

INTUG

ViB, Amsterdam 27-28 March 2001

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Universal access & users' rights

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INTUG contents

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- existing laws
- new framework
- Universal Service and Users' Rights Directive
- COM (2001) 141 final
- competition and choice?

INTUG existing laws

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- competition law
- consumer protection law
- telecommunications regulations
- health
- data protection
- environment
 - siting of masts
 - handset emissions

INTUG DG Competition

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- merger approval
- Vodafone “Eurocall”
- 3G network sharing
- telecommunications investigation
 - leased lines
 - local loop
 - roaming inquiry

INTUG market deficiencies

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- high mobile-to-fixed termination rates
- high roaming rates
- national oligopolies turning into a global oligopoly
- absence of global and regional services

INTUG acquisitions

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- Vodafone:
 - Mannesmann
 - J-Phone
 - Eircell
- France Telecom + Orange
- Vizzavi
- BT and Esat
- DTAG and Voicestream

INTUG new legislative package

- define your markets
- test if they are competitive?
- if not, do any operators have SMP?
- decide on the obligations on those operators

Significant Market Power is to be revised, but will include dominance, leverage, bottlenecks and exclude transient problems and emerging markets

INTUG access & interconnection

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- European Parliament has already adopted in the Brunetta Report
- international roaming prices
 - cost-oriented
 - transparent
 - available to user at time of call
- termination prices
 - cost-oriented
 - transparent

INTUG legislative procedure

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- package published by the Commission on 12 July 2000 [COM(2000) 392]
- considered in parallel by
 - Working Groups of member states (Council)
 - Committees of the Parliament
- should reach conciliation under Belgian Presidency by end of 2001

INTUG european parliament

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- enhanced Hughes Procedure
- Legal Affairs Committee
(Malcolm Harbour)
 - Industry Cttee
 - Culture Cttee
 - Environment & Consumer Affairs Cttee
- first reading in May 2001
- second reading after summer

INTUG Harbour Report

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- now much closer the original proposal
- universal support for consumer rights
 - Industry Committee
 - Consumer Affairs Committee
- disagreements on “must carry” obligations
- price controls

INTUG Papayannakis Opinion

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- quality of Internet access
- maintaining service
 - network integrity
 - non-payment
- support for the poor
- consultation
- fair contracts
- complaints procedures
- comparability

INTUG main provisions

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- technological neutrality
- almost no change to definition of universal service (review to follow)
- breaking up of provision
- accurate costing of provision
- addition of Internet access
- price controls
- comparisons of prices and QoS

INTUG provisions

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- right to be consulted
- fair contracts
- pan-European CLI
- (mobile) number portability
- obligation to report location on 112 calls (c.f. CGALIES at <http://www.telematica.de/cgalies/>)

INTUG yet more provisions

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- rights of disabled users
- services for low income groups
- leased lines
- 3883 European Telephony Numbering Space

INTUG auctions & beauty contests

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- 3G allocation has come to an ignominious end
- hardly anybody likes the outcome
- anti-competitive behaviour?
- consolidation amongst operators
- proposals to share infrastructure
- no underlying business model
- payback 7 ... 10 ... 15 ... 20 years?

INTUG COM (2001) 141 final

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- Commission trying to “save” 3G
- support at Stockholm Summit
- proposing a “dialogue” with operators
- revising licences?
- favourable to shared networks?
- no signs of addressing
 - lack of demand
 - oligopolistic structures
 - anti-competitive practices

INTUG summary

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- competition law is a poor instrument to regulate a fast moving market
- legislative process is mixed up with industry policy goals
- immense uncertainty until the autumn (will get some clues on 5th April)
- major disputes will remain until conciliation
- massive effects on mobile sector