European Parliament: First Reading of New Telecoms Package

IRIS 2008-10:1/3

Christina Angelopoulos
Institute for Information Law (IViR), University of Amsterdam

On 24 September 2008, the European Parliament approved, in the first reading, with amendments, the proposals initially tabled by the European Commission on 13 November 2007 with a view to reforming the existing EU telecoms rules, in place since 2003. The new Telecoms Package aims to create a Single EU Telecoms Market, encompassing the internet and telecoms sectors, with emphasis on more rights and better choice for consumers, as well as stronger competition. As the President of the European Commission José Manuel Barroso explained, “Telecoms is a field where our single market can bring about very concrete results for every citizen […] At the same time, a single market with 500 million consumers opens new opportunities for telecoms operators […] A more European regulatory approach is particularly justified in telecoms. After all airwaves know no borders. And the internet protocol has no nationality."

The Telecoms Reform Package introduced three main legislative proposals. The first of these would encompass amendments to the current Framework Directive, Access Directive and the Authorisation Directive. The second would entail amendments to the Universal Service Directive and the Privacy and Electronic Communications Directive. The third involves the introduction of a regulation establishing a European Electronic Communications Market Authority (EECMA).

The main features of these proposals involved the following: more transparency and better information for consumers; the introduction of functional separation so as to boost competition; number portability with regard to both fixed and mobile service providers; better access for users with disabilities; better protection of users’ private data; a review of radio spectrum management, so as to achieve “Broadband for All” within Europe (see IRIS 2008-10: 3) and the establishment of an EU Telecoms regulator.

The European Parliament did introduce a number of amendments to the Commission’s original text. Key amendments included: (a) Amendment 138 of the Trautmann report and amendment 166 of the Harbour report. These state that users’ rights to access content, services and applications may not be restricted in any way that infringes their fundamental rights. Restrictions must be proportionate and require a prior ruling by a judicial authority; (b) The replacement of the strong EECMA with a co-regulatory and smaller Body of

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European Regulators in Telecoms (BERT).

In particular, amendment 138 has caused debate, due to its incompatibility with the *riposte graduée* approach to the protection of copyrighted works online introduced by the French Bill "Création et Internet" (see IRIS 2008-10: 10). French President Nicholas Sarkozy sent a letter to President Barroso, asking that the amendment be rejected by the Commission. The Commission, in turn, noted its respect for the democratic decision of the MEPs and the deliberately balanced language of the amendment and invited the French government to discuss its views in the next Telecoms Council.

After their initial suggestion by the European Commission last November, the Council of Telecoms Ministers expressed its view on the proposals for reform over the summer and the European Parliament debated the question, first at Committee level and then during its plenary session on 2 September 2008. Both bodies have to agree on the final text on identical terms, in accordance with the rules of the Article 251 co-decision procedure. Next in line is the up-coming meeting of the Telecoms Council, planned for the end of November.

European Parliament legislative resolution of 24 September 2008 on the proposal for a directive of the European Parliament and of the Council amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services, Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and Directive 2002/20/EC on the authorisation of electronic communications networks and services (COM(2007)0697 – C6-0427/2007 – 2007/0247(COD)), Brussels, 24 September 2008

http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0449+0+DOC+XML+V0//EN&language=EN

European Parliament legislative resolution of 24 September 2008 on the proposal for a directive of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users" rights relating to electronic communications networks, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on consumer protection cooperation (COM(2007)0698 – C6-0420/2007 – 2007/0248(COD)), Brussels, 24 September 2008

http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0452+0+DOC+XML+V0//EN&language=EN

European Parliament legislative resolution of 24 September 2008 on the proposal for a regulation of the European Parliament and of the Council establishing the

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European Electronic Communications Market Authority (COM(2007)0699 – C6-0428/2007 – 2007/0249(COD)), Brussels, 24 September 2008

http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0450+0+DOC+XML+V0//EN&language=EN

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