

## ELDR briefing: Telecommunication legislation

### WHY is it important?

The "telecoms package" seeks to strengthen consumer rights and privacy protection, boost investment in new high-speed communications infrastructure, ensure that regulatory measures are applied consistently across the EU and modernize radio spectrum use. The bill focuses on changes to telecoms infrastructure, further liberalizing the sector and creating an EU-level telecoms regulator.

It is obvious that any meaningful economic recovery will depend, at least in part, on consumers' ability to access high speed internet connections. However, broadband access alone is not enough. Without a legislative framework that clearly spells out how service providers can manage their networks, billions of dollars or Euros, in this case, will have gone to waste. Rightly focused on securing future investments and protecting consumers, the European Union has taken an important first step in creating sustainable economic recovery, using the Internet as the vehicle.

### WHAT does this actually mean?

With the approval of the amendment on the limitation of internet access the implementation of the agreement previously reached with the Council on the reform of the regulatory framework for electronic communications - including mobile and fixed telephones, broadcasting, wireless and fixed internet has been delayed. Therefore, the whole "telecom package" is likely to be subject to conciliation in Parliament's next legislative term after the European elections. The Parliament does, however, agree with the Council on investments in new communications infrastructure, the reform of radio spectrum use, clear consumer rights and privacy protection.

### WHAT does the opposition say?

The Council of Ministers, which represents the 27 EU governments, had pushed hard to delete any reference to judicial authorities in the draft EU law regarding the rights of Internet users. Particularly the conservative French government pushed hard to prevent the last minute amendment by the European Parliament because it saw it as a blow to a draft French law that foresees steep penalties for Internet users who violate copyright laws by illegally sharing video or music files on the Internet. Under the proposed French "three strike" approach, offenders could see their Internet connection shut down after two consecutive warnings. The compromise, struck by Parliament and Council, referred only to "the right to a judgment by an independent and impartial tribunal".

### WHEN will this draft legislation now become a reality?

Telecoms ministers are to meet on 12 June, where they must decide whether to accept the package as a whole, including the parliament's amendment, or whether a 'conciliation' process between the two sides and mediated by the commission will have to begin in the autumn.

The Council now has until September to respond with its own text and the parliament then has up to eight weeks to convene a conciliation committee.

The Council would then under the chairmanship of the next, Swedish EU presidency have to negotiate with a freshly elected parliament - which is certain to have greater numbers of internet freedom advocates than the current chamber.

This conciliation process itself may then take up to another eight weeks, the result of which would still then have to return to the full sitting of the parliament for a third reading.

**For further reference:**

Liberal parliamentary group: <http://www.alde.eu>

EU Parliament : <http://www.europarl.europa.eu/news>

EU Observer: <http://euobserver.com/>

Euractiv : <http://www.euractiv.com>