

BEREC's expectations on the review of the Regulatory Framework

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Digital Single Market (DSM) Strategy based on 3 pillars:

I. Better access for consumers and businesses to digital goods & services

- Geoblocking
- Copyright
- E-commerce
- Parcel delivery
- Reducing VAT burden

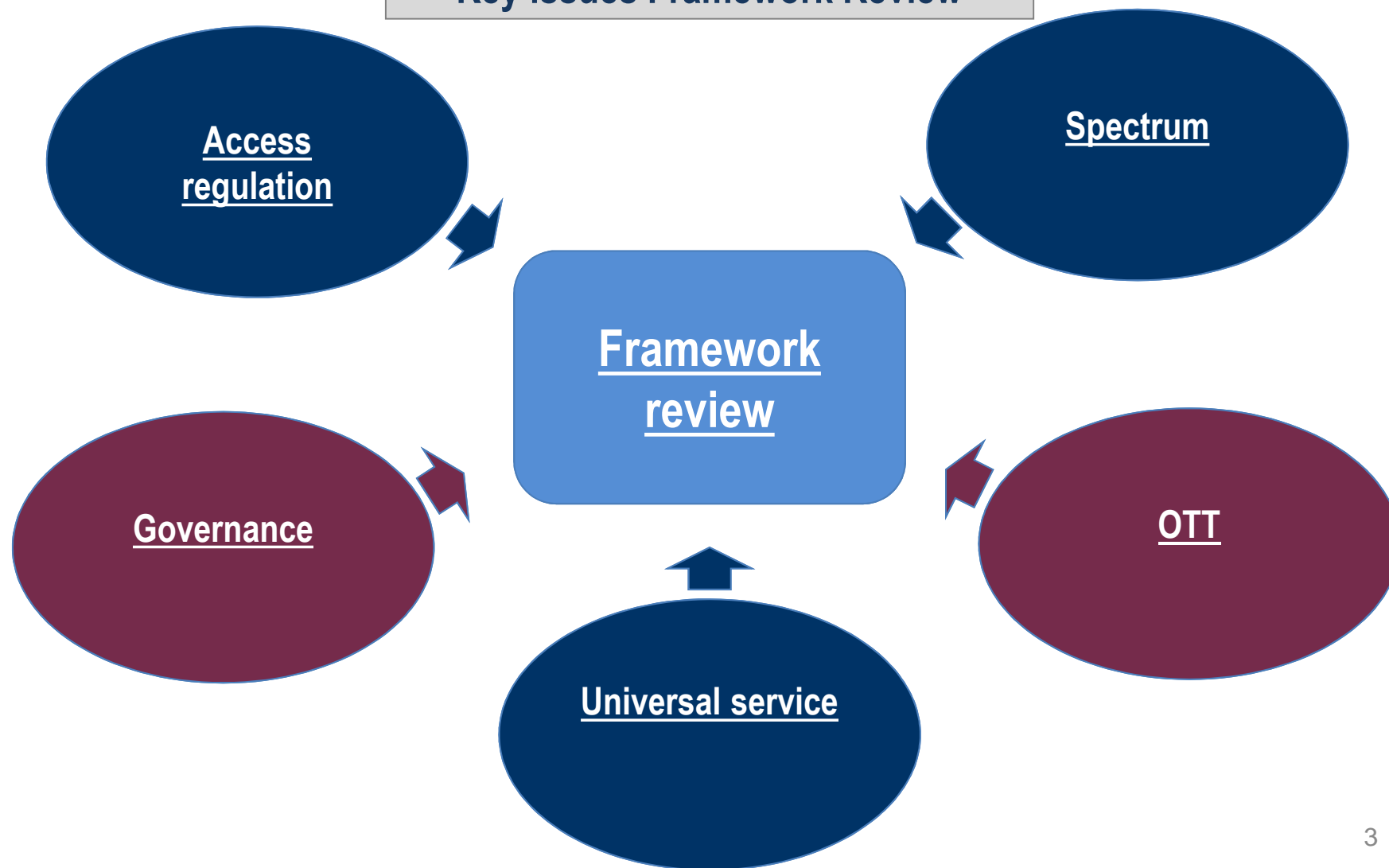
II. Creating the right conditions for digital networks & services

- **Telecoms market**
- Media services
- Platforms and intermediaries
- Trust and security

III. Maximizing the growth potential of the digital economy

- Data economy
- Inclusive digital economy and society
- Interoperability and standardisation

Key issues Framework Review



NRAs' powers to address telecoms & media markets of tomorrow

**Starting point:
Current Regulatory framework
& its instruments have proven successful & effective**

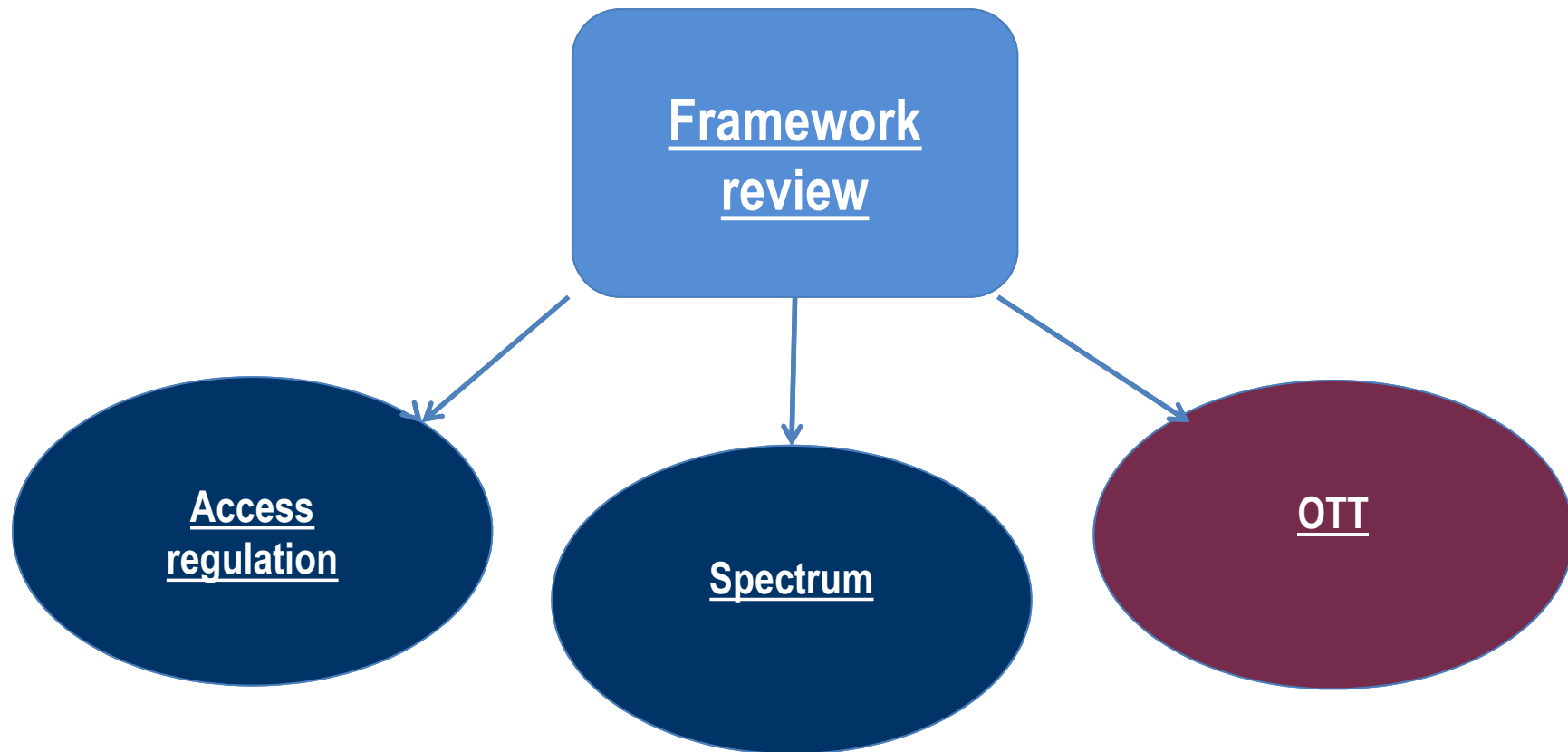
- balanced set of regulatory objectives and principles
- Regulatory toolbox
- Independence of NRAs

“Re-fresh regulatory framework”?



- ✓ **Preserving roots of its success**
 - ✓ Keep balanced set of objectives
 - ✓ Keep the principle of technological neutrality
- ✓ **Further flexibility of regulatory toolbox**
 - ✓ Different set of challenges in MS
 - ✓ Tailor made pro-competitive regulation
- ✓ **Independent NRA's of key importance**
 - ✓ Need to align minimum competences of NRAs to those of BEREC
 - ✓ Ensure financial/operational independence of NRAs

Priorities of NRAs taking into account changing technological and competitive landscape



Access Regulation

- **Effective competition will remain key to incentivise investment**
- **Mix of different instruments needed**
- **NRA flexibility to choose most adequate instrument**
 - **Best technological solution**
 - **Best model of competition**
- **Adapt regulatory toolbox to respond to fast evolving and diverse market requirements**
 - **SMP regulation in specific markets still necessary**
 - **Competition concerns in oligopolistic market structures**
 - **Use of regulatory instruments (such as symmetric regulation) in a sufficiently flexible manner**

Spectrum

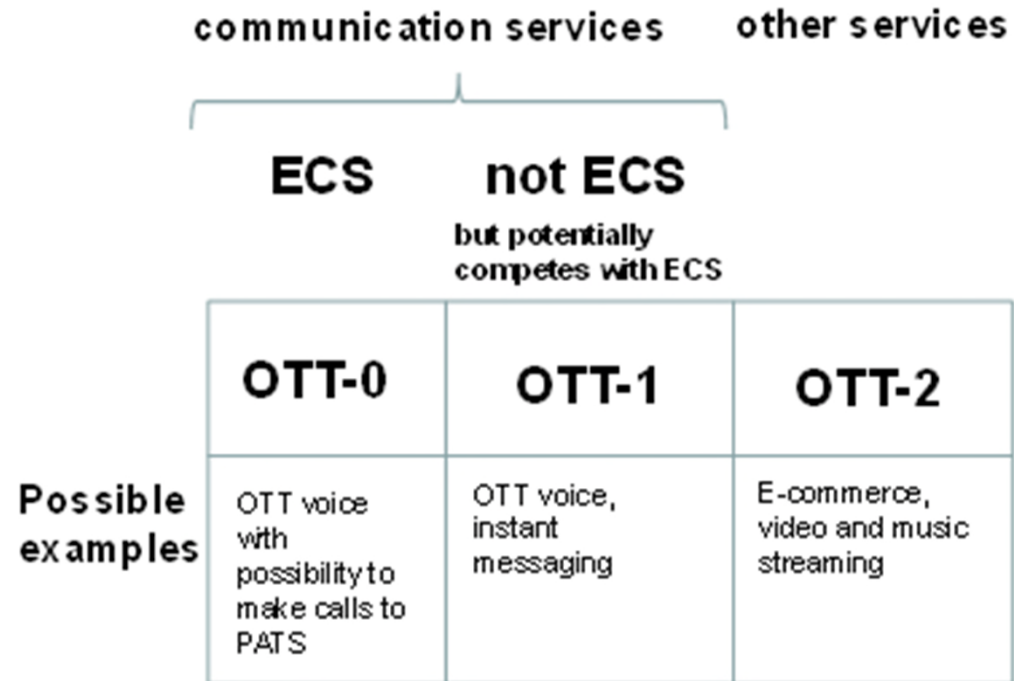
- **European and global coordination**
 - is essential regarding spectrum for electronic communication services
 - is already a reality
- **Evaluate existing extensive tools to harmonise spectrum for ECS, set timelines for the availability and enforcing (Problems? If so how to tackle?)**
- **Spectrum essential input to achieve EU Connectivity targets**
- **Further (top down) harmonisation bears risks resulting in inefficient use of spectrum**
- **Instead promoting harmonised approaches to spectrum management bottom-up with best practices**

To what extent should NRAs be empowered to regulate OTTs? (1)

- **Provision of internet-based services (OTTs) of increasingly importance and of great value for consumers/businesses**
- **Boundary between traditional telecom services and content services becomes more and more blurred**
- **NRAs role to monitor market developments (impact of new players/business models) on telecom markets**
- **Future scope of framework needs to be carefully considered in order**
 - **to keep pace with the current technological developments**
 - **to ensure competitive dynamics and adequate consumer protection**

To what extent should NRAs be empowered to regulate OTTs? (2)

- Taxonomy of OTTs



To what extent should NRAs be empowered to regulate OTTs? (3)

- **Clear focus on “OTT-1” services which potentially compete with /are considered to be substitutes to ECS**
- **“Level playing field” – careful assessment required**
 - **reason to reduce the scope of regulation?**
 - **reason to increase the scope of regulation?**
- **On-going BEREC “rule by rule assessment” in the light of policy objectives and proportionality**

Conclusions / outlook

- **Framework review high challenge ahead of us**
- **BEREC ready to deliver and to provide its input**
- **Current BEREC workstreams focusing on key review issues inter alia OTT, Oligopolies, Universal Service**
- **Key to retain independence of BEREC to maintain regulatory expertise**
- **BEREC's rootedness in independent NRAs must remain at the heart of regulatory system**
- **Substantial issues around framework review more relevant than intense struggle on institutional issues**

Many thanks for your attention!

BEREC documents are published on the BEREC website:

<http://berec.europa.eu>

