

EECC HANDBOOK

The EU Electronic Communications Code Handbook, by Francesco Liberatore and James Konidaris of global law firm and IIC member Squire Patton Boggs, is a new reference guide and research tool for those involved in the application of regulation in the electronic communications sector in the European Economic Area (EEA) and, in particular, of the EU Electronic Communications Code (EECC).

THE EECC

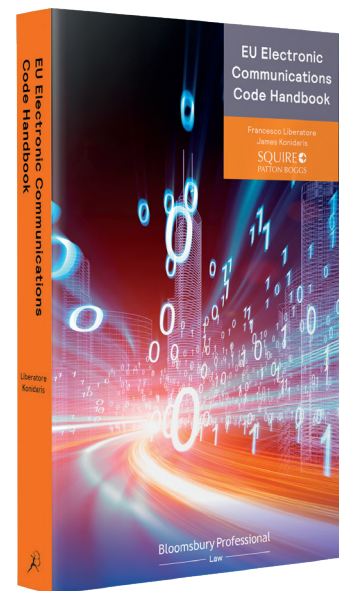
The EECC is an ambitious recast of the previous EU regulatory framework. It is aimed at promoting competition and consumer protection in electronic communications, while expanding the scope of telecom-style economic regulation to new internet-based communications services. As Liberatore puts it, “the EECC is unique in contents and ambitions but is also a complex piece of legislation of epic length and some of its provisions are the result of highly debated compromise amendments between the EU legislative institutions”.

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The handbook helps resolve this complexity. Konidaris says “Our aim is to help interpret each of the provisions of the EECC by correlating it with its corresponding recitals, the previous legislative provisions which it recasts, and other legislative provisions to which it refers. We cite all of the relevant case law of the Court of Justice of the EU to date in which the court has not only interpreted the regulatory framework but has, at times, expanded it as a driving force for harmonisation. We also cite under each provision of the EECC the relevant guidance published by the European Commission, the Body of European Regulators for Electronic Communications (BEREC) and/or the Communications Committee (COCOM) which assists the Commission in carrying out its executive powers with regard to the Digital Single Market.”

In most cases, this guidance is non-binding; in other instances, it is either binding or the national regulatory authorities must take “utmost account” of it. In all instances, however, this guidance works like “soft law” which can only be departed from in justified and exceptional circumstances. The importance of the work of BEREC in providing guidance on the application of the EECC is also reflected in the handbook’s foreword, which is provided by the new chairman of BEREC, Michel Van Bellinghen.

“Leveraging our experience”, Konidaris continues, “the handbook consolidates the key European legislation and other instruments pertinent to the interpretation of the EECC, and provides annotations and commentaries on



each of the provisions of the EECC, to enable companies to navigate the new regulatory environment successfully.”

The handbook also contains other useful tools, such as correlation tables and a list of all national measures transposing the EECC into national law.

EXPERIENCE IN CHANGE

Liberatore says “Our firm is a global leader in communications regulation. For over 40 years, we have been at the centre of major regulatory changes shaping this industry, from the early days of liberalisation and privatisation of former state telecommunications monopolies to the rise of new digital services over the internet, which have been so important in keeping us connected throughout the ongoing pandemic. The communications regulatory landscape is now about to change significantly again. This time, Europe is set to take the lead with the EECC and our firm is, once again, excellently positioned to assist our clients in preparing for this change.”

Ann LaFrance, co-chair for Squire Patton Boggs’ Data Privacy & Cybersecurity Practice Group, said, “Given the significant changes on the horizon in the EU and UK regulatory frameworks affecting tech and telecoms companies, and the potential implications of Brexit that are affecting the broader ICT sector, this handbook could not be coming at a more opportune time.”

Brian Hartnett, managing partner of the Squire Patton Boggs Brussels office and co-chair of the firm’s Competition – Antitrust Practice Group, added “This handbook is a shining example of our collaborative and interdisciplinary experience in the electronic communications sector, ranging from competition law and consumer protection to data privacy.”

Certain jurisdictions outside the EEA take the EECC as a key benchmark for the reform and application of their national regulatory frameworks (for example, the UK). Therefore, this handbook will also be useful to non-EU practitioners, in-house teams, regulators and courts.

The book is due to be published in April 2021 by Bloomsbury Professional and is ready for pre-order online.