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NOTE

From:	Presidency
To:	Council
Subject:	Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code - Information from the Presidency

1. On 14 September 2016, in the context of its Digital Single Market Strategy, the Commission adopted its connectivity package including a proposal for a *Directive of the European Parliament and of the Council establishing the European Electronic Communications Code*¹ (Code) with Article 114 TFEU as a legal basis. The Code is a REFIT proposal, combining four existing Directives (Framework, Authorisation, Access and Universal Service²), now consolidated into a single legal text. The Impact Assessment³ accompanying the proposal, which covers also the proposal for a *Regulation establishing the Body of European Regulators for Electronic Communications (BEREC)*, was duly considered during the Slovak Presidency, at the initial stage of its examination, as reflected in the Progress Report prepared by the Maltese Presidency (Doc. 9355/17).

¹ Doc. 12252/1/16

² Directives 2002/21/EC, 2002/20/EC, 2002/19/EC and 2002/22/EC

³ Doc. 12252/16 ADD 2, ADD 3, ADD 4, ADD 5

2. The Code will provide a revised legislative framework for Electronic Communications Services and Networks that is fit for the purpose of moving toward the Gigabit Society. In particular, it will support the aim of a successful 5G rollout, an objective emphasised through the Tallinn 5G Ministerial declaration and now the 5G roadmap.
3. The importance of this file and the desire to move to swift adoption has been made clear throughout its consideration, including in the European Council conclusions of October 2016, June 2017 and October 2017⁴.
4. On 11 October, the COREPER granted unanimously the Presidency a first negotiating mandate on the basis of document 12797/1/17. The first opening trilogue with the European Parliament took place on 25 October. The second trilogue is expected to take place on 6 December with focus on the general objectives and spectrum provisions and a high level exchange on end-user rights, universal service and some new elements introduced by the Parliament.
5. The Presidency will inform Ministers of the status of the negotiations and of the main divergences between the co-legislators.

⁴ Documents: EUCO 31/16 paragraph 17, EUCO 8/17 paragraph 13 and EUCO 14/17 paragraph 11