COUNCIL OF THE EUROPEAN UNION

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NOTE

From: General Secretariat
To: Delegations
Subject: State of play on implementation of the Electronic Communications Framework - Information from the Commission

Delegations will find, in annex, a note from the Commission on the above-mentioned topic.
Building on the Communication "A Digital Agenda for Europe", Heads of State have called upon Member States and the Commission to work towards the completion of the Digital Single Market by 2015.

The implementation of the revised electronic communications framework adopted by the European Parliament and the Council in December 2009\(^1\) is an important element in achieving this target, and the deadline for implementation was in May this year.

The updated regulatory framework give businesses and consumers new rights for the digital age, and equips Member States with key tools for addressing the challenges of a sector that plays a key role in delivering growth and innovation in Europe.

As an illustration, the framework caters for a more efficient management of radio frequencies which has opened the way for the recently agreed radio Spectrum Policy Programme. It also gives Member States a common level playing field to encourage broadband network deployment while maintaining an adequate level of competition among operators. Moreover, it provides Member States with important powers to address net neutrality challenges. The Body of European Regulators for Electronic Communications (BEREC) established with the electronic communication framework also allows for more regulatory certainty and help telecoms operators to grow in the single market.

Swift and consistent implementation of these rules has been rightly recognised as one of the priorities of the Digital Agenda for Europe (COM (2010) 245).

Member States made efforts to meet the implementation deadline of 25 May 2011. Commission services have also helped Member States with guidance papers on a number of issues and with bilateral assistance whenever requested.

However, at the end November, a majority of Member States had not yet adopted and/or notified the Commission the measures ensuring the full transposition of the regulatory framework. This has prompted the Commission to use its powers under the Treaty on the Functioning of the European Union.

It should be a priority for the fifteen Member States concerned to implement these rules fully and without any further delay, thereby allowing their businesses and consumers to grasp the opportunities offered by the digital economy and contribute to deliver growth and innovation in Europe.