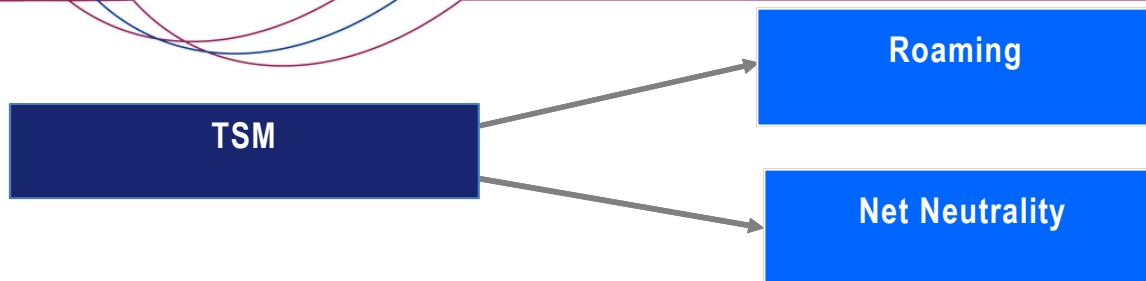


BEREC Opinion on the Review of the Telecoms Framework and other ongoing activities

Wilhelm Eschweiler, Chair of BEREC
ITRE, 28th January 2016, Brussels



Key topics



How to promote connectivity in Europe?

- Improve fast/superfast broadband infrastructure deployment speed
- Digital divide, rural areas
- Foster take-up of high-speed broadband

By which means/options?

- Regulation/Deregulation
- Role of Universal Service
- State Aid




- ✓ Competition drives investment
- ✓ No “one-size fits all” solution
- ✓ Regulatory toolbox need to be refreshed to respond to the fast evolving and diverse market requirements

Does the current scope of the USO needs to be updated?

- ✓ Member States should retain discretion to define scope of US
- ✓ US to be retained as a basic service (e.g. for rural areas or digital illiterate citizens)

Should the US contribute to the connectivity goal?

- Action needed to avoid a new digital divide
- 
- ✓ Up to Member States to set particular technical parameters of broadband access
 - ✓ Reflecting specific needs of national situations and geographies etc.

Distortion of a level playing field among different players?

- Focus on situations of competing services
- New business models and changes in the internet value chain

Options? Perspectives?

- ✓ NRAs willing to monitor market developments (impact of new players/business models) on the telecom markets
- ✓ Current ECS definition would benefit from some clarification
- ✓ Legislator should consider the policy objectives of each obligation and the proportionality of imposing that obligation on a specific service or service type

General and/or sector specific consumer law?

- ✓ A balance should be found between these two legislative approaches
- ✓ No legal gap to be created but it is necessary to avoid double regulation
- ✓ In any case consumers should not be less protected

Level of harmonisation for consumer law?

- ✓ Current minimum harmonisation approach more future proof than full/maximum harmonisation approach
- ✓ Maximum harmonisation approach would risk bringing level of end user protection down to lowest common denominator

Status quo

- ✓ Current framework has worked well
- ✓ European (global) spectrum harmonisation already reality
- ✓ Existing framework already includes extensive tools to harmonise spectrum

Future perspective

- ✓ Further harmonisation should be approached with caution
- ✓ Top down harmonisation runs the risk of sterilising spectrum and resulting in inefficient use of scarce resources
- ✓ Risk of hampering rather than supporting innovation (enable “front runners”)
- ✓ Principles in the existing framework could be further enforced through closer cooperation between RSPG and BEREC (best practices)

Experiences and lessons learnt...

- ✓ Current sectoral institutional set-up has worked well
- ✓ BEREC's rootedness in NRAs' expertise ensures independent and professional work
- ✓ Appropriate balance between harmonisation and national markets promotes the internal market

Room for improvement

- ✓ Scope for improving operational efficiency of BEREC
- ✓ BEREC and independent NRAs' competences should be aligned
- ✓ Increased advisory role for BEREC before tabling legislative proposals

This is the right moment to re-fresh Regulation

- Promote Competition and Investment
- Promote the Internal Market
- Empower and protect End-Users

“Light touch Regulation”



- ✓ Pursue the most efficient, proportionate and least intrusive regulatory approaches according to market conditions
- ✓ Details defined bottom-up
- ✓ Regulate, co-regulate and deregulate as and when needed.

TSM Follow up

NN

Guidelines for the implementation of net Neutrality provisions of TSM

Ongoing work of EWG, including contacts with stakeholders

Internal workshop Rotterdam

Consultation on draft Guidelines to be launched in June

Adoption until end August

IR

input to EC regarding:

IA: setting out the weighted average of maximum MTR

IA: fair use policy and the sustainability of the abolition of retail roaming surcharges

Wholesale market review

Priorities BEREC Work Programme 2016

Review Input

- Monitoring/assessing further process
- NFV/SDN
- Oligopolies
- Spectrum
- OTTs / CAPs
- Universal service

TSM Follow-up

- NN Guidelines
- Roaming Input:
 - fair use policy
 - sustainability abolition of retail roaming surcharges
 - wholesale market review

Multiannual / Others, e.g.

- CP Layer 2 WAP
- Benchmarking on MTR / FTR / SMS
- Implementation cost reduction Directive
- Qualitative review Art. 7 / 7a cases
- Periodic Reports (IR, Annual Reports etc.)

All BEREC documents are published on the BEREC website:

<http://berec.europa.eu>

