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Tele2 response to the consultation on the BEREC draft work programme 2016

Tele2 welcomes the possibility to react to the draft programme of BEREC. We support BEREC in its focus on the upcoming review of the current EU regulatory framework for electronic communications and the implementation of the recently adopted TSM regulation. Tele2 thinks BEREC has an important role to play in ensuring a consistent and coherent application of the current and future regulation.

Tele2 commends that BEREC will continue to focus on promoting competition, and by doing that create a favorable climate for investment and innovation. Tele2 supports BEREC's conviction that investment is driven by competition, and therefore calls upon BEREC to confirm the important role of challengers, and ensure that the future EC regulatory framework will continue to strive for competition.

There is strong consensus that the current regulatory framework has delivered in terms of better prices and choice for consumers. Affordability is the key driver for broadband take-up, and Tele2 strongly believes that it is that take-up that will lead to further investments. We therefore urge BEREC to take a cautious approach to the review of SMP regulation; a big overhaul of the current system could jeopardize many of what has been achieved over the past decade, an evolutionary approach that reflects technological and economic developments must therefore be favored. In addition, we want to suggest that BEREC, with the view of spurring take-up, performs an analysis of what measures could be taken on EU and national level to stimulate demand for high-speed services, both from a consumer and business perspective.

Please find below more specific comments with regard to the draft programme:

A. Promoting Competition and Investments

The proposed work under this section covers the full range of competition and investment: wholesale products, challenges and drivers of NGA roll out and infrastructure competition, oligopolies, spectrum and the implementation of the cost reduction directive.

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Tele2 looks forward to the Common Position on layer 2 wholesale products. We think the Common Position should allow for viable VULA access to incumbent infrastructure, but also continue to allow for MDF access, at least for as long as incumbents are delivering these services to themselves.

Tele2 welcomes continued work by BEREC on the Internet of Things. Enabling a functioning cross-border market for the IoT is of particular importance. Millions of devices will come online in the coming years. Roaming (national as well as permanent roaming abroad) is essential for IoT-customers and services providers. More clarity on regulations for numbering, privacy, security and spectrum and their cross-border applicability would also contribute to a common market.

Tele2 agrees that NGA rollout and infrastructure competition is an ongoing challenge, where there is no one-size fits all solution. We recommend that BEREC delivers a report that addresses the complexity of different local markets.

Migration to all-IP in the access networks is an ongoing challenge. BEREC's work on the migration from POTS/ISDN to VOIP will be of particular importance as it has proven to be difficult to move from traditional TDM based interconnection to IP-based interconnection. This is the result of the high level of flexibility in IP-based services (or the lack of standardization) compared to TDM based interconnection. Increased standardization and a resulting reduction in complexity would lead to better functioning markets.

Oligopolies and the related topic of mergers are another aspect that complicates regulatory decisions. Regulators so far have been cautious with ex-ante regulation or post-merger conditions in oligopoly situations. When the desired competition or market entry does not materialize they are often left without any options. Evaluating the effects of mergers and regulatory measures will provide much needed insight for future regulatory solutions.

Promoting the Internal Market

BEREC's continued involvement is needed in the preparation and coordination of input to the legislative proposal provided by the European Commission in 2016 with regard to the review of the legislative framework. Facts and experiences provided by regulators will be essential to get a

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balanced regulatory framework. The current framework is well designed to deal with current and future regulatory questions, and is to a large extent already capable of dealing with the competitive effect of so-called OTT supply of services.

For the roaming regulation it is essential that BEREC and the European Commission perform a thorough review of the wholesale market, which is much needed in order to ensure the sustainability of the introduction of RLAH. Concrete guidance on fair use policies is also needed in order for a competitive single market to emerge.

The review of the Termination Rates Recommendation should address the differences that currently exist between countries that have implemented the Recommendation and those that have not. The current situation creates an imbalance between countries and also affects mobile roaming.

Empowering and Protecting End-users

Tele2 looks forward to BERECs guidelines for net neutrality and assessment of Quality of Service. The description of the workstreams currently does not specifically address the difference between fixed and mobile networks. We would welcome BEREC explicitly addressing those differences and how they affect the management of networks.

Tele2 welcomes the workshop on accessibility. We request that the workshop not only focus on what providers of electronic communication services can do. Fixed and mobile data networks have expanded the different ways people can communicate and have made communication more accessible. However services, such as emergency services, but also interaction with government agencies, doctors etc. have not kept pace, offering often only the traditional methods of telephony and face-to-face interaction, instead of communication via apps, videoconferencing or chat.

Tele2 requests that BEREC also researches the difficulties faced when switching telecommunication providers, particularly by small and medium enterprises. SMEs often are not protected in the same way as consumers, but do not have the negotiating power of large enterprises. As a result SMEs find themselves locked-in or with significant challenges when they want to change operators.