

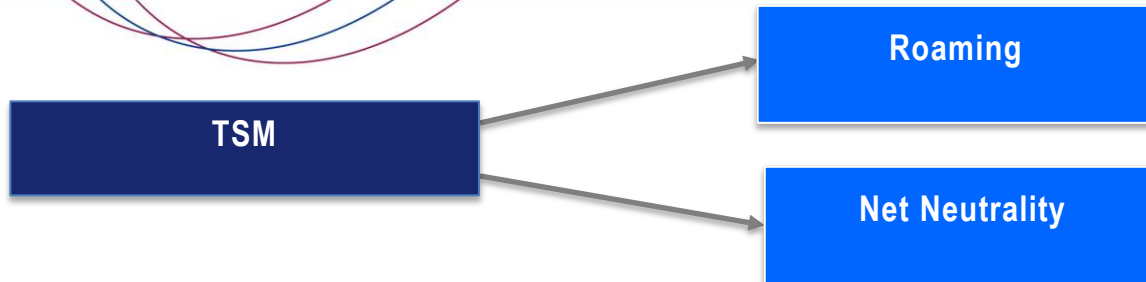
## **Review of the Telecoms Framework**

## **BEREC Opinion and further update**

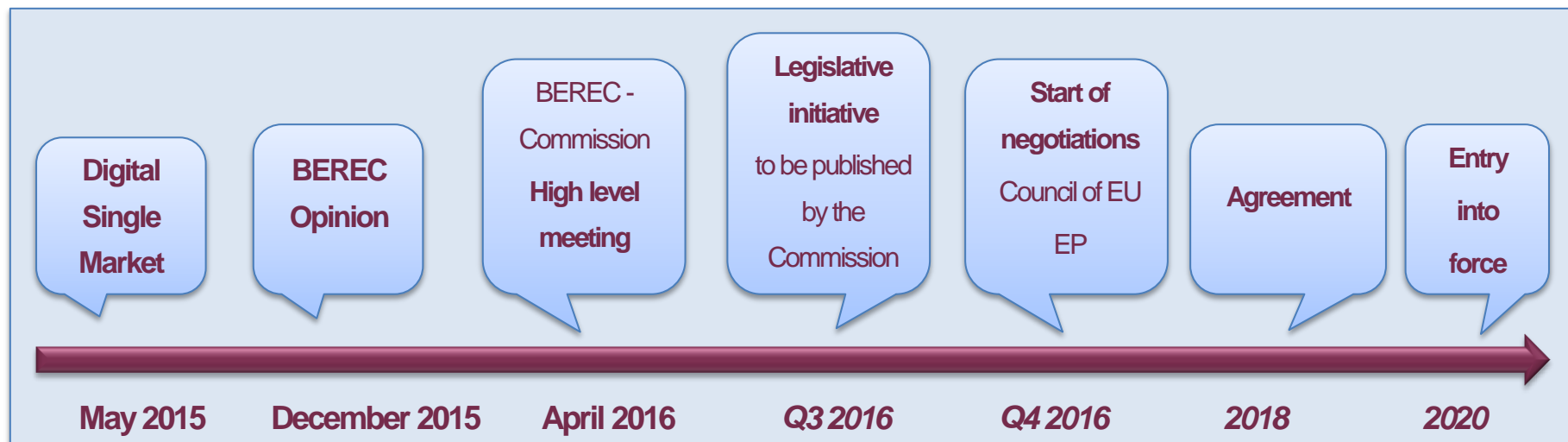
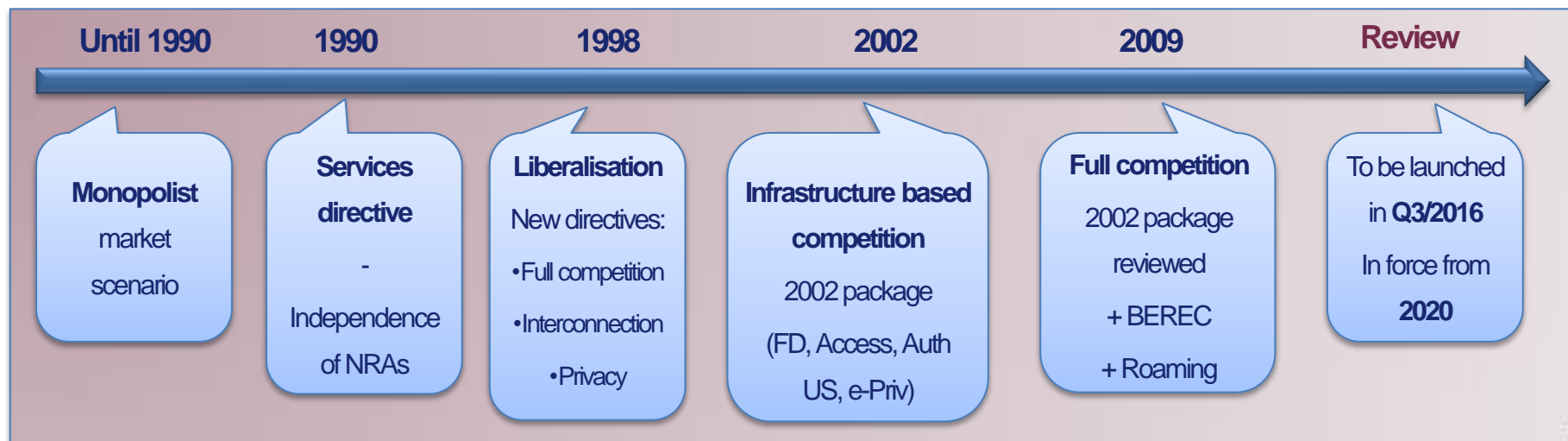
Ervin Kajzinger (NMHH), co-chair RF EWG  
OCECPR Stakeholder meeting, 12nd April 2016, Nicosia

## Content

- The Review Process
- BEREC opinion
- Further up-date



## The process of the Review



## 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
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- ✓ 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
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- ✓ 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.

**UPDATE**

## ■ Regulatory objectives

### ■ Network access

Simplified regulation

Role of co-investment

Oligopolistic market situations

Investment plans

### ■ Spectrum

What the problem is?

Competencies of NRAs

Further coordination of assignment conditions

Small cells, unlicensed spectrum

### ■ Governance

Competencies of NRAs

Future role of BEREC and the EC

**Thank you**

**[ervin.kajzinger@nmhh.hu](mailto:ervin.kajzinger@nmhh.hu)**