on reasonable pricing instead of cost oriented pricing
- ❖ For fixed and mobile termination rates BEREC will develop EU level cost model (can be adjusted to national circumstances)



❖ **Peer review mechanism** – NRAs have to notify to BEREC economic and regulatory market shaping measures of spectrum assignments; non-binding opinion

❖ **Binding measures:**

- coordination of assignment timing
- Methods for determining coverage obligations (major transport infrastructures)
- powers to impose mobile network sharing (challenged areas)
- licence duration – 25 years (to promote sharing, trading and leasing in secondary spectrum market)
- alignment of size of spectrum blocks, spectrum caps, spectrum reservation and wholesale obligations
- alignment of timing and conditions of licence renewals (longer licence duration, use-it-or-lose-it-clauses)

# UNIVERSAL SERVICE



- ❖ Affordable broadband included in the USO scope (functional Internet at an affordable price „at least at fixed location“)
- ❖ Public Access Telephony Services (PATs) will maintain
- ❖ Directories, enquiries, public pay phone – MS have the flexibility to include these services
- ❖ USO financed from the public budget



- ❖ Application of sector-specific legislation to internet access services (IAS)
  - rules on contract duration or switching would be maintained
  - end users will be able to use public electronic communications networks or services offered by providers established in another state
- ❖ Limited set of sector specific rules to communications services (traditional and OTTs)
- ❖ Regulations are linked to use of public numbering resources (contract duration, transparency, number portability, consumption monitoring tools..)

# SERVICES AND END-USER PROTECTION



- ❖ OTTs not using numbering resources – security and confidentiality of communications, portability of user generated content
- ❖ Consumer protection rules on IAS could be imposed by horizontal rules
- ❖ Must carry and EPG obligations – maintain MS possibility to impose obligations
- ❖ Numbering – adapting EU framework on numbering to address the competition issue on the M2M market - it would be allowed the assignment of numbers by NRAs to non-MNOs



 **NRA** – minimum set of harmonised competences

 **BEREC**

- EU agency with legal personality
- Board of Regulators and Management Committee replaced by a single Management Board
  
- binding powers – identifying trans-national markets and cross- border disputes
- power to ask information from operators (network mapping)
- spectrum peer review system
- registry on extraterritorial use of numbers

# COMMISSION PLANNING



- September 2016 – legislative proposals
- End 2017 – Adoption by European Parliament and the Council
- 2019 – implementation by the member states

