

DIGITALEUROPE Response to BEREC Report on IP-Interconnection practices

Brussels, July 2017

KEY MESSAGES

All investigations into concerns that telecom incumbents generated anticompetitive bottlenecks that prevented Internet content from reaching their subscribers have been closed (see antitrust cases: Autorité de la concurrence (2012)¹, European Commission (2014)²).

No evidence of behaviour aimed at foreclosing transit services from the market or at providing an unfair advantage to the telecoms operators' own proprietary content services, in breach of EU rules that prohibit the abuse of a dominant market position (Article 102 of the Treaty on the Functioning of the European Union) were found.

Since there is no market failure at this time, DIGITALEUROPE believes there is no requirement for regulating the way networks are interconnected.

DIGITALEUROPE shares BEREC's conclusion 'h' that disputes are solved in the market without regulatory intervention and that National Regulatory Authorities (NRAs) should continue to monitor the sector (as the European Commission is doing).

DIGITALEUROPE supports BEREC in conclusion 'i' on the importance of transparency: that users are aware of the interconnection policies pursued by their internet access providers and the impact that this may have on the quality of service obtained from certain content providers, whose content requires a high bandwidth such as video streaming.

¹ Orange/Cogent: Décision n° 12-D-18 du 20 septembre 2012 relative à des pratiques mises en œuvre dans le secteur des prestations d'interconnexion réciproques en matière de connectivité Internet <http://www.autoritedelaconcurrence.fr/pdf/avis/12d18.pdf>

² Commission closes investigation into internet connectivity services but will continue to monitor the sector http://europa.eu/rapid/press-release_IP-14-1089_en.htm

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ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 60 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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