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The Autorité de la concurrence delivers its opinion to ARCEP as part of the fourth round of analysis of the wholesale fast and superfast broadband markets

> Version française

Following a referral by the French Telecommunications and Posts Regulator (hereinafter ARCEP), the Autorité de la concurrence today delivers an opinion within the framework of the procedure for analysis of the wholesale fast and superfast broadband services and capacity services markets.

Context and the markets involved

Three wholesale markets have been identified by the European Commission in its recommendation of 17 December 2007 as being liable to be subject to an ex ante regulation by the sector specific regulators in the member states, as part of the market analysis procedure(1).

These markets are as follows:

- the wholesale market for offers of access to the physical infrastructure that constitutes the local loop sector, known as “market 4” and identified by the Commission as “wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location”;

- the wholesale market for access to fast and superfast broadband services

activated and delivered at an infra-national level known as “market 5” and identified by the Commission as the “market for wholesale broadband access”;

- the wholesale market for capacity services known as “market 6”.

The regulatory framework considered by ARCEP covers the period 2014-2017 and constitutes the fourth round of market analysis. It is designed to replace ARCEP decisions no. 2011-06683 (market 4), no. 2011-06694 (market 5) and no. 2010-04025 (market 6) adopted respectively on 14 June 2011 in the case of the first two and 8 April 2010 in the case of the third.

(1) 2007/879/EC: European Commission Recommendation of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive.
2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services. This recommendation is accompanied by a document issued by the Commission as an ‘explanatory notice’.
2013/466/EU: European Commission recommendation of 13 September 2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment.

> Full text of opinion 14-A-06 of 9 April 2014 on the request for an opinion from the Autorité de régulation des communications électroniques et des postes (ARCEP) regarding the fourth round of analysis of the wholesale fast and superfast broadband and capacity services markets

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