

Newsletter

IP, TMT and Data Protection Department

The MiSE opened a public consultation on the transposition of the European Electronic Communications Code in Italy

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On May 21, 2021, the Ministry of the Economic Development (“MiSE”) launched a **public consultation on the draft legislative decree transposing Directive (EU) 2018/1072**, establishing the European Electronic Communications Code (“EECC”) which will intervene on the regulations currently set out in Legislative Decree no. 259 of August 1, 2003 (Italian Electronic Communications Code).

The boost on the transposition process is to be positively considered in light of the requests in that the European Commission addressed to Italy. In February 2021 the European institution had indeed opened an infringement procedure against several Member States (including Italy) for failing to comply with the transposition deadline – set on December 21, 2020.

Key topics on which MiSE considers appropriate to receive comments on, from the *stakeholders* of the whole electronic communications industry are the following:

- the **simplification measures** to be introduced to facilitate and develop connectivity and to boost investments in **ultra-broadband networks**;
- a **notion of universal service** that reflects technological progress, market evolution and user demand;
- the **criteria** to be considered for the definition of **administrative fees and contributions for the rights of use of frequencies and numbering resources**; on this point a reconsideration of the obsolete criteria previously established for calculating the annual fees requested to electronic communications operators (as currently provided for by Annex 10 of the electronic communications code currently in force), as well as a re-evaluation of the actual amounts requested, can be envisaged;
- the regulatory **provisions to be extended to providers of so-called “Over The Top” (OTT) services** that will fall within the definition of “electronic communications services” provided for by the EECC. Amongst other things, such extension will lead to the inclusion in the scope of application of the sector regulations of services other than traditional voice services, which are instead provided online and independently of the numbering of the

national numbering plan ("PNN") currently regulated by resolution No. 8/15/CIR of the Italian Communications Authority ("AGCom");

- Regulatory measures, organization and means for **spectrum management** that can facilitate the development of innovative projects and the **deployment of 5G services in Italy**;
- the measures to be adopted for companies operating exclusively on the *wholesale* market (**so-called *wholesale-only operators***), already specifically considered by certain regulatory provisions set forth in the EECC and in certain AGCom resolutions (e.g. resolution No. 120/16/CONS defining the conditions for accessing the infrastructures built with public funding on the basis of initiatives and tenders of Infratel);
- the regulatory regime to which **co-investment** projects, and related commitments, shall be subject in order to encourage the development of investments in ultra-broadband networks and access to very high capacity networks;
- **evaluations of the regulatory framework regarding consumer protection**, with a specific focus on issues relating to numbering resources, quality of services and information obligations regarding contracts in light of the new approach of maximum harmonization adopted with the EECC.

Contributions in response to the questions raised in the public consultation must be sent to MiSE **by June 12, 2021**.

The Italian version of the document is available [here](#).

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