



Tallinn Ministerial Meeting: EU telcos call for ambition on 5G and the data economy

Brussels and Tallinn, 18 July 2017 – Today, the EU ministers for competitiveness and telecoms [meet](#) in Tallinn to discuss the major pillars of the Digital Single Market, including enhanced connectivity, development of new services and business models as well as the free flow of data.

ETNO, the Association representing Europe's leading telecom operators, welcomes the Estonian Presidency efforts in prioritising network deployment and service innovation in the data economy. Strong 5G networks and new services fuelled by data innovation are the essential enabler of increased European competitiveness, enhanced consumer experience and digital empowerment of a wide series of industrial convergent sectors – including automotive, healthcare and agriculture.

ETNO urges all EU policymakers to embrace high levels of ambition and ensure that all regulatory activities are streamlined towards the achievement of Europe's overarching policy goals. Growth, social welfare, and better competitiveness will be only achieved through pro-investment and pro-innovation legal framework. ETNO is highly concerned that the ongoing EU legislative process will not deliver on these goals and instead will result in a backward step compared to the status quo.

Making 5G a success for Europe

Enhanced connectivity in a thriving 5G ecosystem will only take place with a regulatory environment that puts private investment at its core, for both mobile and fixed networks. Europe needs to accelerate the deployment of networks to meet the needs of businesses and citizens. For this reason:

- The Electronic Communications Code must focus on the delivery of benefits to the economy and society as a whole. Regulatory intervention should be limited to what is absolutely necessary and promote sustainable competition. Legislators should not experiment with new and unproven regulatory competences – creating uncertainty – and refrain from distorting competition by steering the market towards specific business models. Instead, the new framework should:
 - Stimulate all players to roll-out new networks and innovate, under the model that best suits them and their specific market circumstances, in a technology inclusive approach, incentivising all forms of individual and collaborative investments, and recognising the positive effects of voluntary commercial agreements – more competition should result in less regulation;
 - Guarantee that the regulatory framework ensures the necessary certainty and predictability investors need;
 - Refrain from overregulation by further lowering the threshold for regulatory intervention below the established competition law based SMP concept;
 - Set up a regime that does not undermine investments already made by existing operators, ensuring that those seeking access are not better placed than those making the network investments;
 - Ensure that regulatory intervention takes place only when justified by the lack of competition at retail level.
- 5G should be Europe's success story. For this to happen, Europe needs a forward looking and pro-investment reform of its spectrum policy to:
 - Create predictability and legal certainty in the tenure of rights of use for spectrum, both in terms of license duration, which should last no less than 25 years, and of its renewals;



- Ensure that the costs associated to the rights of spectrum use reflect its usage and coverage requirements;
- Establish fair, predictable and harmonised procedures for the allocation of frequencies, through an effective peer-review mechanism;
- Enable operators to compete and differentiate their services through voluntary infrastructure sharing, as opposed to introducing further options for ex-ante regulatory obligations;

Promote EU leadership in the development of innovative services and business models

ETNO urges policy makers to take decisive action on consumer choice and innovation. For the data economy to succeed in Europe, fair and equal rules should empower European companies to broaden consumer choice in the field of digital services. Therefore:

- Regulation should focus on measures that can enhance customer experience and deliver meaningful benefits to users. We should avoid complex and inappropriate red tape, both inefficient for the protection of personal data and of consumer rights, to the detriment of innovation and consumer choice;
- Rather, we should strive for a level playing field among different market players and ensure consistency across different legal instruments: consumers deserve both a clear and meaningful rulebook, and a digital marketplace that allows more innovation and competition.

Fuelling Europe's data economy

Data is the oil of the new economy and the EU needs an innovation-friendly approach to data, whilst respecting European values and ensuring citizens' security and trust. A future-oriented approach to data policies is vital to ensure that all industries can make the most out of the transition to a smarter industrial and services economy.

- As the whole of society becomes connected and interdependent, sector-specific approaches to data protection, such as the proposal for an ePrivacy Regulation, become outdated: we should rely instead on compliance with the high level safeguards enshrined in the General Data Protection Regulation. Innovation and growth in the digital economy depend on the ability to access and use data. For this reason, all market players should have sufficient flexibility to use data responsibly and the same data should be subject to the same rules.
- In order to respond to consumers' needs, companies complying with EU standards should be able to ensure efficient transfer mechanisms of data across borders and any exception should reflect objective, proportionate and justified reasons of public interest. Other restrictions should be removed, according to the principles and rules already established by EU Law. European values and the protection of fundamental rights of individuals must be guaranteed in the context of promoting free data flows.

ETNO calls on the EU institutions to maintain the focus on the achievement of a true European Digital Union, at the core of Europe's digital reforms. The upcoming regulatory choices on the Electronic Communications Code, ePrivacy and data flows should be consistent with the primary aim of increasing network investment, allowing more space for innovation, boosting the competitiveness of Europe and creating more and better choice for European citizens.

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About ETNO

ETNO has been the voice of Europe's telecommunication network operators since 1992 and has become the principal policy group for European electronic communications network operators. Its 39 members and observers from Europe and beyond are the backbone of Europe's digital progress. They are the main drivers of broadband and are committed to its continual growth in Europe. ETNO members are pan-European operators that also hold new entrant positions outside their national markets.

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