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EBU position on the European Commission proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code

The European Broadcasting Union (EBU)¹ welcomes the publication of the Commission proposal for a Directive establishing the European Electronic Communications Code² as a good basis for the development of a modern and future-proof EU regulatory framework.

EBU Members - public service media (PSM) organisations from across Europe - actively contribute to the success of Europe's electronic communications sector, as well as the take up of network connectivity with the development of new services, formats and technologies. They are major investors in high quality programming, news and documentaries. PSM spent 16.6 billion euros on programmes in the EU in 2014, of which 84% was on original content production.

The EU framework for electronic communications has a direct impact on the availability and quality of audiovisual media services. It provides EU Member States with regulatory tools to promote citizens' access to content, and to prevent distortion or restriction of competition in the electronic communications sector. This review is an opportunity to confirm and modernise these tools, which ultimately support media pluralism and cultural diversity in the EU.

The EBU calls upon EU decision makers to maintain and update strong ex ante rules at EU level, that underpin end-user access to general interest content. These will remain vital for national legislators and regulators to ensure fair competition in concentrated communications markets and adequate access and interconnection as well as to provide guarantees for end-user connectivity. They are even becoming more important in an era when market concentration and vertical integration are reshaping today's telecom and audiovisual sectors.

For these reasons, the EBU calls for strengthening the Commission proposal in order to address the following key objectives:

- *Must-carry obligations need to be preserved and modernised in Article 106 so as to be future proof and in line with evolving media distribution systems and consumer trends*
- *NRAs should be able to impose access obligations in order to ensure end-users can enjoy audiovisual media services and related complementary services, Article 59 and Annex II Part II should thus be amended accordingly*

¹ EBU is the world's leading alliance of public service media with 73 member organisations in the European Union and beyond: <http://www.ebu.ch>

² http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=comnat:COM_2016_0590_FIN

- *Audiovisual media services should be included in the list of services which a functional Internet access service is capable of supporting if such an approach were to be retained in Annex V*
- *Interoperability of radio equipment and the introduction of multi-standard radio sets should be promoted, which should be reflected in Article 105*
- *Radio spectrum should be organised in order to ensure that harmful cross-border interference is avoided not just for "harmonised" spectrum but for all different types of wireless transmissions, this should be taken into account in Article 28 (1)*
- *Existing EU decisions in the field of radio spectrum, including the recently adopted Decision on the use of the 470-790 MHz frequency band in the Union, should remain unaffected by the proposed Directive, this should be stressed in Article 45 (3)*

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