The Autorité issues its opinion to Arcep as part of the procedure for analysing the fixed broadband and superfast broadband wholesale markets

Published on October 26, 2023

Arcep has asked the *Autorité de la concurrence* for its opinion on three draft decisions as part of the seventh cycle for analysis of the fixed broadband and superfast broadband wholesale markets for the 2024-2028 period. Its request for an opinion concerned, on the one hand, the definition of product and service markets for which ex-ante intervention is necessary, and, on the other hand, the designation of the operator considered as "exercising a decisive influence" on these different markets.

The opinion issued by the *Autorité* comes at a pivotal time, as this seventh cycle will see the implementation of the copper network closure plan proposed by Orange. By the end of this plan, in 2030, all subscribers should have migrated to fibre optic networks, which are now the reference networks. The general framework of the new cycle is also different from the old one. For the first time, Arcep is proposing to extend the period from three to five years, despite the persistence of several uncertainties likely to affect regulated markets. Furthermore, at this stage, Arcep has decided to reduce the number of relevant markets it intends to regulate, by excluding from its analysis the market for mass-activated wholesale offers (known as "3b") [1], which has been regulated since the sector opened up to competition.

In its opinion, the *Autorité* validated Arcep's approach to market definition. It welcomes the measures proposed to ensure the access to the civil engineering infrastructures, which is of key importance and is structuring for the sector, and those aimed at facilitating the migration to fibre. It calls on Arcep to be particularly vigilant for the good implementation of the plan to close Orange's

copper network and the accompanying measures, as well as regarding the evolution of market 3b. The *Autorité* particularly calls on Arcep to ensure that the easing of the quality of service framework linked to the commercial closure of the copper network, and perhaps even more so the unbundling pricing framework, do not create imbalances in the market.

Migration to fibre should help boost competition in the business market. The Autorité calls on Arcep to ensure that operators have access to comprehensive eligibility information and are able to offer effective services with conditions at least similar to those that currently exist on the copper network.

PRESS RELEASE OF 26 OCTOBER 2023

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