



5 March 2007

Meeting with Mr Fabio Colasanti, Director General of DG Information Society on 7 March 2007

BUSINESSEUROPE's perspectives on the review of EU Electronic Communications Legislation

Telecommunications, as part of the ICT sector, makes a major contribution to overall productivity and economic growth. It is therefore a key input to the competitiveness of European business and the wider economy. The regulatory framework has a significant influence on the nature of the services available to business, affecting such matters as choice of supply, quality and price, and it has a direct impact on key investment decisions by operators and manufacturers.

Europe's businesses require access to modern communications networks and services which offer the bandwidth, quality, resilience and innovative qualities to underpin competitiveness. Network operators need incentives to invest in high-speed networks and services, in a market place where demand is uncertain. Users and consumers more generally are looking for new and innovative services which operate seamlessly across technical devices and platforms. A competitive market will drive innovation, investment and consumer benefit.

The needs of all will be best met in an environment of increasing choice and open competition. This should be characterised by a transition away from the need for detailed consumer regulation.

We welcome the proposals to give a spur to de-regulating retail markets as these become competitive. BUSINESSEUROPE also sees the necessity of keeping the important wholesale markets.

BUSINESSEUROPE welcomes the Commission proposals in favour of an increasingly liberalised and flexible market-based approach to spectrum. The market is best placed to make decisions optimising the use of spectrum provided sufficient safeguards exist to prevent unacceptable interference.

The current system has not delivered a true internal market, with businesses facing different regulatory approaches in different countries, and BUSINESSEUROPE approves the Commission proposal for more action in this area, based on the principles of better regulation and subsidiarity.

The Commission has proposed a 'Euro-regulator' as one option for addressing this issue. BUSINESSEUROPE does not support this idea: an additional layer of policy or decision-making on top of the existing institutional arrangements is unnecessary and is unlikely to gain acceptance from stakeholders.



The existing European Regulators Group (ERG) is an appropriate forum to consider the inconsistencies of the current approach, and BUSINESSEUROPE supports the work currently being done within the ERG in looking at more effective harmonisation. At the same time, the ERG is likely to have limited scope to require changes of behaviour by its own members.

BUSINESSEUROPE would not wish to see increased bureaucracy and does not see a justification for an unlimited extension of the Commission veto to cover all aspects of the regulatory remedies which are currently subject to notification. The most detailed market analysis can be done more thoroughly at national level. However, a selective extension, based on the Commission's right to prior notification and approval could be an effective solution in the context of the simplified/reduced notification procedure being proposed. Such an extension of Commission power would have to be part of the overall checks and balances in which the ERG should also have a more prominent role than at present, and with the possibility of greater use of the existing 'Communications Committee', set up to facilitate harmonised implementation of the framework Directive.

BUSINESSEUROPE notes the on-going dialogue between Commission and European Regulators Group and would welcome the opportunity for wider stake-holder consultation on this important issue.

Audiovisual Media Services Directive

BUSINESSEUROPE expressed its views in its October 2006 position paper, based on the following key principles:

- Do not extend regulation to new services;
- Rely on self-regulation to deliver public policy goals;
- Re-affirm the 'Country of Origin' principle.

Following the European Parliament's First Reading we would like to state that:

- We support a definition of the scope which comes closer to the concept of 'TV-like' services;
- A clearer distinction of Programme and Advertisement is still needed;
- The country of origin principle should not be weakened.
