

Press release

## OPTICAL FIBRE

### **The Conseil d'État validates the Arcep Decision to give notice to ALDA to comply with its obligations to provide access to fibre optic lines**

Paris, 26 June 2023

On 19 June 2023, France's highest administrative court, the Conseil d'État, rejected the appeal filed by the Domaine d'Avoriaz housing development association (*Association du lotissement du domaine d'Avoriaz* or "ALDA") against the Arcep Decision<sup>1</sup> to give notice to the Association to comply with its obligation to grant reasonable requests for access to the FttH network deployed on the domaine d'Avoriaz property, and to publish a solution detailing the rules of access.

#### **In July 2022, Arcep gave notice to ALDA to comply with its obligations by 19 July 2023 at the latest**

In 2018, ALDA began rehabilitating the coaxial network on the domaine d'Avoriaz housing development. Following a referral by operators, the Arcep Body responsible for settling disputes, legal proceedings and investigations (RDPI) concluded that ALDA had failed to meet its obligations to grant reasonable requests for access to the FttH network deployed on the domaine d'Avoriaz property and to publish a solution for providing access to that network, and therefore gave notice to the Association to comply with said obligations.

#### **The Conseil d'État validates the Authority's notice to comply**

On 21 September 2022, ALDA filed an annulment appeal with the Conseil d'Etat against the above-mentioned Decision to give notice. It also requested that the presiding Judge suspend application of this Decision.

In a Decision dated 19 June 2023, the Conseil d'Etat confirmed Arcep's analysis: the network deployed on the domaine d'Avoriaz property is a fibre optic network that makes it possible to serve (FttH) end users and that ALDA is an infrastructure operator. In addition, the Conseil d'Etat concluded that the Decision by Arcep's RDPI Body, giving notice to ALDA to comply with its obligations to grant reasonable requests for access and to publish a solution detailing the rules of access is not vitiated by an error of law nor does it contain a manifest error of assessment.

In light of the Order dated 24 October 2022, through which the Conseil d'Etat presiding Judge had suspended the above-mentioned Decision to give notice, in its Decision of 19 June 2023 the Conseil d'Etat concluded that the deadlines of 12 and 14 months given to ALDA to comply with its obligations would come into effect as of its Decision.

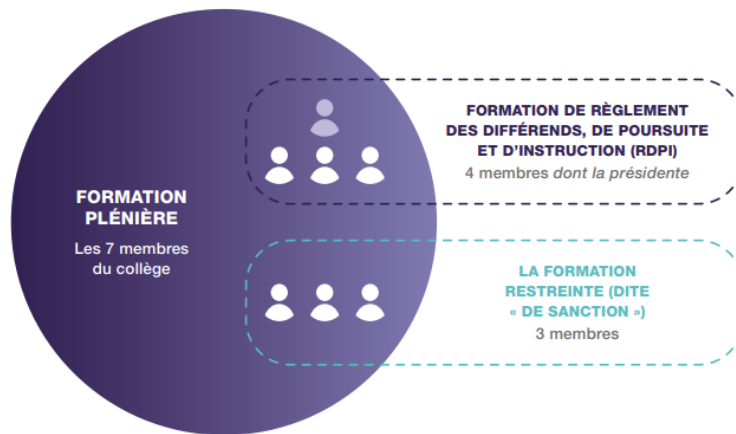
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<sup>1</sup> [Decision to give notice No. 2022-1486-RDPI](#)

**How the Arcep Executive Board works: three Arcep's different competencies are exercised within three distinct Executive Board bodies:**

- The **Plenary Body** which is composed of all seven Board members;
- **The Body responsible for settling disputes, legal proceedings and investigations (RDPI)** which is composed of four of the seven Board members, including the Chair, and which is responsible for opening prior examination procedures, issuing formal notices and notifying grievances;
- **The restricted (sanctioning) Body**, which is composed of the three remaining Board members, and responsible for imposing (or not imposing) penalties.

**LE COLLÈGE DE L'ARCEP**



**Associated documents:**

- [Decision to give notice](#)
- [Order from the presiding Judge of 24 October 2022](#)
- [Conseil d'Etat Decision of 19 June 2023](#)

**Arcep at a glance**

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile telecoms and postal networks in France.

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