

European Governments Seek Greater Oligopolization of Telecom Infrastructures

In March, more than 31 European Community Networks (CNs) wrote an [open letter](#) to EU policy-makers, stressing the need for an adaptation of the European legal framework aimed at helping these citizen-driven initiatives flourish, thus supporting alternative, democratic and sustainable ways to meet the goals of broadband policies. But rather than opening the door to a much-needed diversification of the telecom ecosystem, European governments only seek to reinforce the dominant positions of incumbent players. As the EU gets closer to a deal over the future of European telecom regulation, the EU Parliament must resist the pressure and reaffirm its commitment to the public interest.

The European Parliament voted yesterday evening on the [draft European Code for Electronic Communications](#), which will form the basis of telecom regulation across the EU for the next decades. The worst was avoided thanks to a majority of members of the Industry, Research and Energy (ITRE) who resisted calls for a sweeping deregulation. The version adopted by the committee maintains enough room for National Regulatory Authorities (NRAs) to regulate monopolistic situations and take Community Networks (CNs) into consideration¹, for instance by giving them access to optical fiber networks or promoting shared and unlicensed access to the radio spectrum, which can be essential to swiftly build affordable and flexible networks.

The Members of EU Parliament responsible of the text – in particular the rapporteur [Pilar del Castillo](#), known for being close to the Spanish incumbent Telefonica – will now have to negotiate with the EU Council, which represents European governments. But these so-called “trialogue negotiations” have an obvious lack of transparency, making them very difficult to follow. This is all the more worrying given that the EU Council has drafted a very alarming [version of the draft](#) code, which aims at overhauling pro-diversity policies and at encouraging the oligopolization of telecom infrastructures.

On access regulation, the Council wants to see a 7-year period without regulation after new network deployments (such as newly rolled-out optical fiber networks). The national regulatory authorities would then have no way of imposing pro-competitive obligations on incumbents, giving big telcos all latitude to extend their oligopolistic positions at the detriment of CNs and other cooperative or non-profit operators. Should the Council proposal prevail, we will witness the disappearance of small alternative network operators.

On radio spectrum, the EU Council intends to preserve the Governments' control over this vital resource, which will allow them to pursue ill-advised policies benefiting the biggest operators and failing to make the best out of the radio commons. In particular, this will undermine the alleged efforts from the European Commission to develop and extend the shared and unlicensed access spectrum, which enables the development of cooperative or non-profit operators and boosts diversity in the telecom sector.

On institutional aspects, the Council wants to let Member States decide which authority shall ensure market supervision and users' rights. By allowing for the circumvention of NRAs, this could undermine any form of independent national regulation as well as any form of coordination at European level.

In a policy domain that has for too long been prone to regulatory capture by private interests, we call on the Members of the European Parliament to defend the public interest by promoting pro-competition and pro-diversity policies. By resisting the pressure of European governments who seek

to further entrench the power of the largest industry players over network infrastructures, our elected representatives can ensure that alternative operators and local communities have the adequate means to develop and innovate, offering forward-looking models and services to the benefit of all.

Co-signatories

1. Aquilenet
2. Association Viviers Fibre
3. Chaos Computer Club Lëtzebuerg
4. BlueLink Foundation
5. Fédération FDN
6. FDN
7. freifunk.net
8. Frënn vun der Ënn
9. guifi.net
10. Ilico
11. Instituto Bem Estar Brasil
12. La Quadrature du Net
13. netCommons
14. Ninux
15. NetHood
16. Open Technologies Alliance - GFOSS
17. Renewable Freedom Foundation
18. Sarantaporo.gr Non Profit Organization
19. WirelessPT.net

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