



Policy Statement

Cable Europe calls on the European Parliament and the Council to focus on investments in competing electronic communications networks

The Council of the European Union and the European Parliament have done remarkable work on many chapters of the Electronic Communications Code and good progress has been made to date.

The first inter-institutional negotiations are scheduled for the end of October. Cable Europe, representing Europe's main competitors to the incumbent telecommunications operators, takes this opportunity to reiterate its key asks for obtaining the legal framework conducive to the investments and innovation which will in turn benefit all European citizens.

- **Investment in Competing Infrastructures**
It's critical that the Code facilitates the investment in "competing infrastructures". Both investment and competition are fostered this way. This is also the winning recipe for enabling the Gigabit Society.
- **Technology Neutrality**
The new Code needs to be technology neutral. Cable and mobile technologies are very high capacity networks. An emphasis on Fibre-to-the-Home (FTTH) will have undesirable side effects on competition and forestall innovation in other technologies. It also increases the cost of broadband roll out in rural areas.
- **Proportionate Regulation**
Telecommunications sector-specific regulation has to be proportionate. Failure to deliver this will mean that broadband operators will be over regulated in comparison to other market players whilst - at the same time - they are investing heavily in the broadband networks of the future. Players without significant market power should remain free from sector-specific access regulation as this delivers a stable and predictable environment for the necessary private investments. Symmetric access regulation should remain the exception and be imposed only under very strict conditions.
- **SMP**
The Significant Market Power (SMP) concept is the cornerstone of access regulation. Individual or collective SMP has to remain strictly aligned with Union law and the principles of competition law. The criteria for establishing joint SMP are sufficiently understood in case law and economic theory – regulators are able to regulate poorly-performing oligopolistic markets with the existing toolkit. Any deviation will necessarily result in legal uncertainty for market participants; firms can neither accurately predict whether they will be regulated, nor do anything to avoid such regulation. It will therefore negatively impact the level of private investments.



- **Must-Carry**
Must-Carry rules should remain fit-for-purpose and also to the benefit of disabled users. Extension of must-carry rules to include data for connected TV and EPGs would have negative operational and technical consequences. The transmission of this type of data should be left to commercial negotiations.
- **Challenge areas**
The trilogue negotiations should re-focus on challenge areas – where currently there is little or no competition at all. This is undoubtedly the most important problem and - if solved - this will maximise overall benefits for society. The debates should not focus on potential future failures in oligopolistic markets, as these markets are factually best in class.
- **Spectrum**
The European Union needs an ambitious spectrum policy. Only a coordinated spectrum policy at the EU level will unleash the necessary investments in radio equipment and networks. More mobile services will result in more choice for end-users, including the most remote areas of the European Union.

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 63 million homes in the European Union. www.cable-europe.eu