



TELECOMMUNICATIONS Council

11 December 2015, Brussels

The Council will hold a policy debate on the upcoming **review of the EU telecoms rules**. The Commission is expected to present its proposals in 2016 as part of the digital single market strategy.

The presidency will report on the informal deal reached with the European Parliament on the draft directive on **network and information security** on 7 December 2015.

The presidency will also present a progress report on the proposed rules to make **public sector websites more accessible**.

Under 'any other business', the Commission will update ministers on the latest developments in **Internet governance**, including the transfer of the Internet Assigned Number Authority (IANA) functions and the World Summit on the Information Society +10 (WSIS+10) review process. The Commission will also brief ministers on the progress made on telecommunications and information society issues in the ongoing **trade negotiations with the United States (TTIP)**. Lastly, the incoming **Netherlands presidency** will present its **work programme** in the field of telecommunications.

The meeting will start at 10.00. It will be chaired by Xavier Bettel, Luxembourg's Prime Minister and Minister for Communications and Media.

A press conference will be held at the end of the meeting (+/-13.00).

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

Video coverage in broadcast quality (MPEG4) and photo gallery: www.eucouncil.tv

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

Review of EU telecoms rules

The Council will discuss the most important telecoms dossier in the **digital single market strategy**: the **revision of the EU telecoms regulatory framework**. While the subject in itself is vast in scope, the [presidency background document](#) identifies three specific issues to be covered in the debate:

1. Next generation connectivity

Our societies have become increasingly dependent on broadband networks, and demand for capacity is growing every year. Connectivity has become crucial, with almost every activity in our economy dependent on it – not only communications, but also sectors such as smart homes, health services, entertainment, transport and agriculture.

High-capacity next generation access (NGA) networks are being rolled out to meet these ever-growing needs. This fibre-based infrastructure offers much faster connections, but significant investments are required to deploy it across Europe. Currently 68% of Europeans have access to NGA networks, with only 25% of rural homes covered.

Against this background, ministers are expected to discuss the best ways to make sure that high-capacity networks, both fixed and mobile, are also made available in less densely populated areas.

2. Equivalent treatment of equivalent services

Various new types of market player and business model have emerged in recent years in the sector of communications services for end-users. Traditional telecommunications companies are increasingly offering retail bundles rather than standalone services. These bundles combine two or more services, such as fixed voice, fixed broadband, mobile services and TV, which are sold together at a joint price. While bundling often produces economies of scale and other advantages, it also presents risks for fair competition. For instance, firms can use it as a way of excluding competitors from the market.

On the other hand, the traditional communications services provided by telecoms operators, such as phone and texting, are now being challenged by over-the-top content (OTT) companies, which offer messaging services that do not depend on a particular access network. These firms are not subject to the same regulatory regime as telecoms and cable operators.

In light of this new market situation and the wider choice of services for users, the presidency has asked ministers to reflect on ways to ensure that equivalent services are treated as such, while maintaining a high level of consumer protection.

3. Top priorities of the review

Ministers are expected to state whether other issues should also be seen as top priorities for the revision.

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.

Two major issues – roaming surcharges for travellers in the EU and access to open internet – have recently been addressed by the adoption of a new EU regulation.

[Digital single market for Europe](#)

[EU telecoms rules](#)

Network and information security

The presidency will report on the informal deal reached with the European Parliament on 7 December 2015 on the draft directive on **network and information security (NIS)**. For the Council, the agreement still needs to be approved by member states.

[First EU-wide rules to improve cybersecurity: deal with EP](#) (press release)

The key outstanding issue for this sixth trilogue was **providers of digital services**, in particular the level of harmonisation, the list of services covered and the corresponding definitions. The discussions held at the previous trilogue had already achieved certain points of convergence between the institutions, in particular regarding the 'light touch' approach and the exclusion of micro and small enterprises. The co-legislators had agreed in June that digital service providers would be treated differently to operators of essential services, but the details had been left for further discussions.

As regards **operators of essential services**, it was agreed in June that member states would identify the operators to be covered by the directive, based on clear criteria laid down in the text. The main outstanding question for this trilogue was jurisdiction.

Stronger cyber risk management across the EU

The draft directive sets out obligations for certain operators to take measures to manage cyber risks and report major security breaches. Member states will be required to designate national authorities and establish strategies to deal with cyber incidents. They will also step up their cooperation to counter cyber threats.

What benefits is the NIS directive expected to bring?

The NIS proposal aims to ensure a high common level of network and information security throughout the EU. Citizens and consumers will have more trust in the technologies, services and systems they rely on day-to-day. This increased confidence will mean a more inclusive cyberspace, and a digital economy that grows even faster, supporting economic recovery. Governments and businesses will be able to place more reliance on digital networks and infrastructure to provide their essential services at home and across borders. More secure e-commerce platforms could bring more customers online and create new opportunities. Providers of ICT security products and services would also benefit, as demand for their products and services is bound to increase, leading to innovative products and economies of scale. The EU economy will benefit as sectors that rely heavily on NIS will be better supported to offer a more reliable service.

[Improving cyber security across the EU](#)

Web accessibility

The presidency will present a [progress report](#) on the proposed rules to **make public sector websites more accessible**. The work has now reached the point where the presidency intends to request a negotiating mandate at the Permanent Representatives' Committee on 18 December. This would enable the incoming presidency to launch talks with the European Parliament with a view to reaching an agreement before the Council meeting in May 2016.

The draft directive aims to make EU-standardised accessibility features mandatory for certain types of public sector body websites. Member states would be free to apply the requirements to content or websites not covered by the directive.

Easier web use and better business conditions

Under the draft directive, certain principles and techniques that make web content more easily usable are to be applied when creating websites. For example, websites should be compatible with assistive technologies such as screen readers, which convert text to speech. For users who have problems using a mouse, the website should be navigable using only the keyboard. Providing sufficient contrast between text and background or an easy way to increase font size is crucial for those with limited vision, and can also improve the browsing experience for any user.

The new rules will thus benefit all users, with or without disabilities, and will encourage their participation in the digital economy. Their EU-wide scope will help website developers offer their products and services across the EU without having to face extra production costs or other difficulties resulting from different national approaches in the sector. This should improve the functioning of the internal market and contribute to growth and competitiveness.

Council work on scope

Discussions under the Luxembourg presidency have mainly focused on the scope of the new rules. Member states have extended the scope to cover more types of websites and services than originally proposed by the Commission, but the current presidency compromise has had to take into account the constraints that the application of this directive could impose on some of the member states.

[Digital Agenda for Europe: Web accessibility](#)

Any other business

Internet governance

– *Information from the Commission*

Transatlantic Trade and Investment Partnership Agreement (TTIP):
negotiations on the information society and telecommunications component

– *Information from the Commission*

Work programme of the incoming presidency

– *Information from the Netherlands delegation*