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NOTE

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Subject:	Implementing the Digital Single Market Strategy : Follow-up to European Council and Tallinn Digital Summit (29 September 2017) - Policy debate

During the Digital Summit held in Tallinn on 29 September 2017, Heads of State and Government met to discuss the implications of the digital revolution for the economy, society, security and government. Their discussions are reflected in conclusions prepared by the Estonian Prime Minister Jüri Ratas¹ and have fed into the preparation of the European Council of 19-20 October. During the Summit, leaders recognised the overall progress made on DSM, reiterated the importance of intensifying efforts to reach the goal of completing work on the Digital Single Market by the end of 2018, in line with the European Council calls, and called for the organisation of an additional TTE (Telecoms) Council by the end of October to discuss this.

¹ https://www.eu2017.ee/sites/default/files/inline-files/TallinnDigitalSummit_Conclusions_0.pdf

To date, the Commission has submitted 24 legislative proposals related to the Digital Single Market Strategy in a wide range of fields (e.g. Justice, Competition, Taxation, Telecommunications, Security, Media). Co-legislators have already adopted six proposals (Cross-border portability, 470-790 MHz frequency band, Roaming, Marrakesh Treaty, Consumer Protection Cooperation, WiFi4EU).

In addition, the Commission is expected to deliver five further initiatives before June 2018: one foreseen since 2015 (Enforcement of Intellectual Property rights), and four announced in its mid-term review this year (Publicly funded data, Procurement framework for supercomputing, Unfair practices in platform-to-businesses relations, Modernisation of the company law framework).

The TTE Telecoms Council has an important role to play in reaching this goal. In particular, it is responsible for negotiations on the following legislative packages: telecommunications (Electronic Communications Code and BEREC regulation, previously also Wifi4EU), data (regulation on the free flow of data), ePrivacy (the regulation on Privacy in Electronic Communications), Cybersecurity (in particular the ENISA regulation), as well as aspects of e-commerce (regulation on Parcel Delivery) and e-government.

Progress on these files has been relatively swift. Most recently, COREPER granted a mandate to begin negotiations with the European Parliament on the Electronic Communications Code. The state of play is presented in Annexes I and II.

The current trio is pursuing negotiations on all of these files as a matter of priority. Nevertheless, the working level would benefit from a clear political roadmap on all these files, as well as specific deadlines.

During the policy debate, Ministers will be asked to comment on two questions:

1. What steps are needed for the Council to accelerate progress on the Digital Single Market as a whole and make sure that all proposals are adopted by the end of 2018?
2. Within the work of the TTE Telecoms Council, what are the urgencies? What milestones should the Council define?

Following the European Council of 19-20 October, the Presidency will distribute the European Council Conclusions on the evening of 20 October, with a note highlighting important takeaways for the meeting of the TTE Council on 24 October.

DSM note

The state-of-play for legislative files related to the Digital Single Market Strategy in the TTE Telecommunications Council is as follows:

The European Commission adopted proposals on the **European Electronic Communications Code** and **Body the European Regulators and Electronic Communications (BEREC)** in September 2016. Since then, discussions on the Electronic Communications Code in the Council have been successful, and a unanimous mandate to start trilogues was granted by COREPER on 11 October 2017. The proposed framework presents a major overhaul of telecommunications rules to prepare Europe for the era of very high capacity fixed and mobile networks (including 5G). The Estonian Presidency expects to start negotiations with the European Parliament on 25.10 and plans to have at least one more trilogue before the TTE Council in December 2017. The Presidency also aims for a general approach on the BEREC regulation by December 2017.

The proposal for a regulation for **Privacy in Electronic Communications (ePrivacy)** was adopted by the European Commission in January 2017. The proposed regulation is a significant complement to European telecommunications and data protection rules. The discussions in the Council are ongoing and the Presidency aims for a progress report at the December TTE Council.

The Commission adopted a proposal for a regulation for a **Framework for the Free Flow of Non-Personal Data** as well as a proposal for a regulation on **ENISA** in September 2017. The Estonian Presidency expects swift progress on both proposals and plans a policy debate on the free flow of data and a progress report on ENISA in the TTE Council in December.

In the field of postal services, the ambition of the Presidency is to conclude negotiations on the proposal for a regulation on **Parcel Delivery** that was already adopted by the European Commission in May 2016. Building on a general approach in the Council on 09.06 and a position agreed by the TRAN Committee of the European Parliament on 12.10, the Estonian Presidency aims to finalise negotiations with the Parliament.

ANNEX II - Table of DSM Files

Pillars	Policy initiatives	Legal acts(s)	3Q17 EE	4Q17 EE
Improving access to goods, services and content	Geo-Blocking	X	T	T
	Digital contracts I - supply of digital content ²	X		T
	Digital contracts II - online sales of goods ³	X		
	Reduce VAT burden for e-Commerce	2x	M	M
	VAT for electronic publications	X	M	M
	Parcel Delivery	X		T
	Consumer protection cooperation	X		A - (Nov.)
	Report on e-Commerce sector inquiry			
	Unfair Commercial Practices Directive Guidance			
	Cross-border portability of online content services	X		
	A modern copyright framework	X	M	M
	Marrakesh Treaty implementation (Directive & Regulation)	X	M	M
	2x	A		

² GA adopted in June 2017.
³ Amended COM proposal expected by November 2017

Pillars	Policy initiatives	Legal acts(s)	3Q17 EE	4Q17 EE	
Creating the appropriated legal framework for digital networks and services	Spectrum - UHF band (470-790 MHz)	A			
	Audio-visual Media Services Directive	X	T	T	
	Online platforms	X			
	Wholesale Roaming	A			
	European Agenda for Collaborative Economy				
	Connectivity	BEREC Regulation	X		M
		European Electronic Communication Code	X		T
		WiFi4EU Initiative	A		
		Towards a Gigabit Society Communication (incl. Connectivity targets)			
	e-Privacy	5G Action Plan			
	Cyber Security		X	M	M
		Cyber Security Act (ENISA + certification)	X		M

Pillars	Policy initiatives	Legal acts(s)	3Q17 EE	4Q17 EE	
Reaping the benefits of the data-based economy	Digitising European industry				
	European Data Economy	Building a European Data Economy			
		Free Flow of Data initiative	X		M
		Accessibility and re-use of public and publicly funded data	Q2 2018		
	e-Government	EU e-government Action Plan 2016-2020	CC		
		Single digital gateway	X	M	M
	Standardisation & Interoperability	ICT Standardisation priorities			
		European Interoperability framework			
		New Skills Agenda for Europe			
	Digital skills	Digital Opportunities scheme			
		European Open Science Cloud			
	European Cloud Initiative	High Performance Computing			
		Digital Health and Care			

M=Negotiations in the Council towards a General Approach or mandate for negotiations with EP

T= Trilogues

A= Adopted

X= legislative proposal CC= Council Conclusions