

















Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2016/0288(COD) Directive</p>	Procedure completed
<p>European Electronic Communications Code. Recast</p> <p>Repealing Directive 2002/22/EC 2000/0183(COD) Repealing Directive 2002/21/EC 2000/0184(COD) Repealing Directive 2002/19/EC 2000/0186(COD) Repealing Directive 2002/20/EC 2000/0188(COD)</p> <p>Subject 3.30.05 Electronic and mobile communications, personal communications 3.30.06 Information and communication technologies, digital technologies</p> <p>Legislative priorities Joint Declaration 2017 Joint Declaration 2018-19</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 ITRE Industry, Research and Energy		26/10/2016
		 DEL CASTILLO VERA	
		Pilar	
		Shadow rapporteur	
		 KUMPULA-NATRI	
		Miapetra	
		 TOŠENOVSKÝ Evžen	
		 KALLAS Kaja	
		 REIMON Michel	
	 TAMBURRANO Dario		
	 KAPPEL Barbara		
	Committee for opinion	Rapporteur for opinion	Appointed
 IMCO Internal Market and Consumer Protection (Associated committee)			11/10/2016
	 CHARANZOVÁ Dita		
 CULT Culture and Education			
 LIBE Civil Liberties, Justice and Home Affairs			14/12/2016
	 PETERSEN Morten		

	Committee for opinion on the recast technique JURI Legal Affairs	Rapporteur for opinion	Appointed 03/01/2017
		 ZWIEFKA Tadeusz	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3581	04/12/2017
	Transport, Telecommunications and Energy	3545	09/06/2017
	Transport, Telecommunications and Energy	3505	01/12/2016
European Commission	Commission DG	Commissioner	
	Communications Networks, Content and Technology	ANSIP Andrus	
European Economic and Social Committee			

Key events			
14/09/2016	Legislative proposal published	COM(2016)0590	Summary
24/10/2016	Committee referral announced in Parliament, 1st reading		
01/12/2016	Debate in Council	3505	
16/03/2017	Referral to associated committees announced in Parliament		
09/06/2017	Debate in Council	3545	
02/10/2017	Vote in committee, 1st reading		
02/10/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/10/2017	Committee report tabled for plenary, 1st reading	A8-0318/2017	Summary
23/10/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
25/10/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
04/12/2017	Debate in Council	3581	
10/07/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2018)005653	
14/11/2018	Results of vote in Parliament		
14/11/2018	Debate in Parliament		
14/11/2018	Decision by Parliament, 1st reading	T8-0453/2018	Summary
04/12/2018	Act adopted by Council after Parliament's 1st reading		

11/12/2018	Final act signed		
11/12/2018	End of procedure in Parliament		
17/12/2018	Final act published in Official Journal		

Technical information

Procedure reference	2016/0288(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
	Repealing Directive 2002/22/EC 2000/0183(COD) Repealing Directive 2002/21/EC 2000/0184(COD) Repealing Directive 2002/19/EC 2000/0186(COD) Repealing Directive 2002/20/EC 2000/0188(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/8/07891

Documentation gateway

Legislative proposal		COM(2016)0590	14/09/2016	EC	Summary
Document attached to the procedure		SWD(2016)0303	14/09/2016	EC	
Document attached to the procedure		SWD(2016)0304	14/09/2016	EC	
Document attached to the procedure		SWD(2016)0305	14/09/2016	EC	
Document attached to the procedure		SWD(2016)0313	14/09/2016	EC	
Committee draft report		PE601.017	17/03/2017	EP	
Amendments tabled in committee		PE602.947	06/04/2017	EP	
Amendments tabled in committee		PE602.949	06/04/2017	EP	
Amendments tabled in committee		PE602.951	06/04/2017	EP	
Amendments tabled in committee		PE602.952	06/04/2017	EP	
Committee opinion	CULT	PE595.657	10/05/2017	EP	
Opinion on the recast technique		PE604.686	10/05/2017	EP	
Committee opinion	LIBE	PE601.042	12/06/2017	EP	
Committee opinion	IMCO	PE602.838	08/09/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0318/2017	23/10/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2018)005653	29/06/2018	CSL	

Text adopted by Parliament, 1st reading/single reading		T8-0453/2018	14/11/2018	EP	Summary
Draft final act		00052/2018/LEX	11/12/2018	CSL	
Commission response to text adopted in plenary		SP(2018)838	19/12/2018	EC	
Follow-up document		COM(2020)0808	15/12/2020	EC	
Follow-up document		COM(2022)0724	16/12/2022	EC	
Follow-up document		COM(2023)0145	20/03/2023	EC	
Follow-up document		SWD(2023)0144	15/05/2023	EC	

Additional information

Research document

[Briefing](#)

Final act

[Directive 2018/1972](#)

[OJ L 321 17.12.2018, p. 0036](#) Summary

[Corrigendum to final act 32018L1972R\(01\)](#)

[OJ L 334 27.12.2019, p. 0164](#)

[Corrigendum to final act 32018L1972R\(05\)](#)

[OJ L 419 11.12.2020, p. 0036](#)

Delegated acts

[2020/2937\(DEA\)](#)

Examination of delegated act

[2022/3024\(DEA\)](#)

Examination of delegated act

European Electronic Communications Code. Recast

PURPOSE: to establish a European Electronic Communications Code in order to create future networks.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament decides in accordance with the ordinary legislative procedure on an equal footing with Council.

BACKGROUND: since the last revision of the regulatory framework for electronic communications in 2009, the sector has significantly evolved and its role as an enabler of the online economy has grown. Market structures have evolved, with monopolistic market power becoming increasingly limited, and at the same time connectivity for citizens and businesses has become a widely pervasive feature of economic life. These usage and operational changes must be factored into a review of the regulatory framework for electronic communications.

The review needs to be seen in light of the [Digital Single Market strategy for Europe](#), in which the Commission announced that it would present proposals in 2016 for an ambitious overhaul of the regulatory framework focusing on:

- a consistent single market approach to spectrum policy and management;
- delivering the conditions for a true single market by tackling regulatory fragmentation to allow economies of scale for efficient network operators and service providers and effective protection of consumers;
- ensuring a level playing field for market players and consistent application of the rules;
- incentivising investment in high-speed broadband networks; and
- a more effective regulatory institutional framework.

IMPACT ASSESSMENT : the preferred option are as follows:

- focusing regulation on high-quality connectivity;
- binding and enforceable rules for enhancing coordination of spectrum management in the EU with greater focus on adapting spectrum rules to the future 5G challenges;
- incremental adaptation to trends with the focus on voice and broadband affordability;
- Internet Access Services (IAS) and regulatory obligations for electronic communications services mainly linked to the use of numbering resources;

- adapting the EU framework on numbering to address competition issues on the market;
- advisory role for the Body of European Regulators for Electronic Communications ([BEREC](#)), with certain normative powers for BEREC and improved process for market review and spectrum assignment.

CONTENT: the proposal for a European Electronic Communications Code consists of a horizontal recasting of the four existing Directives (the Framework Directive, the Authorisation Directive, the Access Directive and the Universal Service Directive), bringing them all under a single Directive.

The proposal focuses on the following points: (i) the new objective of ubiquitous and unconstrained connectivity, (ii) the harmonisation of the competences of national regulatory authorities (NRAs), and (iii) the harmonisation of spectrum-related issues and revised rules on services.

Amendments related to access regulation: the amendments aim at reinforcing and improving the SMP access regime currently in place, to further promote infrastructure competition and network deployment by all operators and to sustain the deployment of very high capacity networks throughout the Unions territory.

The proposal amends market analysis procedures, to ensure that access obligations are imposed only when and where necessary to address retail market failures and to assure end-user outcomes. To sustain the deployment of very high capacity networks throughout the Union territory the amendments:

- require national regulators to survey the state of broadband networks and investment plans across their national territory, and identify digital exclusion areas where no operator or public authority has deployed or plans to deploy a very high capacity network;
- clarify the circumstances in which pricing flexibility can be granted to SMP operators, without compromising competition;
- introduces provisions to facilitate commercial co-investment in new infrastructures and to draw the necessary regulatory consequences.

Spectrum management: the proposal provides a clarification of the general objectives and principles to guide Member States when managing spectrum at national level. These objectives and principles address the following points:

- consistency and proportionality in authorisation procedures;
- the importance of ensuring appropriate coverage;
- timing considerations when making spectrum available, the prevention of cross-border or harmful interference, establishing the use it or lose it principle, and
- fostering shared spectrum use.

The proposal targets key aspects of spectrum authorisation with a view to enhancing consistency in Member States practice, such as (i) minimum licence durations (25 years); (ii) clear and simpler process for spectrum trading and leasing, (iii) processes to improve consistency and predictability when granting and renewing individual spectrum usage rights; (iv) clearer conditions for the restriction or withdrawal of existing rights.

WiFi access: the proposal simplifies conditions for access to Wi-Fi, to meet the exponential demand for connectivity and for the deployment and provisions of low-power wireless broadband access (small cells) to reduce costs of deploying very dense networks.

Universal service: the proposal aims at modernising the universal service regime by removing the mandatory inclusion at EU level of legacy services (public payphones, comprehensive directories and directory enquiry services) from the scope and focusing on the basic universal service broadband. Member States should ensure affordable access to all end-users to functional broadband internet access and voice communications services at least at a fixed location.

Services and end-user protection rules: new provisions are proposed, including:

- better readability of contracts through a short-form summarising the essential contract information;
- the provision of consumption control tools to inform end-users about their current communications usage;
- enhanced provisions on price and quality comparison tools, switching rules for the rapidly increasing number of bundles to avoid lock-in effects (key sector-specific provisions, such as maximum contract duration and rights to contract termination, would apply to the entire bundle) and
- a provision prohibiting discrimination based on nationality or the country of residence.

Additionally, in the event of an actual threat to end-to-end connectivity or to effective access to emergency services, the Commission may identify a need for measures to ensure interoperability, for instance through the launch of a standardisation process. Such standards could be imposed by NRAs where necessary.

Numbering provisions: in order to address competition issues in the market, the proposal allows national regulators to assign numbers to undertakings other than providers of electronic communications networks and services. It also requires national regulators to determine certain numbering resources for the extraterritorial use of national numbers within the EU.

Emergency communications provisions: legal clarity is brought about regarding access to emergency services (single European emergency number 112 by all number-based interpersonal communications service providers. Such an approach ensures cross-border deployment and functioning of technical solutions for emergency communications.

Governance: the amendments strengthen the role of independent national regulators by establishing a minimum set of competences for those regulators across the EU and enhance their independence requirements.

As regards the procedure for general authorisation, providers should submit notifications to BEREC, which should act as a single contact point and forward the notifications to relevant national regulatory authorities. BEREC should establish a register at EU level.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the EU.

European Electronic Communications Code. Recast

The Committee on Industry, Research and Energy adopted the report by Pilar del CASTILLO VERA (EPP, ES) on the proposal for a directive of the European Parliament and of the Council establishing the European Electronic Communications Code (EECC) (recast).

The Committee on the Internal Market and Consumer Protection, exercising its prerogative as an associated committee in accordance with [Article 54 of the Rules of Procedure](#), also gave its opinion on the report.

The committee recommended that the European Parliament adopt its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

The Consultative Working Party stated that the Commission proposal does not include any substantive amendments other than those identified as such in the proposal. It is limited to a straightforward codification of the existing texts, without any change in their substance.

The main amendments to the proposal concern, inter alia, the following points:

Universal access: Member States shall ensure that citizens of the Union have universal access to a wide range of information and high-quality and public value content. The Regulation shall guarantee freedom of expression and information, media pluralism, cultural diversity, consumer protection, respect for privacy and the protection of personal data.

Providing an affordable universal service: a fundamental requirement of a universal service is to ensure that all consumers have access at an affordable price to available internet access and voice communications services, at least at a fixed location. Members considered that particular attention should be paid in this context to ensure that end-users with disabilities have equivalent access.

The average cost of the relay services for consumers with disabilities should be equivalent to that of voice communication services in order not to prejudice consumers with disabilities.

Affordable price means a price defined by Member States at national level in the light of specific national conditions, and should involve special social tariff options or packages to deal with the needs of low-income users or users with special social needs. These end-users may include older people, persons with disabilities and the consumers living in rural or geographically isolated areas.

Network security: in order to ensure a safeguard the security and integrity of networks and services, Members sought to promote the use of end-to-end encryption and, where necessary, mandatory in accordance with the principles of data protection by design and privacy by design. In a situation of security breach, end-users shall be informed accordingly of any potential risks and possible protective measures or remedies which they can use.

The provision of information about security risks to the subscriber should be free of charge.

Single European emergency call number (Reverse 112 system): Member States shall ensure, through the use of electronic communications networks and services, the establishment of national efficient 'Reverse-112' communication systems for warning and alerting citizens, in case of imminent or developing natural and/or man-made major emergencies and disasters, taking into account existing national and regional systems and without hindering privacy and data protection rules.

Rights of use for radio spectrum: the granting of rights of use for radio spectrum for 25 years or more shall be subject to conditions aimed at ensuring that general interest objectives, such as efficient and effective use and considerations relating to public order, security and defence, are safeguarded. Such rights of use shall therefore be subject to a mid-term assessment after no longer than ten years.

Public buildings and public infrastructure: these are visited and used daily by a significant number of end-users who need connectivity to access eGovernance, eTransport and other services. To ensure that public buildings can be used for very high capacity networks, Members proposed adding an access requirement for the deployment of small-cells.

Independence of national regulatory authorities: Member States shall ensure that national regulatory authorities are legally distinct and functionally independent from the industry and government in that they neither seek nor take instructions from any body, they operate in a transparent and accountable manner and have sufficient powers.

Continuous assessment: to encourage progress towards the achievement of the general objectives of this Directive, Members proposed putting in place a robust system of continuous assessment and benchmarking of Member States with respect to the availability of very high capacity connectivity in schools, transport hubs and major providers of public services, and highly digitized business, uninterrupted 5G coverage for urban areas and major terrestrial transport paths and the availability of electronic communications networks which are capable of providing at least 100 Mbps, and which are promptly upgradeable to gigabit speeds, to all households in each Member State.

To that end, the Commission shall present detailed policy orientations, establishing methods and objective, concrete and quantifiable criteria for benchmarking the effectiveness of measures adopted by Member States.

European Electronic Communications Code. Recast

The European Parliament adopted by 584 votes to 42, with 50 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council establishing the European Electronic Communications Code (recast).

The European Parliaments position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Objective: the Directive seeks to establish a harmonised framework for the regulation of electronic communications networks, electronic communications services and associated facilities and services. It shall aim 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.

National regulatory and other competent authorities shall contribute within their competence to ensuring the implementation of policies aimed at the promotion of freedom of expression and information, cultural and linguistic diversity, as well as media pluralism.

The Directive shall be without prejudice to actions taken by Member States for the maintenance of public order, public security and defence purposes.

Provision of an affordable universal service: all consumers shall have access at an affordable price to an available adequate broadband internet access and voice communications services, at a fixed location. Member States shall also have the possibility to ensure affordability of adequate broadband internet access and voice communications services other than at a fixed location to citizens on the move, where they consider that this is necessary to ensure consumers' full social and economic participation in society.

End-users with disabilities shall have equivalent access.

Where Member States establish that retail prices for adequate broadband internet access and voice communications services are not affordable to consumers with low-income or special social needs, including older people, end-users with disabilities and consumers living in rural or geographically isolated areas, they should take appropriate measures.

Deployment of 5G: Member States shall facilitate the rollout of 5G, by making available the appropriate radio spectrum by 2020, in order to achieve the objective set in the EU's 5G roadmap of a 5G network in at least one major city in each EU country by 2020.

In order to promote investment, in particular in 5G, Member States shall generally provide operators with regulatory predictability over a period of at least 20 years with regard to the licensing of wireless broadband spectrum. The new legislation also encourages risk and cost sharing between telecommunications operators.

Progress towards the achievement of the general objectives of this Directive shall be supported by a robust system of continuous assessment and benchmarking by the Commission of Member States with respect to the availability of very high capacity networks in all major socio-economic drivers such as schools, transport hubs and major providers of public services, and highly digitised businesses, the availability of uninterrupted 5G coverage for urban areas and major terrestrial transport paths, and the availability to all households in each Member State of electronic communications networks which are capable of providing at least 100 Mbps, and which are promptly upgradeable to gigabit speeds.

Network security: taking into account the latest technical possibilities, measures taken by providers of public communications networks or electronic communications services shall ensure a level of security appropriate to the existing risk. In particular, measures shall be taken, including encryption where appropriate, to prevent and limit the impact of security incidents on users and other networks and services.

In addition, providers of public electronic communications networks or of publicly available electronic communications services should inform users of particular and significant security threats and of measures they can take to protect the security of their communications, for instance by using specific types of software or encryption technologies. The requirement to inform users of such threats should not discharge a service provider from the obligation to take, at its own expense, appropriate and immediate measures to remedy any security threats and restore the normal security level of the service. The provision of such information about security threats to the user shall be free of charge.

Consumer rights: where a contract provides for the automatic prolongation of a fixed-term contract, Member States shall ensure that, after such an extension, end-users have the right to terminate the contract at any time subject to a maximum notice period of one month, determined by Member States, and without incurring any costs other than the costs of receiving the service during the notice period.

The right to terminate the contract may be exercised during one month following the notification by suppliers to end-users of any change in the contractual conditions.

Providers shall provide end-users with best tariff information at least annually.

The amended text also introduced the possibility of keeping a telephone number for up to one month after the end of the contract and the right to a refund of the unused prepaid credit at the end of the contract, as well as compensation in the event of delay or abuse when changing operators. Better protection shall be provided for people who subscribe to bundled services.

Single European emergency call number (Reverse 112 system): all Member States shall establish a public warning system to alert citizens, on their mobile phones, in the event of an emergency or major, imminent or ongoing disaster. This system of reverse 112 should be in place 3.5 years after the entry into force of the Directive.

European Electronic Communications Code. Recast

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.

ENTRY INTO FORCE: 20.12.2018.

TRANSPOSITION: from 21.12.2020.