

VICE-PRESIDENT Andrus Ansip
COMMISSIONER Günther Oettinger
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Joint Letter from Belgium, Czech Republic, Denmark, Estonia, Ireland, Finland, Lithuania, Poland, Sweden, United Kingdom.

Dear Vice-President Ansip and Commissioner Oettinger

Electronic communications are essential to a successful and competitive European Digital Single Market and to Europe's strong position globally as a place to live and do business. We believe that the Electronic Communications Framework must continue to support the provision of electronic communications that make the most of the latest technology in order to contribute to economic growth and keep up with demand from Europe's consumers and businesses. The European Commission's review of the framework is a welcome opportunity to ensure the regulatory framework remains fit for purpose within this context.

We are therefore writing to you to set out some of our priorities for the review. Some of the signatories to this letter have also signed up to a non-paper setting out broader policy positions.

The framework must support the deployment of electronic communications services and networks that meet the needs of users. As connectivity becomes increasingly essential for business and personal activities, users are expecting a higher standard of quality across all aspects of network performance. Reliability, bandwidth capacity, latency and resilience, are becoming just as important as connection speed to the user experience. In order to drive up standards of network performance, the quality of the user's experience should be a key consideration for the framework.

The framework should continue to adhere to the principle of technological neutrality. The flexibility of this principle is needed to provide consumers with all-round, affordable quality of experience. This means the framework should support private sector investment in, and deployment of, high-speed high-quality networks capable of meeting current and future demand. Promoting efficient competition and stable, predictable regulatory conditions for providers of electronic communication will spur private sector investment in digital infrastructure and should, thus, be at the heart of an updated framework. It is also important that the framework encourages competition and private sector investment as far as is possible in less commercially attractive geographic areas.

Consumer protection should remain a priority for the revised framework. The Commission has identified that many consumers now consider over the top (OTT) communications services to be the same as more traditional telecoms services, yet these two types of service are often regulated in different ways. We do not believe that automatically extending all consumer protection regulation provided by the framework to OTT services is the answer. For example, some consumer protection regulation addresses the scarcity of resources,

such as numbering, upon which traditional services rely, but many OTT services do not. A proportionate approach is therefore needed to avoid unnecessarily burdensome regulation that will stifle innovative new services. Regulation should only be extended where there is strong evidence that the interest of the consumer should be protected. The Commission should also consider deregulation of traditional telecoms services where this does not harm consumer interests, undermine regulatory enforcement powers or competition in the market, or compromise national security, public security or prevention, detection and prosecution of criminal offences. Such a proportionate approach should help to manage the financial and regulatory burden on the telecoms industry at a time where the Commission and Member States are looking for significant levels of investment in infrastructure and services.

We also wish to emphasise the importance of the Commission taking a consistent approach across the whole Digital Single Market Strategy to electronic communications services and OTT services. The proposals resulting from the consultations on the Electronic Communications Framework, platforms regulation, standards, consumer protection for digital content and Audiovisual Media Services Directive, plus the forthcoming E-Privacy Directive Review must avoid regulating the same services in multiple ways.

Finally, we would support the Commission progressing the review quickly so that revisions to the framework can be implemented as soon as possible.

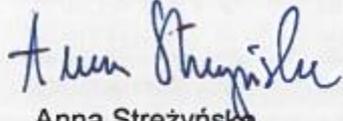
We look forward to collaborating with the Commission on the review of the framework.

Yours sincerely

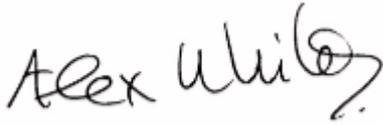
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