

TELECOMMUNICATIONS Council

26 May 2016, Brussels

Chair: **Henk Kamp**, the Netherlands Minister for Economic Affairs

European Commission representation: Digital Economy Commissioner **Günther Oettinger**

Starting time: 9.00

The Council will be invited to adopt a general approach on a draft decision on the use of the **ultra-high frequency (UHF) band (470-790 MHz)** in the EU. The proposal aims to respond to the rapidly growing demand for mobile internet access, while at the same time safeguarding conventional television services.

Ministers will also hold a policy debate on the forthcoming **review of the EU telecoms rules**. The objective of the discussion is to provide political guidance for the Commission, which is expected to present related proposals in the autumn under the digital single market strategy.

Under '**Any other business**', the presidency will report on progress on current legislative files. The agreement on the draft directive on **web accessibility** is to be endorsed by member states on 25 May. The Council adopted its position at first reading on the draft directive on **network and information security** on 17 May.

In addition, the Commission will update ministers on the latest developments in **internet governance**.

Lastly, the incoming **Slovak presidency** will present its **work programme** in the field of telecommunications.

At the beginning of the meeting the presidency will propose that all these items be dealt with in a public session. (Legislative items are automatically public.)

The telecommunications session will be followed by a **joint debate** over lunch between **telecommunications and competitiveness** ministers on horizontal and strategic issues under the **digital single market strategy**, including **digital platforms**.

Press conference: end of the day (+/- 20.30)

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Video streaming of press conferences and public events: <http://video.consilium.europa.eu>

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¹ This note has been drawn up under the responsibility of the Press Office.

Freeing up the 700 MHz frequency band for mobile services

The Council will adopt a general approach on a draft decision on the use of the **ultra-high frequency (UHF) band (470-790 MHz)** in the EU. The proposal aims to **respond to the ever greater need for mobile internet access** by making the 700 MHz band (694-790 MHz) available for wireless broadband services in Europe by 2020. The coordinated reallocation of the bandwidth will be underpinned by harmonised technical conditions.

Another objective of the proposal is to **safeguard conventional television services** by giving broadcasting services priority in the sub-700 MHz band (470-694 MHz).

The general approach to be adopted will be the Council's position for negotiations with the European Parliament.

Aiming to provide high-speed broadband across Europe

The 470-790 MHz range is currently widely used for digital television broadcasting and for wireless microphones in programme-making and at special events.

However, the propagation characteristics of the 700 MHz band make it ideal for mobile internet services. It offers high speed, enabling smooth internet data traffic with fewer interruptions. Signals in this range can also travel more easily through buildings and other obstacles and cover longer distances than most frequencies currently used for mobile broadband. This makes it easier and less costly to provide high-quality internet access for all Europeans, especially in remote areas.

The coordinated use and harmonised conditions will enable Europe to provide mobile broadband speeds beyond 100 Mb/s and to catch up with leading regions (such as the USA and South Korea) in the take-up of 4G mobile broadband.

It should also help to avoid interference between different users and across borders. The Commission already prepared the ground for this by adopting a set of harmonised technical conditions on 27 April 2016.

Timescale for reassigning the 700 MHz band

According to the draft Council position, member states must free up the 694-790 MHz range for wireless broadband services under harmonised technical conditions by 30 June 2020. If they are unable to do this they may decide, for duly justified reasons, to delay the availability of the band by up to two years. Reasons for such a delay could include for instance unresolved cross-border coordination issues or technical challenges posed by the reallocation of broadcasting services for a large population.

Member states must adopt a 'national roadmap' by 30 June 2018, setting out how they will implement the decision. These roadmaps will be public.

Ensuring the continuity of television services

The draft Council position stipulates that member states must ensure the availability of the sub-700 MHz band for digital television and wireless microphones at least until 2030, based on national needs. This gives the audiovisual sector long-term regulatory predictability as regards the availability of sufficient spectrum, so that it can safeguard the continued provision and development of services and secure necessary investments.

Member states would be allowed to use this range for other purposes, including mobile internet services, but they must ensure that this is compatible with national broadcasting needs and does not cause harmful interference in neighbouring member states.

The reallocation process has already started

Two EU countries (France and Germany) have already authorised the use of the 700 MHz band for mobile services. Other member states (Denmark, Finland, Sweden and the UK) have outlined plans to reassign the 700 MHz band in the next few years.

[Draft Council general approach on the use of the 470-790 MHz frequency band](#)

Review of EU telecoms rules

The Council will hold a policy debate on a critical part of the **digital single market strategy**, the **revision of the EU telecoms regulatory framework**. The objective of the debate is to provide guidance for the Commission, which will present related proposals in the autumn.

The presidency has prepared a [background document](#), which identifies three specific issues to be covered in the debate:

- the need to adapt rules governing operators' access to fixed networks
- how to achieve better spectrum coordination
- a fair and effective approach to over-the-top services.

On 20 April 2016, the Netherlands presidency organised a high-level meeting in Amsterdam, bringing together representatives from member states and the Commission to discuss the modernisation of EU telecoms legislation. The outcome of the Amsterdam meeting provides a starting point for the debate in the Council.

[Information on the Amsterdam meeting](#) (presidency website)

Need to adapt rules on access?

The access directive regulates operators' access to networks. It sets out the rights and obligations of operators as regards physical interconnection of networks and/or providing services on a network.

In particular, the directive contains rules for national regulatory authorities (NRAs) to regulate the market at wholesale level. The main tool for regulating access to a network is an assessment of 'significant market power', i.e. checking whether one or more operators would have a dominant position in the market.

While the current directive has been useful in increasing competition, providing more choice and cutting prices for consumers, it does not seem to accommodate the complexities of different areas in the EU, such as rural areas that lack high-quality internet access and areas with two fixed networks that constitute a duopoly. Similarly, the current rules have helped to generate investment, but investment has been uneven in different areas of Europe. Ministers are therefore invited to consider how the current rules should be adapted to provide incentives for investment and safeguard competition across Europe.

Spectrum management

Users increasingly demand uninterrupted connectivity while 'on the move', including the possibility to view videos online. More and more radio spectrum is also needed for emerging innovative services, such as the internet of things. To be able to innovate and make the necessary investments, the industry is demanding more predictability and regulatory certainty across member states.

The aim of the debate here is to find ways to meet the industry's demand for increased coordination of spectrum, while respecting national competences.

What kind of rules for over-the-top services?

The current telecoms rules were designed for traditional electronic communications services such as voice telephony and SMS. Since then, over-the-top (OTT) content services have emerged. These are provided to the user over the open internet. Some of them, such as VoIP (voice over internet protocol) and text messaging services, are used by consumers as substitutes for traditional electronic communications services. While OTT services represent a wider choice of services and potential savings for users, they mostly fall outside the scope of the current rules.

The presidency invites ministers to reflect on the best way to address the different treatment of traditional telecoms operators and OTT services. Factors to be considered include the need to protect consumers, safeguard innovation and ensure fair competition.

Telecoms rules revision – background:

EU telecoms law covers fixed and wireless telecoms, internet, broadcasting and transmission services. It also guarantees basic rights for users.

Together with EU competition rules, the telecoms rules have boosted competition in markets, brought down prices and improved service quality for consumers and businesses.

The rules were created in 2002 and updated in 2009. They consist of five directives and two regulations.

The Commission intends to present new proposals in 2016 to revise these rules under the digital single market strategy. The telecoms review is part of the second pillar of the strategy: 'An environment where digital networks and services can prosper'.

The new rules will have to meet the demands of rapidly changing technology and support the infrastructure development that is necessary for an economy in which almost every activity depends on connectivity.

[Digital single market for Europe](#)

[EU telecoms rules](#)

Any other business

Current legislative proposals:

Draft directive on the accessibility of public sector bodies' websites

- [Information from the presidency](#)

See also: [More accessible websites across Europe](#) (3 May 2016 press release)

Draft directive on network and information security

- [Information from the presidency](#)

See also: [EU-wide cybersecurity rules adopted by the Council](#) (17 May 2016 press release)

Developments in internet governance

- *Information from the Commission*

Work programme of the incoming presidency

- [Information from the Slovak delegation](#)
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