

Press release

## BROADBAND AND SUPERFAST BROADBAND MARKET REGULATION

### Arcep launches a public consultation on its draft decisions on regulatory changes for the 2024 to 2028 period

Paris, 20 February 2023

In the draft decisions being published today for public consultation, Arcep sets out broadband and superfast broadband market regulation, which includes the supply of fixed internet access for consumers and businesses for the period running from 2024 to 2028. This new regulatory period will be marked by the commercial closure of the copper network, at a time when the fibre subscribers now outnumber copper subscribers<sup>1</sup>.

#### **Goal for the 2024 – 2028 regulatory period: support the switchover from copper to fibre**

The main changes for this regulatory period are outlined in the [topic briefing](#) attached to this press release, and seek to achieve four key objectives:

##### **1. Provide a framework for the copper network switch-off**

The measures planned by Arcep seek above all to achieve the successful coordination of copper switch-off and fibre deployment timetables. The aim is to ensure that FttH network deployment is complete before the copper network is switched off, by requiring copper switch-off operations to have notice periods that factor in the status of fibre network rollouts in the areas in question.

An additional measure would be to strengthen data sharing obligations imposed on Orange, to guarantee the clarity that all stakeholders require on plans for the legacy copper network switch-off.

##### **2. Maintain a satisfactory quality of service level on the copper network**

The challenge is to maintain a satisfactory quality of service level on the copper network right up to switch-off, and particularly in those areas that are not yet covered with fibre access.

##### **3. Facilitate the completion of fibre rollouts while ensuring effective access to civil engineering Infrastructures (poles, underground ducts)**

The aim is to support the final stages of fibre deployment, and subsequently the life of the networks deployed thanks to these infrastructures. Here, Arcep has identified a need to adapt the obligations imposed on Orange, particularly regarding the use of infrastructures for last mile connection. The goal is to reduce the turnaround time on rehabilitation work, and waiting time for users wanting to be connected to the network.

##### **4. Bolster the competition dynamic in the business market**

Competition in the fibre market for businesses has improved over the past several years, but not sufficiently enough. Arcep's regulation will thus follow through on the previous period of market analysis,

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<sup>1</sup> The majority of subscriptions in France have been to fibre plans since Q2 2022 – cf. [Arcep Observatory](#).

to encourage the development of fibre access products tailored to the needs of businesses, and particularly micro, small and medium enterprises. Arcep plans on maintaining the obligation incumbent on Orange to provide passive shared local loop access solutions designed to satisfy the needs of business market operators.

### **In addition to working to achieve its objectives, Arcep is adapting pricing obligations to changes in the market**

The accelerated pace of the copper switch-off between now and 2028 will substantially alter the competition landscape by steadily reducing third-party operators' dependence on the legacy copper network. As a result, Arcep plans on relaxing the price caps imposed on Orange in those areas where fibre has been deployed for a sufficiently long time, and the copper network has been shut down commercially.

### **Market analysis decisions, the cornerstone of “asymmetric” regulation of sectoral competitiveness, will now be adopted for a period of five years**

Market analysis decisions define so-called “asymmetric” obligations which are imposed on the operator that enjoys significant power in the relevant market in question, aka the SMP operator, to remedy any identified competition imbalances. In fixed markets, the SMP operator is incumbent carrier, Orange.

Up until now, fixed market regulation has been framed by Arcep decisions that apply for a period of three years, with the decisions currently effect<sup>2</sup> terminating at the end of 2023. In accordance with the European framework, decisions on the next regulatory period for fixed markets will apply for a period of five years (2024 – 2028).

After having published the “Scorecard and outlook” document for public consultation in July 2022, and analysed the contributions received ([being published today](#)), Arcep is now beginning the second stage of the process of reviewing wholesale fixed broadband and superfast broadband market regulation by publishing four draft decisions for consultation.

### **Next stages before adoption in late 2023**

This public consultation will run until 3 April 2023.

After analysing the contributions received, the draft market analysis decisions on the fixed market will be revised and submitted to a second public consultation before mid-2023, and submitted for comments to the Competition Authority. They will then be notified to the European Commission with a view to being adopted by Arcep before the end of the year.

## **Associated documents**

- [The public consultation](#)
- [Summary of the draft documents on fixed market regulation and topic briefing](#)
- [Draft analysis decision on the Market for wholesale \(physical\) network infrastructure access \(including shared or fully unbundled access\) at a fixed location](#)
- [Draft analysis decision on Market 1: wholesale local access provided at a fixed location](#)
- [Draft analysis decision on Market 3b: wholesale central access provided at a fixed location for mass-market products](#)
- [Draft analysis decision on Market 2: provision of high-quality wholesale access](#)
- [Contributions to the public consultation on the “Scorecard and outlook”](#)

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<sup>2</sup> [Decisions adopted in december 2020](#)

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- [Contributions to the public consultation on “Changes to price caps on the supply of access to the copper local loop for the years 2022 and 2023”](#)

Background info:

- [Press release of 13 July 2022 regarding the presentation of the “Scorecard and outlook” for the 2024 – 2028 regulatory period](#)
- [Table of every fixed market analysis period](#)

#### **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 communications and postal networks in France.

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