

Press release

EUROPE

Transposition of the European Code: Arcep welcomes its newfound powers and publishes its Opinion to the Government

Paris, 3rd June 2021

The Order for transposing the European Electronic Communications Code was published on 27 May. Today, Arcep is publishing its Opinion on this text, and on the regulatory transposition measures which were placed before the Directorate General for Enterprise (DGE) in January 2021.

Overall redraft to adapt existing rules to the changing digital environment and usage habits

Ever since the first steps were taken to open the sector up to competition, the framework governing electronic communications in France has been largely shaped by European rules. Contained in a set of texts referred to as the “Telecoms Package”, these rules underwent major reforms with the adoption of a Directive from the European Parliament and Council in December 2018, establishing the European Electronic Communications Code.

The more recent overhaul of the European Electronic Communications Code had several objectives, to enable the European Union to tackle the new challenges facing the electronic communications sector, and particularly:

- the widespread deployment of very high capacity fixed and mobile networks across the continent;
- the regulation of new “over-the-top” (OTT) players, providing calling and instant messaging services;
- updating the universal electronic communications service to keep pace with the public’s changing usage habits, notably by incorporating a decent broadband internet access service;
- increasing national regulatory authorities’ independence.

The provisions in the transposition Order endow Arcep with a more diverse toolkit for more agile regulation

The transposition of the European Electronic Communications Code helps shore up Arcep’s role and actions, in particular through a consolidated and enhanced set of tools. For instance: Arcep’s information gathering powers have been expanded to include the ability to query market players other than operators (“*other relevant undertakings active in the electronic communications or closely related sectors*”). In addition, the transposition Order introduces a mechanism for operators that have been designated as having significant market power (i.e. SMP operators) to submit proposed access or co-investment commitments to Arcep, which the Authority can make legally binding.

The provisions in the transposition Order create the ability to rise to the new challenges awaiting the sector

The transposition Order gives Arcep the means to promote ubiquitous access for everyone in France to every superfast access network and a guarantee of high quality coverage, to foster the development of innovative services through the deployment of 5G, and to regulate new OTT undertakings providing electronic communications services.

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In particular, the transposition text validates the symmetric regulation framework that is the bedrock on which rests the success of the France Très Haut superfast access scheme. The transposition thus creates the ability to bring ambitious superfast rollout targets to fruition, including in the country's most remote areas.

The provisions contained in the Order come to complete the first legislative elements transposed by Act No. 2020-1508 of 3 December 2020, containing various economic and financial provisions of adjustment to European Union Law (DDADUE), regarding geographical surveys of networks and the universal service.

Associated document:

[Arcep Opinion](#)

[Order No 2021-650 of 26 May 2021 transposing Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018](#)

Arcep at a glance

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile communications and postal networks in France.

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