



New Regulatory Framework

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New Package Background

- **Convergence and technology neutrality**
- **Focus on competition and users**

In fact

- **Progress made, but markets fragile**
- **B/Band development/competition disappointing**
- **Trade-off between harmonisation/more elaborate analysis, and speed in dealing with market difficulties – NRAs will be slower – particularly the small ones**



ODTR/ComReg approach

- **2001 - Internal working group – cross division**
- **Special fortnightly management team meetings**
- **Start early in parallel with Dept transposition**
- **Key issue for National Conference in Sept 2002**
- **ODTR/ComReg Consultations on principles –**
 - Authorisations ODTR 02/51, 02/72/ and 02/102
 - Access – Information Notice ODTR 02/69R
 - Fees and Charges – ODTR 02/102



ODTR/ComReg approach (cont)

- **Engagement through IRG/Commission groups in particular on Markets recommendation**
- **IRG responses on IRG website**
- **Joint response Competition Authority and ODTR to the draft Recommendation (02/74, July 2002)**



Authorisations – Key issues

- **Ireland already has modular framework – structure easy to adapt: SMP needs to be separated**
- **Very attracted to convergent approach – but issues raised on broadcasting distribution where Irish market very different to other EU: what is ‘content’?**
- **Public and private networks – interconnect rights**
- **Spectrum rights of use - exemptions**
- **Licences and authorisations – other legal provisions**
- **Forward looking issues – IP ??**



Designation of Markets

- **Attracted to concept of greater flexibility and forward looking development – commitment to best practice among regulators**
- **Recommendation assumes market development and structure is similar across EU**
- **History has not yet been wiped out - does assuming it has help abolish it?**
- **Segmentation is no longer proposed/greater elaboration proposed**
- **Article 7 to define alternative markets**
- **Innovation – implications of reservation to incumbents**



Raising the threshold – does it result in light handed regulation

- **Framework is based on competition rules and concept of dominance**
 - Raises the regulatory threshold
- **Single &/or Joint dominance more difficult to prove**
- **Certain markets may not get the protection needed**
- **Competition law may not be sufficient**



Recommendation – creating legal certainty ?

- **Market analysis after adoption of Recommendation**
 - Tight deadline yet Recommendation not yet published
- **Proposed procedural guidelines on consultations**
- **Additional step proposed of consultation on a draft measure**
 - Adding six weeks to the process
- **Comprehensive quantitative and qualitative analysis**
 - Substantial resources/expertise required – contestable
 - Uncertainty on Art. 7 process
- **Cooperation of operators is essential but not guaranteed**
- **Certain markets not to be included in future**
 - Market analysis of NRAs should be considered firstly



International Collaboration and Consultation

- **Higher level of cooperation both nationally and internationally**
- **Interdependency of NRAs coordinated by ERG**
- **Onus to examine Article 7 cases**
- **Strong commitment by Heads and staff to work together**



Market Review Process - ComReg

- **Information Notice on process and data requirements (Dec 2002)**
- **Industry Workshop data collection process (Jan 03)**
- **Data collection (mid Feb-end March 03)**
- **Market Analysis for all markets (April - June 03)**
- **Consultations (July - Sept 03)**
- **Designations and Obligations/Remedies (Oct - Nov 03)**



Spectrum Rights of Use

- **Attracted to simple process – Irish law from 1926**
- **EU Move from equipment to spectrum positive**
- **ComReg policy**
 - exempt where possible:
 - then first come, first served:
 - then competitions – b/contests given Irish demography, infrastructure issues
- **Spectrum trading – what is it?**
- **Easy licence transfer to new entrants – already done**
- **Cornering market by existing operators – no**
- **Biggest problems at allocation level – EU can be force for change**



USO and Data Protection

- **Reviewing Issues at present -**
- **Who will define?**
- **Role of USO holder?**
- **New services versus cost issue?**
- **Papers very shortly**



Challenges for NRAs

- **Rewriting whole regulatory framework in fragile market:**
- **Parallel work helps, but NRAs at end of food chain:**
- **Fragile market – Finance in short supply:**
 - incumbents want to do less/be paid more to pay debts from M&A/3G etc:
 - new entrants required to be ebita/cash +/-profitable now
 - users need low prices to stimulate demand for b/band/new applics
- **New complex measures such as 3G, WLR, PPC being introduced**
- **Dealing with broadband development on a competitive basis**
- **To maintain and foster competitive**
 - supply of the best choice, price and quality for users



New Bodies - The European Regulators Group

- **Advisory Group of the independent national regulatory authorities**
- **Role: to advise and assist the Commission in consolidating the internal market for electronic networks and services**
- **Interface between national regulatory authorities and the Commission**
- **IRG remains in existence – need to be sure that ERG is effective and can exercise full role of IRG which is more than advisory**
- **IRG – 29 members from 1 January 2003**



The Communications Committee

Communications Committee

- **Committee to foster exchange of information between the Commission and Member States on market and development of regulatory activities**
- **Forum to report on Commission consultations**



Radio spectrum policy group/radio spectrum Committee

Policy Group

- **Formulation of policy and advice on radio spectrum Membership**
- **Member States, the European Parliament, CEPT, ETSI, EEA and accession countries**

Radio Spectrum Committee

- **Committee to address the coordination of policy approaches and harmonised conditions for the efficient use of radio spectrum**



Thank you

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