



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
9TH TERM

409TH

RESOLUTION OF THE SENATE

Delivered on the 18th session held on 29th January 2014

on the Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (Senate Press no. N 093/09)

and

on the Commission Recommendation of 11.9.2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment (Senate Press no. J 094/09)

The Senate

I.

1. Supports,

repeatedly and consistently, the development of the EU internal market through increasing competition, removing administrative barriers to market entry and strengthening the protection of consumers and end-users;

2. Is convinced

that the completion of the single telecommunications market will bring more innovation and investment in next-generation networks in Europe and subsequently enable the creation of a fully functioning digital single market in the EU, which is a long-standing priority of the Czech Republic;

II.

1. Supports

in general the objectives of the proposal, especially in areas related to network neutrality, coordinated spectrum management, virtual access products and international roaming;

2. Raises

objections to the introduction of a single European authorization and the proposed provisions on consumer protection because those will not, in the Senate's view, lead to the intended objectives;

3. Is convinced

that the final negotiated regulation must not undermine one of the basic principles of legislation, i.e. a stable and predictable regulatory framework favourable for investment;

4. Notes

that so far there has not been any need for ex post regulation of operators' transgressions against the Consumer Rights Directive because the operators generally comply with the Directive provisions, and therefore it is not appropriate to introduce ex ante regulatory obligations;

5. Points out

several inconsistencies and inaccuracies of the explanatory memorandum, such as the alleged falling behind in terms of development of the telecommunications market in the EU compared to the U.S. or China, supposedly caused by the existence of 28 different regulatory environments, while such a comparison fails to take into account the actual state of the EU market where average download speed is significantly higher than in the U.S., and even in other categories the EU market is fully comparable with those of other developed countries;

6. Considers

it problematic that the legislative proposal did not undergo a comprehensive public consultation and therefore the Commission missed an opportunity to take into account comments of consumers, businesses and national authorities; moreover, the proposal was not supported by a comprehensive analysis of the effectiveness of the existing regulatory framework;

7. Recalls

that the quality of the final regulation is influenced by the expected time-frame for the examination and negotiation of the proposal; should the Regulation apply as early as 1 July 2014, as envisaged by the Commission, the Council and the European Parliament would have to negotiate and adopt the regulation within only a few months;

8. Rejects

any possible pressure on the speed of negotiation at the expense of the final text quality in a proposal that aims to bring fundamental changes to the regulatory framework, reminding that the process of adoption of the existing 2009 regulatory framework was challenging and lasted approximately two years; in addition, that process took form of Directives amendment, which does not compare to the scope and impact of the current proposal for a Regulation;

9. Fears

that the announced date of entry into force of the draft on 1 July 2014 is not realistic, especially with regard to the elections to the European Parliament in May 2014;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with further information on the proceeding of negotiations;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Jan Látka
sign manual
Senate Verifier