MEETING OF THE COMMUNICATION COMMITTEE OF 16 FEBRUARY 2021

SUMMARY REPORT

(1) Opening of the meeting. Introductory remarks and adoption of the agenda

The Commission services informed the delegates of the continuation of the online mode for the organisation of the Communication Committee meetings, due to COVID-19.

The Commission services then proceeded with the proposal to adopt the agenda. In the absence of any comment on the agenda, it was considered adopted without any change.

(2) Update on ongoing initiatives

The Commission services informed the delegates on the state of play regarding the upcoming Delegated Act setting single maximum Union-wide voice termination rates. In particular, the Commission services highlighted that on 18 December 2020, the Commission adopted a Delegated Regulation setting ‘Eurorates’ in line with the Code. The Regulation would normally enter into force only once the two-month objection period by the European Parliament and the Council will have elapsed and after publication in the Official Journal.

Afterwards, the Commission services informed the delegates about the latest developments on the Connectivity Toolbox Recommendation and on the review of the Broadband Cost Reduction Directive.

In particular, on the Connectivity Toolbox Recommendation, delegates were informed that on 19 September 2020, the Commission adopted a Recommendation on Connectivity calling on Member States to boost investment in very high-capacity broadband connectivity infrastructure, including 5G. In this Recommendation, the Commission invites Member States to come together to develop and agree, by 30 March 2021, a common approach, in the form of a Toolbox of best practices, for the timely rollout of fixed and mobile very high-capacity networks, including 5G networks. A Special Group, composed of representatives of the Member States and the Commission has been set up to perform the tasks provided for in the Recommendation.
On the **review of the Broadband Cost Reduction Directive**, on 30 October the Commission services submitted to BEREC a request for opinion on the BCRD review with a view to having it adopted by March 2021. The draft opinion will be presented at the next BEREC Plenary in March for finalisation and adoption.

Thursday 11 February marked the 30 years anniversary of the introduction of the **112 single European emergency number**. The Commission services informed the delegates of the latest developments on the emergency communications and the single European emergency number ‘112’. In particular as regards current implementations, on 15 December 2020, the Commission adopted the 2020 Report on the effectiveness of the implementation of the European emergency number ‘112’, which has been submitted to the European Parliament and to the Council in line with Article 109(4) of the EECC. As in the previous years, the report is based on a data gathering exercise in COCOM. The report is available in all EU official languages. The Commission will report to the European Parliament and the Council every two years.

Secondly, participants were informed that on 20 January 2021, the Commission launched a call for a Study on “Technical Solutions to Ensure Compatibility, Interoperability, Quality, Reliability and Continuity of Emergency Communications in the Union”. The objective of the study is to provide information on existing and potential future technical solutions and standards concerning caller location information, equivalent access for end-users with disabilities, and routing to the most appropriate Public Safety Answering Point, for effective emergency communications. This will ensure access to emergency services to all citizens, including when travelling within the EU, and assess their technical and economic feasibility. The study is also aimed at providing input to support the preparation of the delegated act(s) foreseen in Article 109(8)EECC.

**3) The European Electronic Communications Code, state of play on the transposition and implementation**

The Commission services reminded that the deadline of the transposition of the EECC was set for 21 December 2020 and to this date, only one Member State has managed to communicate to the European Commission the full transposition of the Directive.

Because of this, the Commission has launched on 4 February infringement proceedings against 24 Member States (excluding 3 Member States, which have communicated full transposition in the meantime). The launch of the infringement proceedings does not have a sanctioning aim towards the Member States. However, the Commission is convinced that the timely and correct transposition of pro-investment and pro-consumer legislation such as the European Electronic Communications Code is a significant driver for the recovery.

The Commission services also highlighted that the Commission will now wait to receive the replies within the 2 months’ deadline and in the meantime to receive other notifications of full transposition. The Commission will proceed to close the infringement proceedings as soon as complete transposition is notified.

Afterwards, the Commission services stressed the need that the notifications of transposition measures are accurate and fulfil the conditions of the case-law, i.e. are accompanied by a transposition table. A template of this transposition table is available in Circabc.
The meeting continued with the tour de table, starting with the Member States that finalised the full transposition. The other were divided into three categories, according to when the transposition measures are expected to be notified:

1) Transposition measures are expected to be notified still in Q1 2021
2) Transposition measures are expected to be notified in Q2/Q3 2021
3) Q4 and beyond

(4) Harmonised EU Number for violence against women helplines

The Commission services informed the delegates that last year the German Presidency launched the initiative to establish a new harmonised number – ‘116 016’ – for helpline for victims of gender-based violence against women. The Commission services also indicated that an information note has been circulated prior to the meeting (COCOM21-04).

The Commission services presented the background and current status of this initiative, its added value and the challenges that setting up a EU-wide emergency number present (the presentation has been shared with the delegates through Circabc).

The Commission services concluded that Member States have time to submit their declarations of support for the initiative until 15 March and that at the next COCOM meeting, the Commission will provide an update on the initiative and, if possible, ask for COCOM opinion on launching the procedure to amend the Annex of the 116 Decision.

(5) Case-law overview

The Commission services presented the most important recent case-law and indicated that a list of press releases related to these cases has been distributed to the delegates prior to the meeting (COCOM 21-05).

Case-laws presented

Preliminary proceedings – under Article 267 TFEU

Joined Cases C-807/18 and C-39/19 - Telenor Magyarország Zrt. v Nemzeti Média- és Hírközlési Hatóság Elnöke – Hungary

C-539/19 - Bundesverband der Verbraucherzentralen und Verbraucherverbände-Verbraucherzentrale Bundesverband eV v Telefónica Germany GmbH & Co. OHG – Germany

Proceedings under Article 258 TFEU
C-49/19 - Commission v Portugal (Action brought on 25 January 2019 under Article 258 TFEU) - Portugal

Infringement Proceedings

C-543/17 - Commission v Belgium

(6) Any other business

The Commission services updated the delegates on the new 5G indicators. The delegates have received an information note prior to the meeting (COCOM 21-03). The final indicators for this year for DESI and for the 5G indicators for 2021 are finalised, but there will be further refinement for next year, also thanks to the collaboration with the Member States and BEREC. The key-performance indicators, it was highlighted by the Commission services, including the new 5G indicators will play a crucial role moving forward with the Von der Leyen priorities for the Digital Decade.