

EN

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Answer given by Mr Breton
on behalf of the European Commission
(18.12.2020)

1. The Commission encourages EU Member States, including Portugal, to ensure that 5G auctions provide for conditions favourable to investment, competition and efficient use of radio spectrum, in line with the Regulatory Framework. Rapid deployment of very high capacity networks like 5G is seen as a key asset for Europe to compete in the global market and essential in alleviating the risks of a digital divide, especially in the context of the COVID-19 pandemic. Moreover, 5G will be a key enabler of economic and societal recovery.
2. In light of the above, the Commission is following closely the 5G spectrum assignment procedures in EU Member States and proactively engages with them on the design of 5G auctions. More specifically, the Commission is in contact with Portugal to clarify facts and understand the impact of the proposed auction conditions.
3. Respect for EU law is of utmost importance to the Commission as the guardian of the Treaties. Under EU law, while EU Member States enjoy discretion regarding the set-up of spectrum auctions, they have the obligation to ensure that rights of use of spectrum are assigned through open, transparent, non-discriminatory and proportionate procedures on the basis of objective criteria. Such conditions may include obligations necessary to maintain or achieve effective competition, if justified by an objective and forward looking assessment of market competitive conditions. The Commission has the competence and determination to verify that spectrum assignment procedures and conditions attached to the assignment of radio frequencies comply with EU law.