



Policy Statement

The Access Chapter of the Electronic Communications Code: final discussions

As the final stages of debate on the Electronic Communications Code approach, there is much still to play for to fulfil the original vision of stimulating investment in Europe's digital future.

Further trilogue discussions will take place on the draft Code, and in particular the question of access to networks. Behind the often technical nature of the debates there is an important central question: how to best promote competition and the necessary investments in Europe's gigabit networks and create the right foundations for a plethora of promises that the digital future holds.

The answer lies in three core ingredients:

Stable, tried and tested rules which are proven to be effective: keep sector specific competition concepts strictly aligned with general competition rules;

Clarity: Third party access is imposed on operators with Significant Market Power (SMP) when there is a persistent market failure and following an in-depth market analysis;

Proportionality: Third party access which is further imposed on any player big or small should be limited to very specific situations, such as in-house broadband wiring. A regime which imposes access to other points in the network under article 59.2 of the Code is ambiguous and will lead to fragmentation in national approaches. It will diminish the strength of SMP – the foundation of European telecoms regulation for nearly two decades. It should come into play only under exceptional circumstances – when infrastructure based



competition is not able to play its role fully, i.e. when there are high and non-transitory economic or physical barriers to replication of networks limiting competitive outcomes for end users. Finally, a regime of this exceptional nature must be balanced by the veto power of the Commission.

The opportunity remains to ensure that Europe moves forward with a stable, clear and proportionate framework within which investments will be made, innovations will thrive and citizens will be the digital beneficiaries.

We urge all actors in the trilogue to hold firm to the goals of the Code, and create a harmonised digital future for Europe.

About Cable Europe

Cable Europe is the trade association that connects leading broadband cable TV operators and their national trade associations throughout the European Union. The regulatory and public policy activities of Cable Europe aim to promote and defend the industry's policies and business interests at European and international level. The European cable industry provides high speed broadband internet, TV services, and telephony to more than 65.1 million homes in the European Union. www.cable-europe.