



To Trilogue parties:  
European Parliament  
European Commission  
Czech Presidency  
Coreper

9 March 2009

## **Trilogue discussions on the telecoms package**

Dear Sir or Madam,

In the light of the recent negotiations and in view of the upcoming vote of the European Parliament's ITRE Committee, we are writing to you to stress the need to come to an agreement on the review of the rules on electronic communications in the current legislative period. This will provide legal certainty for the telecommunications sector and will pave the way for future investments in broadband. BUSINESSSEUROPE calls on all the parties involved to reach an agreement and successfully conclude negotiations before the end of the current term.

The technologies and services of the telecommunication sector are a key factor for economic growth and competitiveness and they support productivity and innovation in many other sectors. The telecoms services market in Europe represents 44% of the total ICT market, with a value of €300 billion in 2007. It is therefore an essential driver for competitiveness, job creation and growth of the European economy.

The Single Market has proved to be a cornerstone of Europe's prosperity and is central to creating growth and jobs. EU and national legislators must safeguard well established Single Market principles and competition rules. The correct implementation and enforcement of Single Market policy and legislation is one of the central elements of the European economic recovery plan.

Against this background, we believe the EU must reassert a market-based approach to telecoms not only as one of the pillars of its narrative, but also as a tangible deliverable. The route to this is creating the appropriate regulatory environment in which businesses can thrive, allowing competition to provide the best solutions for consumers.

Especially in the current times of serious economic crisis, its stimulating effects are needed more than ever. Major challenges, such as the provision of high-speed internet even in remote areas, are facing Europe in the near future. The combination of fibre networks and wireless technologies will play a key role in bringing high-speed applications and will demand large investments to assure a timely roll-out of future Next Generation Access (NGA).



Regulators need to encourage investment and innovation, optimising legal certainty for investors and infrastructure competition where feasible. This must involve recognition of the considerable commercial risk in deploying new networks, and must also ensure that markets remain competitive, as competition, choice and certainty of supply are vital for users and for the competitiveness of businesses using the new networks.

There should also be other possibilities for sharing of investment risk between the investor, other access seekers and other players in the value chain, resulting in a dynamic retail market. We note the proposals made by the European Parliament and believe risk-sharing models should be applied in the context of non-discrimination.

This will work most effectively in a Single Market based on efficient and consistent application of rules, with regulation kept to the minimum necessary for competition in accordance with the principles of subsidiarity and proportionality.

We trust you will take our views into account and we encourage the European Parliament and the Council to ensure the successful conclusion of this important debate swiftly.

Yours sincerely,

Philippe de Buck