

Digital Single Market

Connected Continent legislative package

The Commission proposed on September 2009 legislative changes to several regulations that would make a reality of two key EU Treaty Principles: the freedom to provide and to consume (digital) services wherever one is in the EU.

The proposal has evolved since its launch in 2013, and it has been followed through different actions in the new [Digital Single Market priority](#). [1]

[The proposal does this by pushing the telecoms sector fully into the internet age \(incentives for new business models and more investment\) and removing barriers so the European Union's 28 national telecoms markets become a single market, building on the 2009 Telecoms Framework](#) [1] [Directive](#) [2], and more than a quarter century of work to create that single market.

The proposal, in short :

- Simplification of [regulation](#) [3] for companies
- More coordination of [spectrum](#) [4] use, so that we see more wireless broadband, more [4G](#) [5] investment, and the emergence of pan-EU mobile companies with integrated networks
- Standardised fixed access [products](#) [6], encourages more competition between more companies and facilitates increasing provision of pan-EU services
- Protection of [Open Internet](#) [7], guarantees for net neutrality, innovation and consumer rights
- Pushing [roaming](#) [8] premiums out of the market through a carrot and stick approach to say goodbye to roaming premiums by 2016 or earlier
- Consumer [protection](#) [9]: plain language contracts, with more comparable information, and greater [rights](#) [10] to switch provider or contract

Delivering sustainable jobs

- Make the digital sector, which has a very young workforce, a jobs priority as a way to address youth unemployment in Europe.
- Help [start-ups](#) [11] grow by giving them the world's biggest market to sell to from Day 1.
- Support labour force changes in telecoms companies which have not adapted to new digital, data-driven business models
- Work with companies in a [Grand Coalition](#) [12] for Digital Skills and Jobs, to train individuals and to improve the overall digital ecosystem.

Less red tape for companies

1. Single authorisation
 - Learn and copy from other sectors in EU single market,(such as banking) by offering operators the chance to operate in all countries through a single EU authorisation, and the chance to deal with that one authority on other licensing issues.
 - Pan-EU legal certainty & the right to equal regulatory treatment
2. New Criteria for Regulating MarketsStrengthening by inclusion in the Regulation of the well-established "three criteria" test that the Commission applies to select markets that should be regulated in its "Recommendation on Relevant Markets", and that national regulators must apply if they wish to regulate markets that are not in that Recommendation .
 - In order to regulate three criteria would need to be met:
 - Presence of high and non-transitory structural, legal or regulatory barriers to entry;
 - Market structure does not tend towards effective competition within the relevant time horizon, having regard to the state of infrastructure-based and other competition behind the barriers to entry;
 - Competition law alone is insufficient to adequately address market failure(s) concerned
 - National regulators would also have to consider all competitive constraints [including from Over The Top players (OTTs)].
3. Article 7 veto on remediesOur aim is to ensure consistency through possible use of Commission veto powers on national decisions on remedies.

Easier wholesale products for fixed networks

- In cases where operators with significant market power are obliged to offer competitors virtual access to their networks (as opposed to physical connections), both buyer and seller should face harmonised conditions and features across EU.
- Common criteria for assured service quality connectivity negotiated between operators on commercial terms

Spectrum for wireless broadband

- Harmonise the timing of spectrum release and harmonise duration of rights
- Introduce possibility to use a comitology veto (COCOM not Commission alone) to deal with problems such as overpriced spectrum auctions
- Apply a set of principles and criteria aimed at ensuring development of an EU wireless space.
- Appropriate compensations for timely freeing up of spectrum, infrastructure and spectrum sharing, as well as spectrum trading – for example so unused spectrum is put to good use.

Wireless Innovation: 4G, Wi Fi and small cells

- Increase capacity through less onerous authorisation conditions
- Increase capacity through removal of unnecessary deployment restriction such as overly complex procedures for granting permits for base stations, or wireless hotspot deployment
- Increase capacity through right to share access to WI-FI access points.
- Operational improvements such as the common use of active and passive infrastructures, spectrum sharing and spectrum trading will make it easier and cheaper to deploy and/or renovate wireless networks with new technologies
- Common regulatory principles for spectrum authorisations, common criteria for the availability and conditions of spectrum

Stabilising copper network access prices

- Long-term price stability and more aligned prices across the single market.
- No imposition of price regulation on access to fast next generation networks where demonstrable constraints against anti-competitive behaviour exist in the retail markets, and strengthen non-discrimination obligations to ensure that competition is strong ([Recommendation](#) [13]).

Mobile roaming and European calls

- Create a true European communications space by phasing out the difference in charges paid for domestic, roaming and intra-EU calls.
 - We want roaming to end, and we want to give the market a chance to make this happen. Our existing Roaming rules and new approach are both market-based solutions. With the 2012 Roaming regulation the Commission tackled one element of the telecoms picture. The Connected Continent package lays down a path towards creating an entire telecoms single market, as requested by EU Council. The market and technologies are moving at lightning speed (for example, connected cars) and Roaming needs to be part of this bigger picture.
1. Roaming Operators will lose the right to charge for incoming calls while a user is travelling abroad in EU as of 1st July 2014. They will additionally face a choice between a carrot and stick. The carrot is that they can be largely free of European regulation, if they extend their domestic plans/bundles from 2014 so that by 2018 at the latest, customers throughout the Union are able to use their phones and smartphones while travelling throughout the Union at domestic rates. There will be a glidepath from July 2014, allowing operators to adapt either the number of plans they offer or the number of countries they cover at domestic rates. The stick is being subject to the 2012 roaming regulation which forces companies to offer their customers the possibility to roam with new competitors (alternative roaming providers) as of July 2014. From this date a customer will have the right to leave their domestic operator when travelling and take cheaper roaming services from a local company or a rival company in the home country. Operators should take advantage of the opportunities to offer Roam Like at Home to their consumers. The Commission will review the implementation of the Roaming regulation in 2016 and may consider further Regulatory options.
 2. European fixed calls Operators will have to charge no more than a domestic long-distance call for all fixed line calls to other EU member states. Any extra costs have to be objectively justified.
 3. European mobile communication Operators will have to charge no more than the euro-tariffs for regulated voice and SMS roaming communications for mobile communications to other EU member states. Any extra costs have to be objectively justified.

Consolidation in the telecoms sector

- No direct solutions are offered because we cannot simply undermine competition by changing merger treatment, in the absence of other single market conditions.
- However, by creating the conditions for a real single market (such as a single space for calls and data, and harmonised consumer rights, and the possibility to make pan-EU investments), we create the conditions for a different way to look at markets from a competition perspective.

Net Neutrality

- This proposal will end discriminatory blocking and throttling and deliver effective [net neutrality](#) [14] It goes wider than the measures in the US (which does not prevent blocking or throttling of services such as VOIP on mobile).

- It sets out clear rules for traffic management which has to be non-discriminatory, proportionate and transparent.
- Companies would however be allowed to differentiate their offers (for example by speed) and compete on enhanced quality of service. There is nothing unusual about this – postal services (express mail) and airlines (economy/business class) have done this for decades.
- To meet end-users' demand for better service quality, content providers may agree deals with internet providers to assure a certain quality of service. Such offers will enable telecom operators to generate additional revenue streams from OTT actors, content providers as well as from consumers who are willing to pay for better or faster services. These revenues in turn, will enable operators to finance investments into network upgrades and expansion.
- Specialised services must not lead to quality degradation of the "normal"/best efforts Internet. They are coherent with the way the internet was engineered,

New rights for consumers

1. Quality of Service

- Operators required to supply (both public and contractual) information on the average speeds they actually provide to their customers during normal and peak times, data volume limitations, and on traffic management practices.
- National regulators required to monitor quality of service and may impose minimum quality requirements, under Commission control.
- Consumers can terminate their contract if there is a significant and non-temporary discrepancy between what they were promised and the service they actually get (e.g: speed).

2. Better contracts and more transparency

- #### 2.1 Contracts
- All relevant information must be provided before the conclusion of the contract. No changes to the contract without explicit agreement of the customer.
 - **Extra information** to be included in contracts including:
 - data volume limitations,
 - the actual data speeds,
 - how to monitor consumption and
 - an explanation of the practical impact of the service characteristics on the use of content, applications and services;
 - information on compensation, refunds and other user rights as well as how to initiate procedures for the settlement of disputes;
 - **Contract periods:** There can be no initial commitment exceeding 24 months, and a 12 month-only option must be provided
 - **Contract roll-over:** warning provided at least one month in advance, with an option to oppose tacit extension of the contract; in case where a contract rolls over the contract can be terminated without any costs with a 1 month notice.
 - **Contract termination:** consumer to gain right to terminate any contract after 6 months without penalty with a one-month notice period; reimbursement due only for residual value of subsidised equipment/promotions, if any. Any restriction on the use of the terminal equipment on other networks must be lifted free of charge once any due compensation is paid.

3. 2.2 Switching

- Process led by receiving/gaining provider (one-stop shop),
- Improved rights for users (eg compensation for abuse or delays of switching),
- E-mail forwarding facility (where ISP provided e-mail address),
- Rules on contract termination and switching apply to all elements of bundles sold to consumers such as triple or quadruple play (including TV).

4. 2.3 Transparency

- Mandatory availability of comparison tools provided by national regulator or accredited third

- parties to allow users to know the actual performance of electronic communication network access and services and the cost of alternative usage patterns,
- Bill-shock mechanism to avoid "bad surprises".

Behind the scenes

1. Institutional and bureaucracy
 - Keep institutional change to the minimum necessary to enable the single market.
 - This means greater co-ordination between national regulatory authorities with a key focus on identifying and then applying best practices, additional EU supervision of national regulatory decisions affecting companies that benefits from a single authorisation in the EU.
2. No single EU regulator
 - Our proposal keeps institutional change to the absolute minimum so we can quickly move towards a single telecoms market, and get the badly needed 5% GDP boost over 2015 - 2020 which the TSM will deliver
 - We have taken the necessary steps improve the way rules and regulations are applied in a TSM and bring greater consistency and certainty for operators and consumers.
3. For example:
 - The Commission will be able to block proposals from national regulators which go against the single market
 - We will strengthen procedures involving the Commission and Member States to ensure better coordination of authorisation and assignment of spectrum.
 - BEREC will play an important role in developing the guidelines which ensure consistent regulation. A stable chairmanship of BEREC - fully accountable to the European Parliament - will promote BEREC's effectiveness and stability, and strengthen the telecoms single market.
 - Until the single telecoms market is in place, the Commission will not propose a single regulator. This is not the optimal solution for the market right now.

Key information:

- [Communication](#) [15]
- [Regulation](#) [16]
- [Impact assessment](#) [17]
- [Recommendation](#) [13]
- [Press release](#) [18]
- [Memo](#) [19]
- Speech: [We must act now – time for a Connected Continent](#) [20]
- [Press conference](#) [21] opening remarks by Neelie Kroes, former Vice-President of the EC in charge of Digital Agenda

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Team responsible

[DG CONNECT](#) [22]

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- [2] <https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/Copy%20of%20Regulatory%20Framework%20for%20Electronic%20Communications%202013%20NO%20CROPS.pdf>
- [3] [https://ec.europa.eu/digital-single-market/en/node/67489/#red tape](https://ec.europa.eu/digital-single-market/en/node/67489/#red-tape)
- [4] <https://ec.europa.eu/digital-single-market/en/node/67489/#spectrum>
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- [6] [https://ec.europa.eu/digital-single-market/en/node/67489/#standard products](https://ec.europa.eu/digital-single-market/en/node/67489/#standard-products)
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- [21] <http://ec.europa.eu/avservices/video/player.cfm?sitelang=en&ref=I081481>
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