

European Electronic Communications Code



CEPS – 16 November 2016

EECC positive for investment and consumers

- **Regulators to promote investments in very high connectivity**
- **Increased focus on symmetry for fixed networks, better aligned with market evolutions**
- **A more proportionate approach to SMP regulation**
- **Co-investment provisions : a more investment friendly regime for VHC networks**
- **Spectrum provisions will improve regulatory certainty**

Co-investment can be a smart equation for VHC

- **Aligns the interests of operators willing to invest:**
 - all participants incentivised to maximise the use of the shared assets
 - all investors with competitive edge

- **Investors and customers benefit**
 - fixed costs shared, no floor price for access anymore - flexibility
 - supports take-up, virtuous circle



**symmetric
obligation on FTTH
deployments,
based on co-
investment**



**commercial
agreements
between some
competitors,
including Orange,
rolling out FTTH**

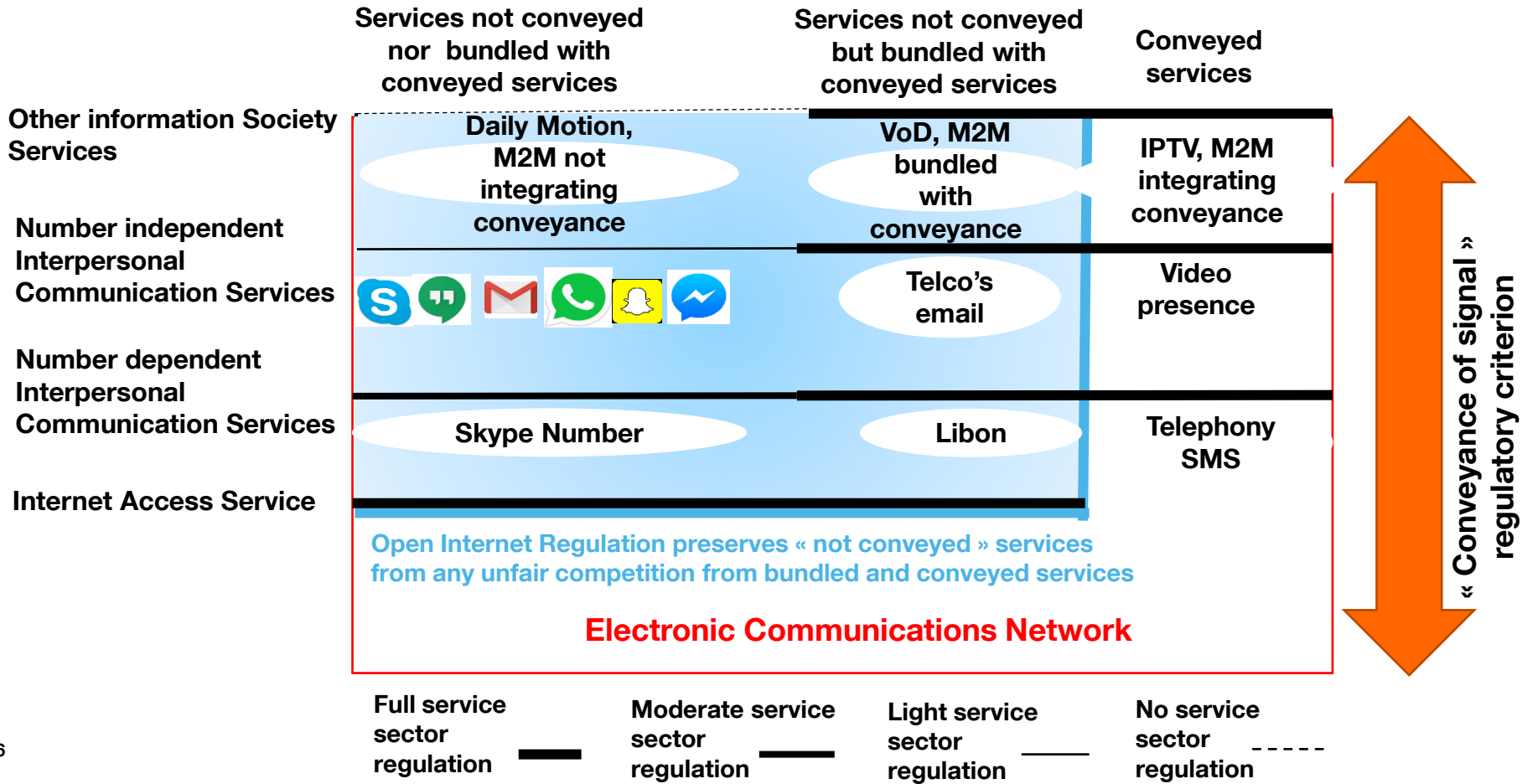
Smart principles for co-investment option in the EECC

- **Voluntary**
- **More rewarding for investors**
- **Creates sustainable competition**
- **Anchor access products for non investors**
- **Regulatory predictability and long term perspective needed!**

We are drawing attention to potential issues

- **“asymmetrical ” symmetry**
 - **forbearance of symmetric obligations in certain cases**
 - **can ruin the benefits of symmetry concerning simplicity and legal certainty**
- **regulatory forbearance for separated ‘wholesale-only’ providers with SMP**
 - **the risk of discrimination is indeed lowered by design..**
 - **...but the risk of abusing pricing is real**
- **sweeping powers for imposing sharing or roaming obligations on mobile network operators**
 - **recreates a new uncertainty for investors in a context of infrastructure-based competition, could deter investment in challenge areas**
 - **could jeopardize licenses commitments**

How far are we still from a level-playing field on digital services?



Thank You



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