

European Electronic Communications Code. Recast

2016/0288(COD) - 11/12/2018 - Final act

PURPOSE: to complete a harmonised and simplified framework for the electronic communications sector to promote better and faster connectivity in Europe.

LEGISLATIVE ACT: Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast).

CONTENT: the new Directive establishes a harmonised framework for the regulation of electronic communications networks, electronic communications services, associated facilities and associated services, and certain aspects of terminal equipment.

It aims to:

- implement an internal market in electronic communications networks and services that results in the deployment and take-up of very high capacity networks, sustainable competition, interoperability of electronic communications services, accessibility, security of networks and services and end-user benefits; and
- ensure the provision throughout the Union of good quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including those with disabilities in order to access the services on an equal basis with others, are not satisfactorily met by the market and to lay down the necessary end-user rights.

The main elements of the reform are as follows:

Swift roll-out of 5G and other next-generation technologies

In order to promote investment, the Directive ensures the availability of 5G radio frequencies in the Union by the end of 2020 and by providing operators with at least 20 years of predictability in spectrum licensing, in particular through better coordination of radio frequency allocation forecasts. In addition, Member States shall make available new frequency bands for 5G, which will accelerate Internet connections and improve connectivity across Europe.

The Directive will update current rules on operators' access to networks to encourage competition and make it easier for companies to invest in new, very high capacity infrastructure (capable of download speeds of at least 100 Mbps), including in more remote areas.

In addition, the new rules will also ensure closer cooperation between the Commission and the Body of European Regulators for Electronic Communications (BEREC) to monitor measures related to the new provisions on co-investment and symmetric regulation, which are essential for access.

Enhanced consumer protection

Consumers across Europe shall benefit from a similar and higher level of protection for electronic communications services. Electronic communications services will also cover services offered over the Internet, such as messaging applications and electronic mail (also known as ‘over the top, or OTT services’).

The new Directive shall ensure:

- access for all citizens to affordable communications services, including universally available Internet access, wherever they are and whatever their income. People with disabilities will have equal access to the Internet;
- greater transparency of pricing and comparison of contractual offers;
- better security against hacking, malware,
- better protection for consumers who subscribe to bundled service offers;
- the possibility of changing service providers more easily without changing telephone numbers, and to obtain compensation if the process does not go smoothly or takes too long;
- the obligation for suppliers to notify end-users, at least one month in advance, of any change in the contractual conditions, and simultaneously inform them of their right to terminate the contract without additional costs if they do not accept the new conditions. The right to terminate the contract shall be exercisable within one month after notification.

Union-wide public warning system and single European emergency number (112)

All Member States shall set up a public alert system to alert citizens, on their mobile phones, in the event of emergencies or major disasters, whether imminent or ongoing. The ‘112’ emergency number shall be in place by the end of 2022.

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TRANSPOSITION: from 21.12.2020.