
Press release

FIXED MARKET REGULATION

Arcep submits its draft decisions on fixed broadband and superfast broadband market analysis to the European Commission

Paris, 2nd November 2020

Final stage before Arcep adopts the new decisions by the end of the year

Following the publication of a Scorecard and Outlook document^[1], two successive public consultations on draft decisions^[2], and receipt of the Competition Authority's opinion^[3], Arcep is proceeding to the next stage in revising fixed broadband and superfast broadband market analyses by submitting its draft decisions to the European Commission for comments, after having taken stakeholders' earlier feedback into account. This is the final stage prior to Arcep's adoption of new market analysis decisions.

The purpose of these draft decisions is, first, to define "asymmetric" fixed broadband and superfast broadband regulation – i.e. which applies only to Orange – for the period of 2021 to 2023:

- A separate civil engineering market;
- Market "3a": passive solutions;
- Market "3b": generalist active solutions; and
- Market "4": dedicated active solutions for businesses.

Second, Arcep is also planning a draft decision to complete "symmetric" optical fibre regulation, which applies equally to all FttH network operators. These decisions must ultimately be approved by the Government before they can be put into effect.

Draft decisions whose approach was confirmed by the consultations held by the Authority

Arcep had identified three key objectives that served as the driving forces behind the proposed regulatory changes for 2021-2023, compared to the previous period: enabling the transition from the legacy copper network to fibre, continuing to champion pro-investment regulation to help make fibre the new reference infrastructure for fixed access, and creating a dynamic business market.

In its opinion of 15 September 2020, the French Competition Authority supported the consistency of Arcep's approach in the different markets, as much in terms of boundaries as planned remedies, as well as Arcep's supplementary draft decision on "symmetric" regulation measures, and welcomes the main regulatory changes being proposed. The Competition Authority also made several observations which Arcep has taken into account, and some of which will help fuel the Authority's work on fixed market regulation for the medium term.

^[1] [Press release of 11 July 2019](#)


^[2] [Press release of 6 February 2020](#) and [Press release of 7 July 2020](#)

^[3] Opinion No. 20-A-07 of 15 September 2020

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The feedback provided by market stakeholders during the public consultation that ran from 7 July to 14 September, did not lead Arcep to substantially alter the version of the draft decision that was published for the consultation.

Depending on the comments received from the European Commission, Arcep will be able to adopt final decisions in December.

Associated documents:

- [Draft decision on analysis of the **wholesale infrastructure** access market, notified to the European Commission](#)
- [Draft decision on analysis of **market “3a”** – wholesale access provided at a fixed location – notified to the European Commission](#)
- [Draft decision on analysis of **market “3b”** – wholesale central access provided at a fixed location – notified to the European Commission](#)
- [Draft decision on analysis of **market “4”** –wholesale quality access provided at a fixed location – notified to the European Commission](#)
- [Draft decision setting out **the rules governing access** to ultrafast optical fibre electronic communication lines, notified to the European Commission](#)
- [**Annexes pertaining to accounting reports**](#)
- [**Draft recommendation, providing details on the scope of application of the regulatory framework**, which was also the subject of the abovementioned public consultations](#)
- [**Responses to the public consultation** held in july 2020](#)

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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