

EU ELECTRONIC COMMUNICATIONS CODE

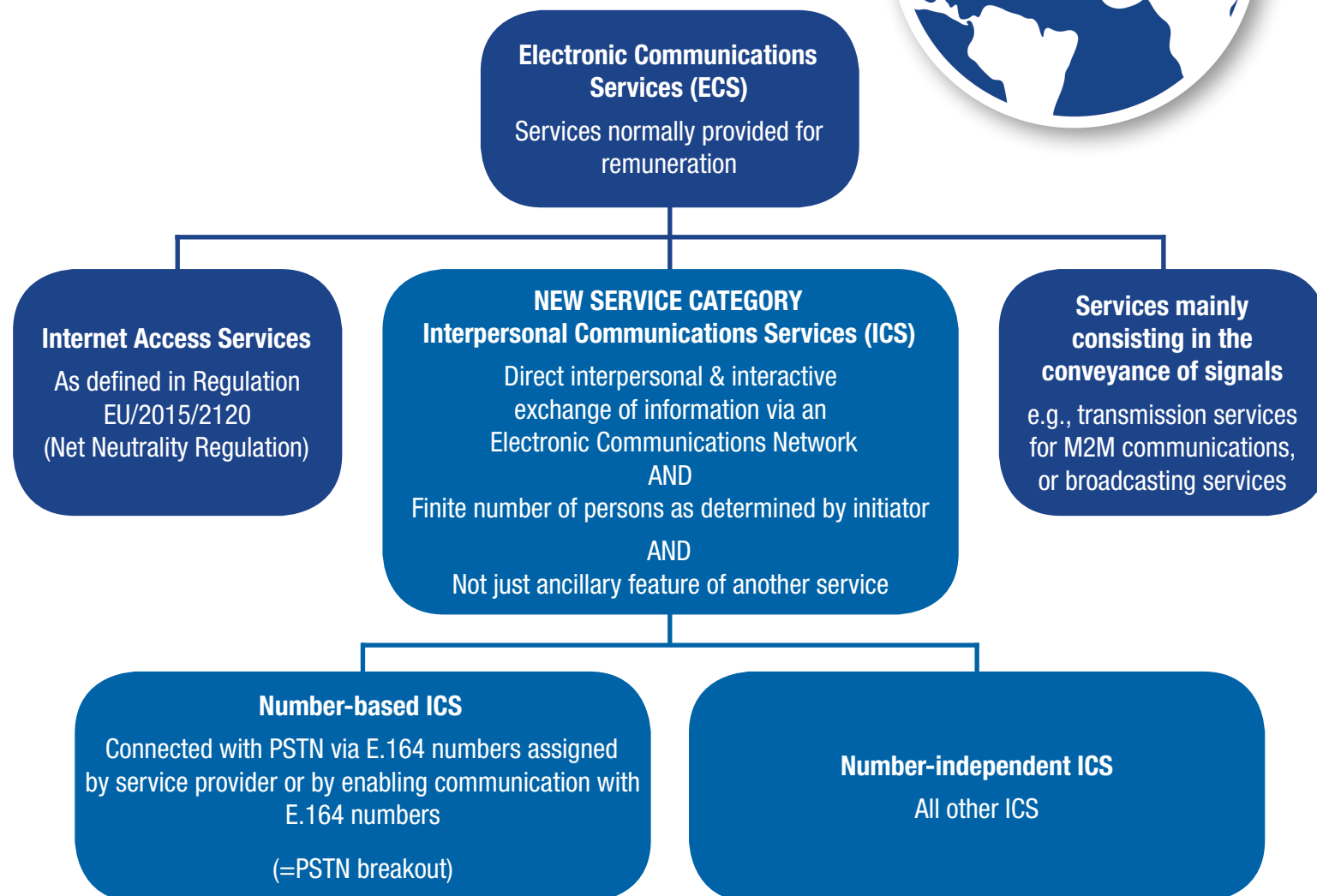
September 2016 Draft – Impact on OTT Services



QUICK FACTS

- EU Commission presented draft directive called “European Communications Code” (ECC) on September 14, 2016
- ECC shall replace the current EU telecoms framework which was last revised in 2009
- Goals:
 - Further harmonization of EU telecoms law
 - Consistent EU-wide approach on spectrum policy
 - Reflect increased use of OTT communications services
 - Incentivize investments in high-speed broadband networks
 - Improve set-up of regulators
- ECC will have no direct effect but must be implemented into Member State law
- Limited room for Member State deviation or additional regulations except where public security is concerned

SERVICE CATEGORIES



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NEW OTT RULES

- All OTT communications services will likely qualify as ICS (regardless of PSTN connectivity)
- Only Number-based ICS will be regulated on the same level as traditional telecoms services
 - Rules for Number-independent ICS:
 - Only subject to further obligations where required by public policy interests
 - No general authorization, but notification may still be required
 - No mandatory participation in dispute resolution
 - No obligation to provide access to emergency services
 - Most sector-specific consumer protection rules will not apply
 - No additional info requirements for contracts or transparency requirements demanding publication of general or quality-of-service-related information
 - Restrictions on maximum contract duration and termination do not apply
 - No obligations to facilitate change of provider
- Interoperability/standardization obligations may only be imposed by NRA if the general access to emergency services or the general end-to-end connectivity between end-users becomes endangered due to lack of interoperability between ICS

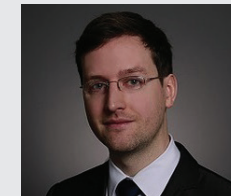
OTHER KEY CHANGES

- Broadly harmonized consumer protection rules, with only limited room for Member State deviations
- Access regulation enhanced by rules on access to passive infrastructure and on deployment of high capacity networks
- Stronger harmonization of spectrum management rules
- Numbering provisions amended to reflect need for M2M numbering resources
- BEREC as single point of contact for all service provider notifications

YOUR KEY MOFO CONTACTS



Andreas Grünwald
Partner, TMT Regulatory,
Berlin
+49 (0)3072622-1320
AGruenwald@mofo.com



Christoph Nüßing
Associate, TMT
Regulatory, Berlin
+49 (0)3072622-1320
CNuessing@mofo.com

FURTHER LEGISLATIVE PROCESS

