

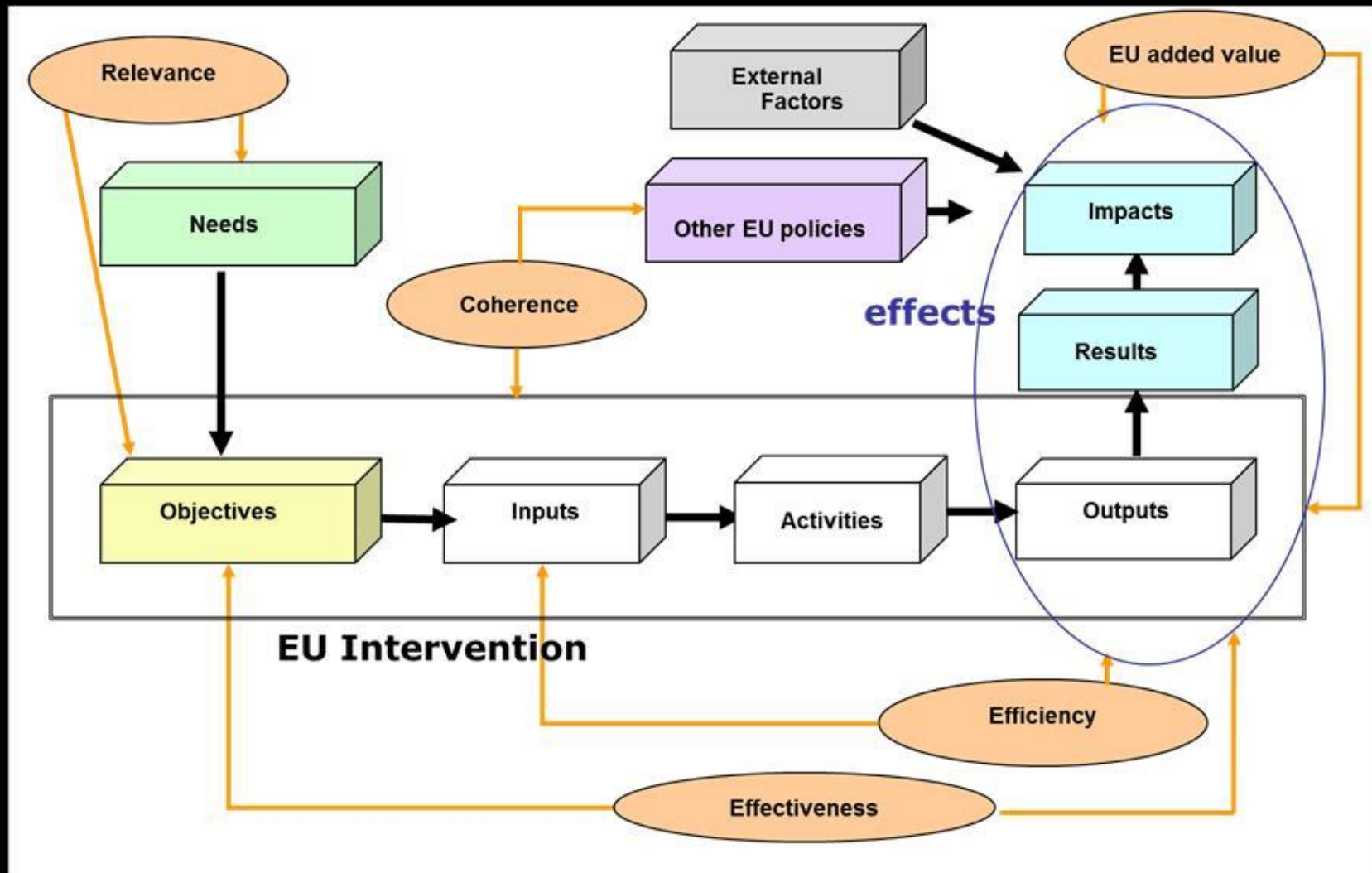
Next-generation regulation in the electronic communications sector



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EVALUATING THE CURRENT FRAMEWORK (1)



EVALUATING THE CURRENT FRAMEWORK (2)

- Effectiveness?
- Efficiency?
- Relevance?
- Coherence?
- EU added value?

EVALUATING THE CURRENT FRAMEWORK (3)

- **Was it timely and appropriate back in 2002?**
 - Essential facilities doctrine?
 - Competition law tools?
- **Was it expected to lead to the Single Market?**
- **Was it designed to stimulate investment in new generation networks?**
- **Was it designed for the Internet age?**
- **Was it designed for pervasive mobile connectivity?**

EVALUATING THE CURRENT FRAMEWORK (4)

- **Coherence with other EU policy areas**
 - Efficiency v. resilience (both in the Digital Agenda)
 - Infrastructure-centred approach
 - Neutrality v. the IoT
 - Neutrality v. platform regulation
 - State aids, merger control
- **EU added value?**
 - A very fragmented industry
 - Very fragmented remedies
 - Some good examples of national policy, but legacy cable infrastructure is still what makes the difference

OPTIONS FOR REFORM (1)

■ **Baseline:**


- **Gradual deregulation through the recommendations on relevant market**
- **Digital Agenda targets not met**
- **Possible continuation of under-investment, with consequences for new markets (including IoT)**
- **Spectrum in strong need of coordination/centralization**
- **Neutrality rules still patchy**
- **Distribution of market power not reflected in the current architecture of the framework**

OPTIONS FOR REFORM (2)

- **“Baseline plus”:**
 - **Deregulation through broader relevant retail markets**
 - **Commission veto over remedies (at last)**
 - **Strong public-private funding of infrastructure and broadening of the toolkit (e.g. co-investment)**
 - **Bright-line neutrality rules with limited, well-crafted exceptions for specialized services**
 - **Coordinated spectrum assignment (from 2020 onwards?)**
 - **Resilience and security measures reconciled with regulation of access charges**

OPTIONS FOR REFORM (3)

- **“Fresh start”:**
 - **From a procedure-oriented to a principles-based, outcome-oriented holistic framework based on widespread use of co-regulation**
 - **“Ex ante competition law”**
 - **Industrial policy and public-private funding of infrastructure to create alternative facilities**
 - **Bright-line neutrality rules with limited, well-crafted exceptions for specialized services**
 - **Focus on consumers: protection and access rights**



Thank you!