

5 November 2009

Telecoms: Commission endorses French access rules on fibre in-building wiring

What is this case about?

The French telecoms regulator, ARCEP, sets out the terms and conditions for access to in-house fibre wiring in France. The proposed access regulation is to be imposed simultaneously on all operators rolling out fibre lines into the homes of consumers, regardless of whether these operators – also referred to as in-building operators – have significant market power or not. ARCEP intends to oblige all in-building operators to provide access to its in-building fibre network to alternative operators. This way, French consumers will be able to choose between several competing providers of high speed internet connections. For the very densely populated areas (defined by ARCEP in the draft decision as those areas where it is economically most profitable for operators to roll-out their fibre networks into the homes), ARCEP also obliges any in-building operator to meet reasonable requests from alternative operators to roll-out extra, fibre lines on condition that the requesting operator is willing to co-invest. Additionally, ARCEP defines where the in-building fibre connection point must be located.

What has the Commission said in its letter?

The Commission agrees with ARCEP's proposed regulatory measure and invites ARCEP to carefully monitor the development of fibre network roll-out in France. In this respect, the Commission asks ARCEP to verify whether the proposed regulation is sufficient to ensure both competition in high-speed electronic communications services and the interest of consumers in France. Should this not be the case, ARCEP should then consider imposing other remedies, such as for example unbundled access to the fibre loop, on the dominant operator. The Commission also points out that ARCEP's proposed fibre access pricing principles may lack sufficient legal certainty for market players. The Commission invites ARCEP to set further pricing details or require operators to have their access offers validated by ARCEP, in case operators will persistently disagree on prices

What does the French national telecoms regulator have to do now?

Under EU law, the French national telecoms regulator is required to take utmost account of the Commission's comments. The Commission thus expects ARCEP to monitor the effects of the proposed regulation and to undertake, if necessary, the appropriate steps to ensure fair high-speed infrastructure and services competition to the benefit of French consumers.

The Commission's letter sent to ARCEP will be made available at:

<http://circa.europa.eu/Public/irc/info/ecctf/library?l=/commissionsdecisions&vm=detailed&sb=Title>