

ETNO NOTE ON TRADE NEGOTIATIONS

ETNO members have actively supported trade negotiations in general and with particular emphasis in the cases of TTIP and TiSA. Our association has contributed to the public consultations on these and other negotiations, providing meaningful input and helping decision-makers in shaping EU's trade policy for Digital-related sectors.

ETNO welcomes the European Commission's efforts to improve European service providers' market access conditions in third country markets, matching them to the EU's market access conditions and the ability of third country providers to compete on the European market. This objective also has strong political support from the European Parliament, notably in its TTIP and TiSA resolutions. At the same time, we also acknowledge efforts to improve regulatory frameworks, providing certainty and protection to EU companies. In our belief, the final objective should be to ensure a competitive scenario in which players that provide similar services, face similar obligations and provide similar protection to consumers. With this in mind, we actively propose merging the chapters on Telecommunication Services and eCommerce Services into one single chapter on Digital Services.

Today's trade policy is paying the needed attention to trade in services and, in the Digital sector, this means pursuing common understanding on a wide range of issues. This include among others, the setting up of regulatory authorities, transparency on authorisations and licensing, rules on interconnection, and obligations for major suppliers; together with the issues that really affect our businesses today, like the rules that govern how data flows cross national borders, how to limit localisation obligations, and determining high-level criteria on how different stakeholders use and access the internet.

ETNO closely follows the evolution of the negotiations from different angles, taking into account important aspects of the processes, like the opinions of other stakeholders and the relations of trade policy with other policy developments. It is in this regard that ETNO wants to raise a critical concern.

The European Commission is undergoing a major effort to create the very much-needed Digital Single Market. The three pillars that define the DSM are also at the heart of what trade negotiators discuss in 21st century trade agreements:

- the improvement of online access to digital goods and services;
- the design of new rules, which match the pace of technology and support competition and infrastructure deployment; and
- ensuring that the EU takes full advantage of what digitalisation offers

It would be in the highest interest of the EU and its citizens to adopt a future-looking approach. European trade policy should mirror and take into account the DSM objectives and developments,

especially in the context of TTIP and TiSA due to the extended, even global implications of these two agreements and the impact they may have on possible new WTO rules. To give two examples, key fundamental issues like the definition of what are considered communication services and rules on how services are authorised, are under the DSM discussions.

By 2017, the EU will likely agree on the new regulatory framework with the intention to apply the new DSM legislation in full from 2020 onwards. In parallel, trade negotiations are taking place with the aim of finalising TiSA and possibly TTIP during the Obama administration. We encourage the different EU institutions to coordinate closely themselves, in order to ensure a positive outcome for Europe from all these challenging processes.

About ETNO

ETNO (European Telecommunications Network Operators' Association) represents Europe's telecommunications network operators and is the principal policy group for European e-communications network operators. ETNO's primary purpose is to promote a positive policy environment allowing the EU telecommunications sector to deliver best quality services to consumers and businesses.

For questions and clarifications regarding this position paper, please contact Marta Capelo, Director of Public Policy - capelo@etno.eu