



# The new European Electronic Communications Code

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The Code helps shaping the right environment for digital networks and services to flourish as part of the Digital Single Market



The Code modernises the current EU telecoms rules to:

- ✓ **drive investments in VHC networks**
- ✓ stimulate sustainable competition
- ✓ reinforce the internal market
- ✓ strengthen consumer rights



**Entered into force on 20 December 2018, Member States to transpose into national law by 20 December 2020**

## Access Regulation (1/5)

Facilitate the roll-out of very high capacity networks through increased competition and predictability for investment



Emphasis on ***access to civil engineering*** (Art. 72), such as masts, ducts and cabinets, to lower deployment costs and stimulate **infrastructure based competition**:

- The Code provides possibility for NRAs to impose access to civil engineering assets, such as ducts and poles, **as a stand-alone remedy** (when it is owned by SMP operators)
- Access to civil engineering should be considered by regulators **as the first, potentially sufficient option** before any other access obligations

## Access Regulation (2/5)

Facilitate the roll-out of very high capacity networks through increased competition and predictability for investment



Treatment of **co-investments** in very high capacity networks (Art. 76)

- Incentivising **deployment of VHC** by allowing rival operators to **share risk** and **deregulating** under strict conditions
- SMP operators **commit on open offers for co-investment** with other operators:
  - On **fair, reasonable and non-discriminatory terms to co-investors**, allowing effective and sustainable competition
  - Allowing **access to non co-investors**, initially to legacy capacity and over time to more advanced capabilities of the network
- Process managed by the NRAs (Art. 79), assessing the commitments (also by means of a **market test**) and making them **binding** if they decide to deregulate
- Subject to '**double-lock**' veto mechanism (Commission and BEREC)

## Access Regulation (3/5)

Facilitate the roll-out of very high capacity networks through increased competition and predictability for investment



New rules on *symmetric obligations* (Art 61(3)), which tackle network **replicability issues**, without compromising the SMP regime:

- Access obligations with focus on the network up to the **first concentration or distribution point**, i.e. mainly **in-house wiring**
- Obligations can be extended beyond this point only under very strict conditions, including the presence of “**high and non-transitory barriers**”
- Such extension of obligations is also subject to ‘**double-lock**’ veto mechanism

## Access Regulation (4/5)

Facilitate the roll-out of very high capacity networks through increased competition and predictability for investment



- Lighter regulatory treatment for **wholesale-only operators** (Art. 80), even when they hold SMP:
  - Rationale: Business model that runs a **reduced risk** of certain anti-competitive behaviours
  - Condition: **undertaking** (in the meaning of EU competition law) cannot have activities in the relevant retail market
  - Treatment:
    - Only **access to specific networks elements, non-discrimination or fair & reasonable pricing** obligations can be imposed
    - Can be exempted from extended symmetric obligations

### Access Regulation (5/5)

Facilitate the roll-out of very high capacity networks through increased competition and predictability for investment



Geographical *surveys* and *forecasts* of network deployment (Art. 22)

- Purpose: Empower national regulators with tools to provide investment certainty in less attractive areas by **mapping** network investment intentions
- Result of surveys and forecasts is the **designation of areas** where no operator has planned to deploy very high capacity networks (or upgrade existing networks to at least 100 Mbps)
- Operators can be invited to deploy in these areas, having a better understanding of the competition that they are likely to face

## Spectrum Management

Lay the groundwork for the deployment of 5G across Europe by more coordinated and efficient spectrum management



### Assignment deadlines for 5G Pioneer Bands (Art. 54)

- **31 December 2020 deadline** for 5G pioneer bands (3,6 GHz and at least 1 GHz in 26 GHz band)

### Duration / renewal of rights (Art. 49-50):

- Ensure investment predictability and stability, support trading and leasing
- **At least 20 (15+5) year duration** for WBB harmonised spectrum
- Renewals to be decided well on time before expiry;

### Peer Review (Art. 35)

- For consistency and predictability in authorisations; exchange of experience and best practices
- Voluntary on request by national authority or exceptionally by RSPG if risk for objectives and principles of the Code



## Spectrum management

Lay the groundwork for the deployment of 5G across Europe by more coordinated and efficient spectrum management



### **Small-area wireless access points (Small Cells) (Art. 57):**

- Dense 5G networks will massively use and need rapid deployment of small-area wireless access points
- No individual town planning permit or other individual prior permit for Small Cells to be defined by Commission Implementing Act by 30 June of 2020
- Exceptions for protection of sites of architectural, historical or natural value or public safety

## State of Play

- **Member States** are working on the transposition of the Code into national law, to be completed by 21 Dec 2020
- **BEREC** is developing guidelines to foster the consistent application of the Code, in particular of novel provisions, including:
  - Co-investments (Art. 76)
  - Performance criteria for Very High Capacity Networks (Art. 82)
  - Symmetric obligations (Art. 61(3))
  - Geographic surveys and forecasts (Art. 22)
- The **Commission** is providing assistance with the above tasks, in addition to working on a number of delegated and implementing acts

## Thank you for your attention

New **EU telecom** rules for a

# Gigabit society

Enhance the deployment of **5G networks**

Ensure **competition** to ease the way for **co-investments** in very high capacity networks

Strengthen the **protection of consumers** using electronic communications

Introduce caps for **#IntraEUcalls**

#EECC

#DigitalSingleMarket