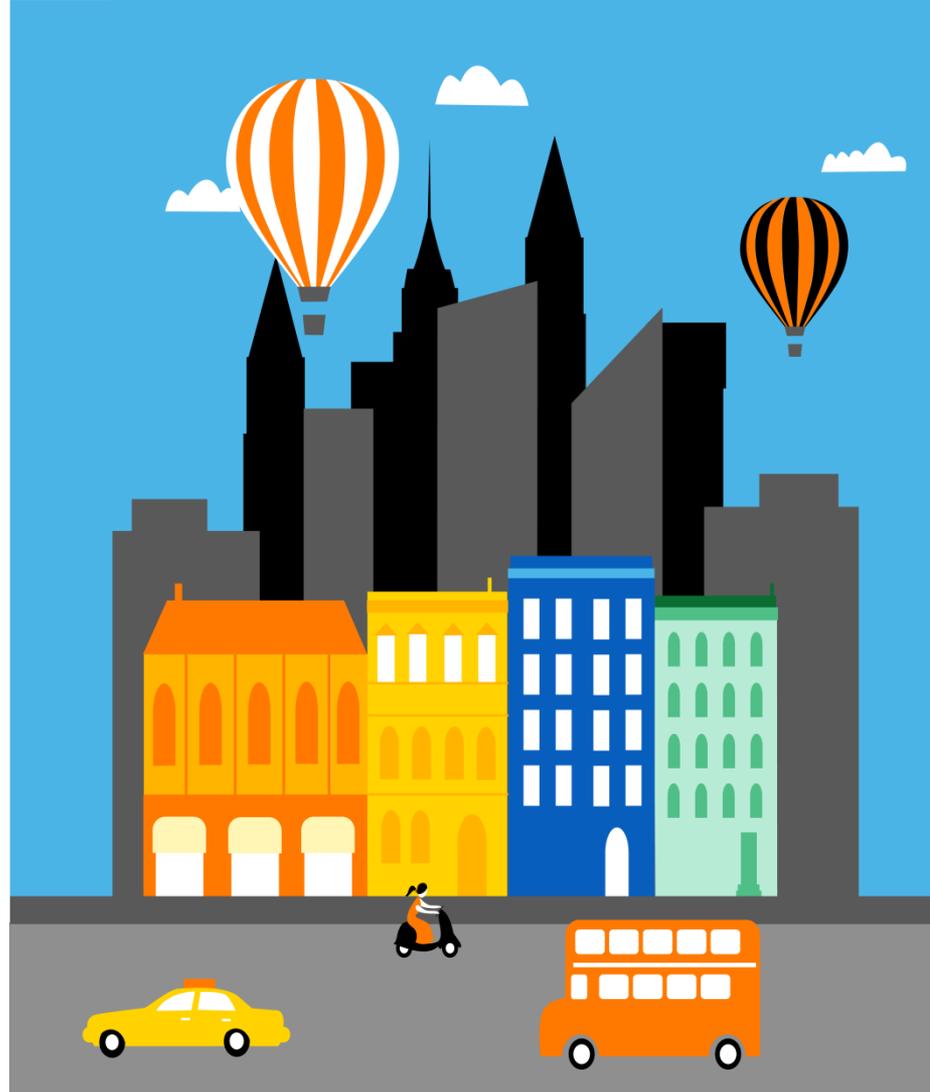


# Telecom rules for the DSM

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## What should the Commission do?

CEPS conference – 29 June 2016



# A convergent world in terms of services: more choices for consumers but in a currently complex and inefficient legal system



**1. check whether horizontal consumer protection laws apply**

- Consumer right directive
- Unfair contract terms
- e commerce directive, AVSM etc

**2. Do you meet the criteria of sector specific regulation? ie. do you provide electronic communication services?**

**Yes? Additional specific rules apply: contract duration, contract information, portability, emergency call, etc**

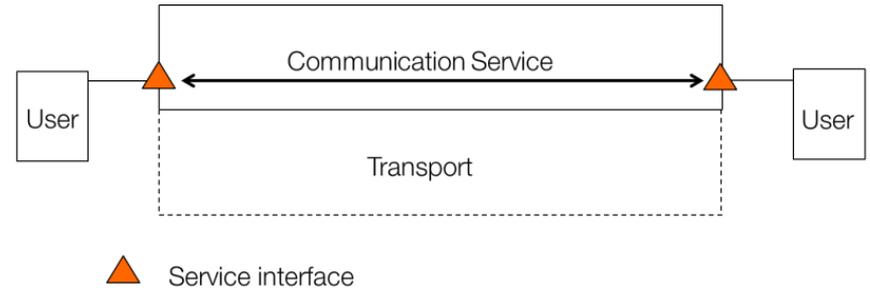
**No? That's all**



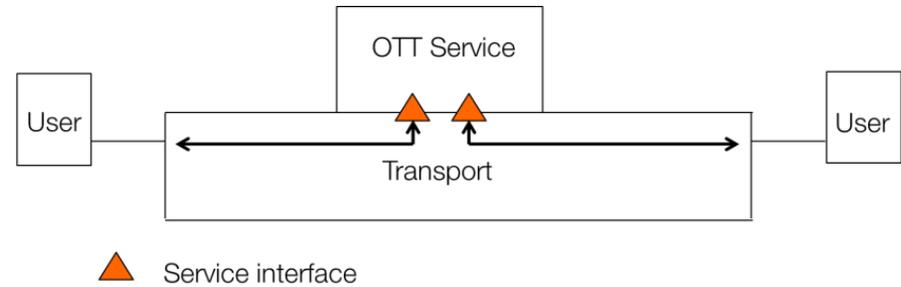
**A patchwork of consumer rules apply differently depending on the nature, not of the service, but of the provider of the service**

# The root of the problem lies in the definition of electronic communication services

Providing traditional communication services implies 'conveyance of the signal' because users interact with the network at service layer



Now, users also interact with network at transport layer via broadband access. Providing services "Over The Top" does not imply conveying the signal



The current technical definition of electronic communication services has become obsolete and creates an irrelevant boundary

## Two options available to fix the issue

### Extending the scope of the sector specific framework

**This is not a robust approach. Applying sector specific rules to other types of services:**

- **won't be future proof ; same issue as today will occur soon as new forms of service develop**
- **will probably be circular ('similar services')**
- **will not remove uncertainties as to which rules will apply to new services**



### Ensuring consumer protection rules become more digital

**1**

**Sector specific FW should focus on what is truly sector specific**

- **Networks regulation**
- **Resources: spectrum, use of numbering**
- **Internet access**

**2**

**Electronic communication service definition should be deleted from the sector specific framework**

**3**

**Consumer protection rules should be moved to horizontal law as much as possible**

- **When still relevant and proportional in a digital world**
- **When not already covered by existing horizontal law**



## As a conclusion

**1. Simplification and modernisation of the consumer rules to be adapted to an evolving digital world**

**2. More horizontal and fully harmonised consumer protection rules**

**3. No silo approach**

# Thank you

