

Speech by Vice-President Ansip at the stakeholder forum of the Body of European Regulators for Electronic Communications

Ladies and gentlemen

Thank you for inviting me to speak to you today.

This meeting could not have come at a better moment. Trilateral negotiations on the proposed Electronic Communications Code begin next week: a pivotal point of the process to reform European telecoms.

The political choices taken in the next few months will shape our telecoms markets for many years to come. Like you, I believe that we need to produce the best outcome for European consumers and businesses.

The EU has set a high bar of aspiration. We aim to deploy world-leading optical fibre and 5G networks across the EU by 2025 – an objective that EU leaders fully endorsed at the Tallinn Digital Summit.

Your discussions today are both crucial and timely.

Ubiquitous high-speed networks are a precondition for Europe's global competitiveness. Investment and new digital infrastructure will play a vital role in tomorrow's Digital Single Market.

To be among the front-runners for 5G, we will need to coordinate our spectrum policies better. This is essential if the EU is to catch up with leading countries like the United States, South Korea and Japan.

But I am worried. I see a lot of support for 5G development and more coordinated spectrum policies. However, I do not yet see much combined willingness to implement them into legally binding rules.

5G networks can no longer be addressed only at a national level.

The 21st century demands a pan-European context.

In just a few days, ministers will meet in Luxembourg to decide on the follow-up of the Digital Summit, where they will discuss ways to meet the 5G target.

I trust that their discussions will help the trilateral negotiations to reach an agreement allowing our targets to be achieved.

Now that negotiating mandates are in effect, it will be very important to maintain the pace of discussions so that we reach a good and balanced outcome

swiftly.

I indicated earlier that your meeting is timely. I say that particularly because of one topic that you discussed today: investment.

We will need €500 billion in investment to build the infrastructure capable of sustaining high-speed networks.

Seamlessly across Europe. Everywhere, and for everyone.

To start with, investors need stable rules that support their risk-taking.

This is what the Commission's review is designed to provide: the right regulatory conditions for competitive investments.

That applies especially to infrastructure, where we need to address the most persistent bottlenecks holding back its roll-out.

Competition drives investment. It is next to impossible to have one without the other. In Europe's telecoms sector, we clearly need both.

I believe that we can all agree on this. But as ever, the devil lies in the detail.

Up to now, the regulatory environment has been based on the principle that obligations are imposed on operators with significant market power.

This principle is flexible – but it is also predictable and robust.

It has provided legal certainty over the years, and that is essential.

However, that certainty would be compromised if obligations become widely applicable irrespective of the providers' market power – as the Council now proposes.

We would also risk losing legal certainty with the text voted by the European Parliament, if the joint dominance test departs from established case-law.

For me, it is vital to keep a high level of ambition for competitive investments – as well as to keep the right balance.

We need to make sure of that during the trilateral negotiations, as we also do for co-investment. Without certainty, clarity and incentives for all co-investors, the new rules will simply not make any difference.

As I said, the devil is in the detail. But this is not about using new instruments to increase regulatory intervention when it is not necessary. That is not the idea.

Then there is the matter of spectrum.

You know that I mention spectrum quite frequently. So did EU leaders in Tallinn last month. I cannot stress enough how important this is.

Again, it comes down to stability and predictability. What we need to make the 5G vision a reality is to make spectrum available throughout the Digital Single Market.

It must be consistent, coordinated, and with conditions that favour the major investments needed for adequate coverage across Europe.

This is what the proposed Code aims to achieve. That means a sufficiently long minimum duration for spectrum assignments across Europe.

I am pleased that the European Parliament supports ambitious spectrum reform.

In the Council, while countries have so far been unreceptive to a minimum licence duration, they do at least agree on the need for investment certainty.

The entire cycle of spectrum management has to be addressed, urgently: assignment, licence duration and licence renewal.

I hope the negotiations can resolve this in a creative and imaginative way.

When it comes to coordinating approaches to licensing, I think that the Body of European Regulators for Electronic Communications (BEREC) has an important role to play in ensuring consistency by regularly assessing conditions for assigning spectrum. The European Parliament supports our proposal. EU governments also seem to acknowledge that some kind of review of national assignments makes sense. But it will only make sense if all national authorities take part and if the outcome of such assessments is taken into account.

As we enter the age of 5G, nobody has all the answers: every national regulator can learn from other ones.

For spectrum assignment and all other cross-border tasks, we need modern forward-looking institutions to make sure that Europe's new telecoms rules work efficiently and are implemented properly around all EU countries. We need independent national regulators with sufficient responsibilities to deal with their own markets. And we need BEREC to make sure that regulatory decisions taken across the EU are consistent – for the sake of connectivity, 5G and spectrum.

That is why we proposed a significant reform of BEREC. Our idea is to create a stronger regulator on an EU level, an agency like those in similar sectors.

BEREC is – and will continue to be – vitally important whenever we need to reconcile the interests of pan-European coordination with local flexibility.

Last, but definitely not least: the consumer aspect.

This is the focus of everything we are trying to achieve.

There must be a high level of consumer protection in order to have trust in the marketplace. For that, Europe needs common rules – not the situation we

have today, where the degree of protection depends on the type of communication service without consumers even being aware of it.

The same level of consumer protection should apply for communication services that consumers see as substitutable. The co-legislators are now discussing the idea of aligning consumer rules in the EU.

While there are still concerns that common rules would reduce protection, I am confident we can formulate them in such a way that would benefit consumers.

Ladies and gentlemen

Our heads of state have made it clear that the Digital Single Market should be completed by 2018. I fully agree with their aim.

Completing the Digital Single Market will make the EU stronger and more competitive.

People and businesses, our society and economy: everyone gains, in all sectors.

It is important to turn the vision of the Digital Single Market that we presented in May 2015 into a reality, to turn Europe's existing physical single market into a digital one too. As quickly as we can – but it is more important to do it in the right way.

This is what we plan to achieve. We rely on your support to make it happen. Thank you.

For More Information

[Proposal for a new European Electronic Communications Code](#)