
Press release

FIXED MARKET REGULATION

Arcep delivers a scorecard of the broadband and superfast broadband market in France, and consults with the sector on future changes to its regulation, in preparation for fixed market analyses for the 2023 – 2028 period

Paris, 13 July 2022

In the “Scorecard and Outlook” document being published today for public consultation, Arcep identifies the determining issues for fixed market regulation (optical fibre and copper networks) for the coming years. Its aim is to adapt regulation to changes taking place in the sector, and particularly to support network users’ switch from copper to fibre.

Market analysis decisions: the cornerstone of “asymmetric” regulation of sectoral competitiveness

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. In fixed markets, the SMP operator is incumbent carrier, Orange. These obligations are designed to remedy identified competition imbalances. The decision that is currently in effect dates back to December 2020¹. In publishing the “Scorecard and Outlook” document for consultation, today Arcep is kicking off the first step in the process of reviewing wholesale fixed broadband and superfast broadband market regulation. New market analysis decisions are due to be adopted in late 2023. These decisions could cover a period of up to five years, as opposed to the three-year span of previous regulatory periods.

SCORECARD: the level of competition over products for businesses and corporate customers remains unsatisfactory

→ **In the residential market**, Arcep has ascertained that most subscriptions are now to superfast broadband plans. In terms of competition balance, the four main operators’ market share is not being significantly affected by end users’ migration from copper to fibre. The pace of fibre rollouts has accelerated substantially over the past few years: 29.7 million premises were eligible for fibre access as of 31 December 2021.

→ **Regarding products designed for businesses and corporate users:** the state of competition remains unsatisfactory. While there have been encouraging developments in some specific market segments, overarching market positions have changed very little over time.

OUTLOOK: supporting copper network users’ switchover to fibre, while ensuring quality remains high on both networks

The core issues identified by Arcep for 2023 to 2028 are:

¹ [Arcep press release of 17 December 2020](#)

→ Ensuring that optical fibre has the capacity to fully replace the legacy copper network, by providing services that meet the needs of every user, particularly in terms of coverage and quality of service;

→ Maintaining a decent level of QoS on the copper network until its switchoff;

→ In the business market: continuing the push to open up the market and develop competition, and facilitating businesses' and corporate users' actual switchover to fibre;

→ Ensuring effective access to physical civil engineering infrastructures, to support the final stages of fibre deployment.

What next?

This public consultation will run until 28 September 2022.

Between now and early 2023, draft market analysis decisions will be published for public consultation, then submitted for comments to the Competition Authority, before being notified to the European Commission. The aim being to propose regulatory changes to tackle the core issues to emerge from the public consultation and developments taking place in the sector.

The review process will be complete in late 2023, and will conclude with the adoption of new decisions, which will replace those adopted in December 2020.

Associated documents

- [“Scorecard and Outlook” document published for public consultation](#)
- [Market analysis tables](#)

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.

Press liaison

Anne-Lise Lucas

anne-lise.LUCAS@arcep.fr

Tel.: 01 40 47 71 37

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