

BEREC statement on the publication of a European Commission proposal for a Regulation on the European single market

BEREC has taken note of the European Commission's proposal for a regulation laying down measures intended to complete the European single market for electronic communications and to achieve a Connected Continent.

BEREC supports the Commission's objectives to promote the single market and to ensure optimal conditions for greater investment in the sector, in the interest of European consumers and the wider European economy.

However, BEREC is concerned that the proposed regulation is being rushed through the European legislature without proper explanation and full exploration of its potential consequences, given that the proposals represent a shift away from the current approach (based on pro-competitive regulation) towards one that favours market consolidation. BEREC is concerned that the draft regulation will jeopardise the integrity of the EU framework and its achievements, in terms of investment, competition and consumer benefit. In this respect it is also important to bear in mind that the state of the sector in Europe is not quite as bleak as has been suggested.¹

Furthermore, in BEREC's view, the proposals risk undermining legal certainty, in contrast to the Commission's own stated objectives of creating a predictable regulatory environment, essential to the promotion of efficient investment and effective competition. Indeed, the proposals represent an aggregation of several unrelated measures, whereas the EU Framework is a complex regulatory ecosystem that should be approached as a coherent whole.

BEREC is also concerned that the proposals represent a substantial shift in the balance of power between the Commission, Member States and National Regulatory Authorities, centralising competences at the Community level. These proposals risk undermining the ability of national regulators, whether acting individually or collectively, to take appropriate and proportionate regulatory action in all the relevant markets.

BEREC would have welcomed the opportunity to cooperate with the Commission during the conception and elaboration of this legislative initiative, which was also not subject to a public consultation, and therefore did not benefit from the input of consumers, industry players and national regulators. As a result, the Commission has not had the opportunity to test the extent to which its proposals will deliver on its stated objectives, or the extent to which they are operationally feasible or effective, or might otherwise have unintended consequences.

¹ According to recent figures, broadband technologies in Europe deliver faster speeds (*Quality of Broadband Services in the EU March 2012* - European Commission) and often at lower prices than in the U.S (*Range of broadband prices per megabit per second of advertised speed* (Sept. 2011), OECD). Some of the most competitive markets in Europe offer mobile communication at half the price of the US (*Price for 300 calls + 1 GB mobile basket* (August 2012), OECD).

In fulfilment of its statutory role, BEREC remains committed to providing its technical and sector expertise to all institutional actors to assist them in their considerations of the text and of its implications during the legislative process. BEREC is committed to helping to deliver tangible benefits to the European communications sector and to the European economy, and to ensure that the achievements of the 2009 EU Framework are not inadvertently undermined by the expediting of legislative reform.