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signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 11 May 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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**COMMISSION STAFF WORKING DOCUMENT**

**Europe's Digital Progress Report 2017**

# Europe's Digital Progress Report — 2017

## Telecoms chapter

### ITALY

#### 1.

#### Competitive environment

Coverage	IT-2015	IT-2016	EU-2016
Fixed broadband coverage (total)	99%	99%	98%
Fixed broadband coverage (rural)	94%	94%	93%
Fixed NGA coverage (total)	41%	72%	76%
Fixed NGA coverage (rural)	3%	16%	40%
4G coverage (average of operators)	no data	86%	84%

Source: Broadband Coverage Study (IHS and Point Topic). Data as of October 2015 and October 2016.

While fixed broadband is stable, at 99% coverage, next-generation access (NGA) coverage significantly increased in 2016<sup>1</sup>. The incumbent has planned to significantly increase ultra-broadband coverage in the period 2016-2018 and in 2016 it entered into a strategic partnership with an alternative fixed telecommunications provider. Together they set up a joint venture with 80% of the capital held by the incumbent and 20% by the alternative provider<sup>2</sup>. The goal of the joint venture is to speed up the creation of the fibre network (FTTH) in 29 cities with an investment of €1.2 billion. In addition, a new company with a wholesale passive-only business model became operational in 2016. This new company plans to invest €3.7 billion in the fibre network, expanding FTTH coverage to 250 main cities (over 9.5 million households) by 2019.

As for rural areas, roll-out data shows a significant increase in NGA coverage, from 3% in 2015 to 16% in 2016). Despite this progress, Italy is still lagging behind the EU average (40%).

Fixed broadband market shares	IT-2015	IT-2016	EU-2016
Incumbent's market share in fixed broadband	47.6%	46.6%	40.7%
Technology market shares			
DSL	93.5%	92.6%	66.8%
Cable	-	-	19.1%
FTTH/B	2.4%	2.7%	10.7%
Other	4.1%	4.6%	3.4%

Source: Communications Committee. Data as of July 2015 and July 2016.

In the meantime, there continued to be a small but steady reduction of the incumbent's market shares (which nonetheless remain above the EU average), and copper based x-DSL technology continued to dominate.

<sup>1</sup> According to the data of the Digital Economy and Society Index 2017, NGA coverage rose significantly from 41% of households in 2015 to 72% in 2016. Nevertheless, Italy is still below the EU average (76%).

<sup>2</sup> A new company was created for this purpose. At the beginning of 2017, the Italian competition authority (AGCM) launched an investigation into the new joint venture to determine if there was violation of Article 101 of the Treaty on the Functioning of the European Union (TFEU).

<b>New entrants' DSL subscriptions by type of access (VDSL excluded)</b>	IT-2015	IT-2016	EU-2016
Own network	0%	0%	0.7%
Full LLU	71.4%	72.1%	75.3%
Shared access	0.8%	0.7%	4.1%
Bitstream	27.8%	27.2%	13.4%
Resale	-	-	6.6%

Source: Communications Committee. Data as of July 2015 and July 2016.

<b>Charges of Local Loop Unbundling (monthly average total cost in €)</b>	IT-2015	IT-2016	EU-2016
Full LLU	9.5	9.4	9.2
Shared Access	1.6	1.5	2.4

Source: Communications Committee. Data as of October 2015 and October 2016

The lowest fixed broadband price (12-30 Mbps or above) is at €19.45, compared to €21.33 at EU level<sup>3</sup>.

## Mobile market

<b>Mobile market</b>	IT-2015	IT-2016	EU-2016
Market share of market leader	31%	30%	34%
Market share of second largest operator	29%	29%	28%
Number of MNOs	4	4	-
Number of MVNOs	15	16	-
Market share of MVNO (SIM cards)	7%	7%	-

Source: Communications Committee. Data as of October 2015 and October 2016.

Mobile broadband take-up confirmed its upward trend, while mobile broadband prices are still decreasing and well below the EU average. The average 4G coverage is 86% of Italian households, slightly above the EU average.

<b>Mobile broadband prices</b>	IT-2015	IT-2016	EU-2016
Least expensive offer for handset (1 GB + 300 calls basket)	18	17	30
Least expensive offer for tablet and laptop (5 GB basket)	10	9	18

Source: Mobile Broadband Price Study (Van Dijk). Prices expressed in EUR/purchasing power parity (PPP), VAT included. Data as of February 2015 and February 2016.

A key development in the mobile sector in 2016 was the merger between the third and fourth largest operators in the Italian retail mobile market. The Commission approved this merger on 1 September 2016. The parties involved offered as remedies the divestment of assets considered sufficient to allow a new operator to enter the Italian market as a fourth mobile network operator<sup>4</sup>. The merger was completed in November 2016.

<sup>3</sup> Source: Fixed broadband prices in Europe in 2016 (Empirica). Prices expressed in EUR/PPP, VAT included. Data as of autumn 2016.

<sup>4</sup> More specifically, the remedies consist of: 1) divestment to the new mobile network operator of a certain amount of the joint venture's mobile radio spectrum from different frequency bands (900 MHz, 1800 MHz, 2100 MHz and 2600 MHz); 2) the transfer/colocation (i.e. sharing) by the joint venture to the new mobile network operator of several thousand mobile base station sites; and 3) a transitional agreement (for access to 2G, 3G and 4G, and new technologies) allowing the new mobile network operator to use the joint venture's network

## 2. Supporting measures for deployment and investment in high-speed networks

### a. Spectrum

Harmonised bands	MHz spectrum assigned <sup>5</sup>	% of the harmonised band assigned
700 MHz	0	0%
800 MHz	60	100%
900 MHz	70	100%
1500 MHz	40	100%
1800 MHz	140	93.3%
2000 MHz paired	120	100%
2600 MHz	150	78.9%
3400-3600 MHz	126	63%
3600-3800 MHz	0	0%

In Italy, 65% of the spectrum harmonised at EU level for wireless broadband is assigned. In absolute terms this means 706 MHz, slightly below the EU average of 737.8 MHz. This percentage is mainly due to delays in finalising the assignment procedure concerning the 3.6-3.8 GHz band which is on hold due to the need to possibly reconsider the rules of the tender in view of future 5G deployment in this band<sup>6</sup>. Conversely, Italy is one of the three countries having already assigned, the 1.5 GHz band (1452-1492 MHz)<sup>7</sup>.

Selection criteria and procedures for granting the rights of use for spectrum have been designed to ensure coexistence between new and existing services and devices both in the 1.5 GHz band and the 3.6-3.8 GHz band. For the latter in particular, several provisions promoting sharing between different services and for different technologies were introduced. The finalisation of the assignment procedure concerning the 3.6-3.8 GHz band would be not only necessary to avoid further delay in putting into use this band to the benefit of businesses

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to offer customers nationwide mobile services until the new mobile network operator has built its own mobile network.

<sup>5</sup> Including guard bands.

<sup>6</sup> The band is one of what are called 'pioneer bands' identified at EU level for 5G deployment. At the end of 2016, the Commission mandated CEPT to perform new studies on the possibility of opening the 3400-3800 MHz band for 5G applications. In the context of the 5G Action Plan, Italy has launched a selection procedure to carry out trials on systems and radio access technologies for next-generation systems 5G in 5 Italian cities. The trials are set to take place on the 3.6-3.8 GHz band. Mobile operators, research centres and small and medium enterprises (SMEs) will be involved.

<sup>7</sup> The assignment was finalised at the end of 2015. The use of this band for SDL (supplemental downlink only applications) will enhance the downlink capability of mobile broadband systems, hence tackling the growing mobile data traffic asymmetry.

and consumers, but also beneficial in order contribute to the fulfilment of the broadband and ultra-broadband objectives.

The rights of use for the 900 and 1800 MHz bands will be expiring in mid-2018. Italy has adopted a law to enable existing rights holders to prolong their current rights up to 2029 to align the expiry date to other rights of use in ECS bands.

Coordination meetings with neighbouring countries have started in order to comply with the deadlines for releasing and making available the 700 MHz band for wireless broadband and to avoid interference problems during the transitional phase<sup>8</sup>.

In April 2016, AGCOM, the Italian NRA conducted a public consultation to verify market players' interest in licenced shared access to spectrum (LSA) as a 'frequency-agnostic' tool to increase efficiency in spectrum usage. The 2.3-2.4 GHz band appears as the most favoured candidate band for LSA implementation. However, no specific plans have emerged yet.

In 2016 significant progress was made in the long-lasting cross-border interferences in the 470 - 790 band. This occurred following the switch off of almost all relevant emissions in Italy and with the support of the 'good offices' of the radio spectrum policy group. There has also been progress in view of the assignment of the medium waves frequencies in amplitude modulation (AM), following a thorough assessment of existing demand and available frequencies. On frequency modulation (FM), the radio spectrum policy group's 'good offices' concluded that cross border interferences remained, in particular with Slovenia and Croatia. The group recommended that AGCOM adopt a plan for FM broadcasting and for the Italian Ministry of Economic Development to be given the effective power to enforce it.

#### **b. EU and national investment in broadband**

Despite positive development in NGA coverage in rural areas, the digital divide remains significant, and Italy is still far from reaching the EU average (40%).

Against this backdrop, in the context of the 2015 ultra-broadband strategy<sup>9</sup> the Italian government adopted in June 2016 a national state aid scheme, approved by the European Commission, mainly aiming at supporting NGA connectivity and ultra-broadband access in white areas.

The state aid scheme mainly focuses on areas in clusters C and D ("white areas") and aims at providing:

- in cluster C: 70% of households with access to an infrastructure able to supply at least 100 Mbps download speed; and 30% of households with access to an infrastructure able to supply at least 30 Mbps download speed;

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<sup>8</sup> To make the transition easier, new technology standards are mandatory for all television receivers for sale as of 1 January 2017.

<sup>9</sup> With the ultra-broadband plan approved in March 2015, the Italian government aims at creating a NGA network infrastructure able to provide the 85% of the population with 100Mbps high-speed broadband connections (in grey and black areas, so called 'cluster A and B') and 15% of the population with at least 30 Mbps high-speed broadband connections (in white areas, so called 'clusters C and D'). The plan divides Italy into 'four clusters' based on population density and the specific characteristics of each territory. Such 'clusterisation' is aimed at targeting public intervention according to the type of territory and the specific objectives for each area. The ultra-broadband plan follows other previous strategies adopted at national level in 2015, in particular the National Strategy for broadband and the National Strategy on Digital Growth.

- in cluster D: 100% of households with access to an infrastructure able to provide at least 30 Mbps download speed.

The scheme will run until 31 December 2022. The measure will be implemented on the basis of a 'direct intervention model'. In each intervention area one or more concessionaires will be selected through public tenders covering: (a) the construction of a passive network, and/or (b) the maintenance, management and commercial exploitation of the network. The infrastructure deployed will remain in public ownership and be made available at wholesale level to all service providers on non-discriminatory terms and under the technical and economic conditions laid down by the Italian national regulatory authority.

The measure has an overall estimated (maximum) budget of about €4 billion. Of this amount, about €2.2 billion is being funded by the DCF - development and cohesion fund - and about €1.8 billion mainly by EU structural funds (European Regional Development Fund and European Agricultural Fund for Rural Development)<sup>10</sup>.

Infratel, the Italian Ministry of Economic Development's in-house company acting as the contracting authority for all the projects implemented under this State aid scheme, launched two out of three calls for tenders in 2016<sup>11</sup>.

The two tenders and their underlying technical and economic conditions have been subject to judicial proceedings before the Italian administrative court, which could have an impact on the implementation of the Italian ultra-broadband strategy<sup>12</sup>.

One of the tools necessary to ensure the smooth implementation of the ultra-broadband national plan and to favour the reuse of already available infrastructure is a centralised database of available infrastructure<sup>13</sup>. Italy committed to creating a national federated database of infrastructure (SINFI<sup>14</sup>) and to ensuring its interconnection with the database of internet access networks maintained by the NRA. In this respect, in January 2016 the Italian NRA adopted a decision on the implementation of a database of internet access networks. The service is expected to be available on the NRA's website by the 1<sup>st</sup> quarter of 2017<sup>15</sup>. To date, interconnection between the two mapping exercises (SINFI and the NRA's mapping system) is not yet in place.

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<sup>10</sup> The exact amount will be updated on an annual base according to the investment planned by private operators and their actual degree of implementation.

<sup>11</sup> The first tender have been awarded at the beginning of 2017 to the new company with a wholesale passive-only business mentioned in para 1 above.

<sup>12</sup> On 20 March 2017, the administrative Court of first instance (*Tribunale amministrativo del Lazio*) published its decision on a complaint challenging the first tender, which has been in part rejected and in part considered inadmissible. Therefore, up to date the mentioned proceedings confirmed the validity of the government's initiatives.

<sup>13</sup> As highlighted in recital 78(a) of the 2013 EU guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks (2013/C 25/01) and also taking into account Directive 2014/61/EU of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communication network (the EU Cost Reduction Directive).

<sup>14</sup> *'Sistema Informativo Nazionale Federato delle Infrastrutture'*.

<sup>15</sup> The map will show the availability of the internet access service and specify the technology (fixed— xDSL, FTTC, FTTH and FWA- or mobile — 2G, 3G and 4G) and the expected speed (if available). The map will be updated as follows: 2G and 3G once a year; 4G every 6 months; xDSL every 6 months; FTTC, FTTH and FWA on a quarterly basis. The geographical resolution is 100 meters for fixed-line networks and 250 meters for mobile. Data are gathered by an official database of wholesale services provided by/to operators.

### c. State of transposition of the Broadband Cost Reduction Directive

Italy was the first EU Member State to transpose Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications networks. This was done by Italian Legislative Decree no. 33/2016 of 15 February 2016<sup>16</sup>. The Decree applies from 1 July 2016. The Decree identified the Italian NRA as the national dispute settlement body under Article 10 of the EU Directive. In 2016, the NRA set out the procedural rules for the relevant dispute settlement proceedings. Two disputes related to the application of Article 3(2) of the Directive (refusal of access) are pending and one has been settled.

#### 3.

#### Regulatory function

The markets included in the 2014 Recommendation on Relevant Markets are all still subject to regulation in Italy, in particular markets 3a and 3b, which were reviewed in 2015. As a consequence of the reinforcement of non-discrimination obligation, a new model of equivalence of treatment by Telecom Italia ('equivalence of input') was adopted at the end of 2016. Details on the disaggregation of the ancillary services and the implementation of multi-operator vectoring are still lacking pending the conclusion of the formal proceeding.

As to the Multi Operator Vectoring (MOV), two operators have started MOV trials on 96 customers in Turin, with a mono-vendor solution. Currently these operators are using VDSL2, and, as from the second half of 2017 they should move to the Enhanced VDSL technology, in the context of a trial involving, as from 2018, three operators.

Current results of the trial show, with VDSL2, an increase of the percentage of copper lines able to reach a speed of 100 Mbps (downstream) from 12%, without vectoring, to 70% with MOV.

The *ex ante* replicability test of Telecom Italia's retail offers has been confirmed by the Italian Regulator<sup>17</sup>, as an essential tool to ensure, before the launch of the retail offer, the absence of a margin squeeze and the compliance with non-discrimination in the technical and economic conditions of supply of essential services at wholesale level. The NRA has reviewed the margin squeeze test, taking into account some of the principles of the Non-Discrimination and Costing Methodology Recommendation. The Commission asked the NRA to further review the margin squeeze test if in the next market analysis the NRA decides to withdraw the price control remedy imposed on the operator with a significant market power (SMP).

For the markets no longer included in the list of markets susceptible to *ex ante* regulation, a new analysis of the wholesale market for call origination (market 2 of 2007 Recommendation) and the market for forwarding and district transit services of telephone calls on the fixed network (the national transit service is no longer subject to *ex ante* regulation in Italy) (market n. 10 of the 2003 Recommendation) were carried out. On the basis of a three-criteria test, the NRA decided to continue regulating the call origination market, imposing on the SMP operator a full set of remedies. Already within the timeframe of this market review, the Commission considered that alternative operators are likely to increase self-supply of call origination on the basis of the direct wholesale access products and therefore asked the NRA

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<sup>16</sup> Legislative Decree no. 33/2016 of 15 February 2016 published in the Italian Official Journal ('*Gazzetta Ufficiale*') no. 57 of 9 March 2016.

<sup>17</sup> With Decision 584/16/CONS of 1 December 2016.



to closely monitor the market and carry out a new review prior to the (standard) review period of 3 years, if deemed necessary.

As for the market for forwarding and district-transit services (market 10 of the 2003 Recommendation), the NRA found that in the light of the ongoing and already advanced migration process of the TDM network to IP technology, on a forward looking basis the market for district transit is no longer susceptible to ex ante regulation.

The NRA adopted two pure BU-LRIC models (one for mobile and the other for fixed termination rates), in line with the Commission Recommendation on termination rates.

In 2016 the average Mobile Termination Rates cap amounted to €0.98 per minute, and the average Fixed Termination Rates cap amounted to €0.043 per minute<sup>18</sup>.

With regard to the functioning of the NRA, the Commission services, following the preliminary ruling of the Court of Justice of the European Union of 18 July 2013<sup>19</sup>, are looking into the impact of some recent national court decisions about the scope of the regulatory costs that can be financed with the annual charges paid by electronic communication operators to AGCOM and their impact on the NRA's ability to perform its tasks in accordance with the regulatory framework.

On 23 December 2016, the Italian NRA and the Italian competition authority (AGCM), in application of Article 27 para 1-bis of the Italian Consumer Code, signed a Memorandum of Understanding with the aim of coordinating their respective competences with regard to the enforcement of sector specific legislation (e.g. national rules transposing the Universal Service Directive and other sector-specific legislation) and general consumer protection rules (e.g. national rules transposing the Unfair Commercial Practices Directive). It remains to be seen whether this will help reach a uniform national position on the issue of the division of competences between the AGCM and the NRA when it comes to applying the above mentioned rules<sup>20</sup>.

#### 4.

#### Consumer issues

According to the data provided by the NRA, approximately 4,600 complaints were received in 2016. Main sources of consumer complaints in 2016 were: incorrect billing (15%); unilateral modifications of the terms of contracts (11.75%); problems with number portability (11.26%); activation of unsolicited services (9.93%); no reply from operators to consumers' complaints (8.32%); roaming (6.90%); right of withdrawal (6.58%).

In addition the regional committees for communications (Corecom), in charge of the alternative dispute resolution system, have handled 90 415 disputes between users and operators of electronic communications that in 82% of the cases ended with an agreement between the parties involved.

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<sup>18</sup> Source: Termination rates at European level. BoR (16) 218.

<sup>19</sup> C-228/12 - Vodafone Omnitel e a.

<sup>20</sup> In January 2017, the Italian Supreme Administrative Court (Consiglio di Stato) made a reference for a preliminary ruling to the Court of Justice of the EU, under Article 267 TFEU. The Italian national court is precisely seeking clarifications on the relationship between the Unfair Commercial Practices Directive and the sector-specific provisions, in particular clarification on the interpretation of the '*lex specialis*' principle enshrined in Article 3(4) of the Unfair Commercial Practices Directive.

Also in 2016, the AGCM, in a joint action with the NRA, fined two main Italian operators for introducing a billing cycle of 28 days (instead of the usual 30 days), qualifying such practices as unfair and aggressive.

### Number portability

Number portability		IT-2015	IT-2016
Fixed	Number of transactions [1]	994,168	884,480
	Transactions as a % of total numbers [1]	4.9%	4.4%
	Maximum wholesale price [2]	3	3
	Maximum time under regulation (number of working days) [2]	1	1
Mobile	Number of transactions [1]	8,692,000	9,169,824
	Transactions as a % of total numbers [1]	9.8%	10.6%
	Maximum wholesale price [2]	-	-
	Maximum time under regulation (number of working days) [2]	1	1

[1] Source: Communications Committee. Data as of January to September 2015 and January to September 2016.

[2] Source: Communications Committee. Data as of October 2015 and October 2016.

In 2016, the Italian NRA continued to monitor switching processes involving the incumbent's fixed network (i.e. all of the migration procedures and pure fixed number portability with the incumbent as owner of the directory number). A number of key performance indicators, in particular timeliness, are analysed every 2 weeks.

### Bundles

With more complex products (double, triple, quadruple play as well as traffic bundles) becoming increasingly relevant in the market, it is increasingly important for consumers to perceive contracts as transparent and clear. The 2015 Eurobarometer survey shows that Italian consumers: can easily compare bundle offers (88%, first in EU); find it easier to monitor consumption for mobile (73%, EU average 69%) than for fixed (67%, EU average 71%); and are less satisfied with the information in contracts (21% unsatisfied, EU average 16 %) <sup>21</sup>.

### Transparency

According to information provided by the NRA, new rules on price transparency and new consumer protection tools were introduced by the NRA in 2016. The aim of the measures is to further raise consumers' awareness of their choice of tariff plans by making available a specific 'calculation engine' <sup>22</sup>, which compares offers available on the market on the basis of transparent and objective criteria. The NRA adopted additional measures in 2016 to improve the transparency of bundle tariffs and the completeness of the information provided by the operators on their websites.

<sup>21</sup> Source: Special Eurobarometer 438. October 2015.

<sup>22</sup> To be released by late 2016 or early 2017. The new service will be managed by an independent entity under the control of the NRA and should be easily accessible for free, including for consumers without a broadband connection and for disabled users. The prices of the different operators will be compared solely on the basis of the criterion of the price of the service, taking into account geographical location and consumer consumption habits.

In 2016 the NRA registered a gradual increase of complaints on unfair and non-transparent unilateral changes to contractual and economic conditions (usually consisting in the activation of unrequested services). In this regard, the NRA called for legislative action to clarify the scope of the *ius variandi* and prevent operators from abusing this provision.

## Roaming

In the first quarter of 2016 the average retail Eurotariff price for roaming was €0.11 per minute of outgoing calls and €0.026 per minute of incoming calls (with alternative tariffs cheaper for outgoing calls — €0.043 — and more expensive — €0.038 — for incoming calls), €0.054 per text message and €0.11 per MB<sup>23</sup>.

From 30 April 2016, Roaming Regulation (EU) No 531/2012, as amended in 2015 by the Telecom Single Market Regulation (TSM Regulation)<sup>24</sup>, provided for a default-reduced transition retail price ('Roam Like At Home+', or 'RLAH+'). No new measures have been notified to sanction infringement of those rules. The NRA found that three Italian operators applied roaming tariffs that were not compliant with the RLAH+ regime set out in the TSM Regulation and launched sanctioning proceedings against such operators resulting in the application of fines for the three not compliant operators. According to the NRA, the maximum fine that can be levied under the applicable law<sup>25</sup> is €258,228.45. One question is whether the fines are dissuasive and the enforcement efficient enough to ensure the correct application of the RLAH+ regime. In December 2016 AGCOM has requested to the Italian Government the introduction of more deterrent penalties (up to €2,500,000). The Commission is looking into the matter.

## Net neutrality

With the adoption of the TSM Regulation, net neutrality is fully harmonised at EU level with directly applicable rules which do not need to be transposed: the Commission has been monitoring whether Italy effectively refrains from adopting rules that merely reflect the TSM Regulation, or deviate from it. In addition, Article 6 of the TSM Regulation stipulates that '*Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5*'. The deadline to notify the Commission of these rules and measures was 30 April 2016. Italy has not notified the Commission of the penalties referred to in Article 6 of the TSM Regulation. Same as for roaming, according to the NRA, the maximum penalty that can be issued under the applicable law<sup>26</sup> against the non-compliant operators is of €258,228.45. The abovementioned request to the Government filed by the NRA in December 2016 includes also a request for the introduction of more deterrent penalties for the infringement of the rules on Net Neutrality included in the TSM Regulation (up to €2,500,000). The Commission is looking into the matter.

In order to monitor compliance with the Regulation and the BEREC Guidelines on the Net Neutrality Rules, the NRA has asked the main fixed and mobile operators to provide

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<sup>23</sup> Source: International Roaming BEREC Benchmark Data Report October 2015 — March 2016, BoR(16)160.

<sup>24</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union. *OJ L 310, 26.11.2015, p. 1-18*.

<sup>25</sup> Law 249/1997 Article 1 paragraph 31.

<sup>26</sup> Law 249/1997 Article 1 para 31.

information on zero-rating commercial practices, in particular: i. whether and to what extent such zero-rating practices by internet service providers are in accordance with the goals of the Regulation; ii. whether and to what extent the zero-rated service is blocked or slowed down once the general tariff cap is reached; iii. whether and to what extent transparency measures comply with the Regulation.

The NRA has also started to collect information from internet service providers about traffic management practices, in particular to: i. evaluate traffic management practices applied by internet service providers, including exceptions; ii. and request more comprehensive information from internet service providers about their traffic management practices (including a description of, and technical details about, affected networks, applications or services and any other specific differentiation in applying the practice).

### **Universal service**

Since January 2016 there have not been changes concerning the scope, designation or financing of universal service in Italy. But the NRA has started a public consultation on a possible inclusion of broadband within the universal service obligations<sup>27</sup>.

### **112 and access for disabled end-users to emergency services**

According to the last Communications Committee (COCOM) 112 implementation report, calls to the emergency number 112 are answered within 6 seconds. In addition to Italian, calls are also answered in English, French and German and in some areas may also be answered in Slovenian. According to the latest E-communications household and telecoms single market survey, 36% of Italians know they can use 112 anywhere in the EU. In Lombardy and the province of Rome, the '*Where Are U app*' uses the location function specific of the smartphones (GNSS, WIFI)<sup>28</sup>. For disabled people, in specific areas, text messaging (SMS), fax and e-mail services are available<sup>29</sup>.

## **5.**

## **Conclusion**

In 2016, significant progress was made in the long-lasting cross-border interferences issue in the 470 - 790 MHz band, following the switch-off of almost all the interfering emissions in Italy, in the context of the 'good offices' of the radio spectrum policy group.

Ensuring the smooth and effective implementation of the ultra-broadband national plan also through the finalisation of the ongoing tendering procedures in a timely fashion is of the utmost importance in order to facilitate the progression of NGA coverage in Italy, also in rural areas. To achieve this goal more coordination will be necessary among the players involved (Regions and local authorities Infratel, the Ministry of Economic Development, the NRA, for example, with regard to their mapping exercises)<sup>30</sup>. Resolving the digital divide will inter alia

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<sup>27</sup> Delibera 113/16/CONS.

<sup>28</sup> To be deployed in 2017 in Liguria, Piedmont, Valle d'Aosta, Friuli-Venezia Giulia, Marche, the autonomous provinces of Trento and Bolzano, and in part of Sicily.

<sup>29</sup> Source: COCOM 112 Implementation Report published on 10 February 2017.

<sup>30</sup> Also in line with the 'once-only' principle approach. See COM/2015/0192 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Digital Single Market Strategy for Europe'.

require the lack of digital skills to be addressed in order to enable Italian citizens to fully enjoy the benefits of the digital economy.

As regards consumer protection, the Commission services will continue to monitor whether Italian authorities are equipped with the right tools to effectively promote the interests of the citizens of the European Union.