
Press release

FIXED BROADBAND AND SUPERFAST BROADBAND MARKET REGULATION

Regulatory changes for the 2024 to 2028 period: Arcep submits its draft analysis Decisions on the market for fixed broadband and superfast broadband and on LLU price caps to the European Commission

Paris, 27 October 2023

Final stage before Arcep's adoption of new market analysis Decisions by the end of the year

After having published its “Scorecard and Outlook” document¹, two successive public consultations on draft decisions², and receipt of the Competition Authority's Opinion³, Arcep is continuing the process of reviewing fixed broadband and superfast broadband market regulation by submitting its draft decisions, which take the feedback received from market stakeholders into account, to the European Commission for any possible remarks. This is the final stage before the Authority's adoption of new market analysis decisions.

Market analysis decisions define so-called “asymmetric” regulation for 2024 – 2028, i.e. which apply only to SMP operator, Orange, for broadband and superfast broadband markets:

- a separate civil engineering market,
- market “1” for passive solutions,
- market “2” for dedicated activated solutions for businesses.

The work on Market “3b” for generalist active solutions is proceeding according to a different timetable, to be able to measure and factor in the ongoing changes taking place in this market over the past year.

Competition Authority's Opinion supports the draft market analysis decisions

Arcep had identified four key objectives that led it to propose changes to the existing regulation for 2024 – 2028: provide a framework for the copper network switch-off; maintain a satisfactory quality of service level on the copper network; facilitate the completion of fibre rollouts while ensuring effective access to civil engineering infrastructures (poles, underground ducts); bolster the competition dynamic in the business market. In addition to working to achieve its objectives, Arcep plans on adapting pricing obligations to changes in the market.

In its Opinion of 5 October 2023, the Competition Authority supports Arcep's approach to the different markets, as much in terms of their scope as identifying Orange as the SMP operator and the planned remedies, and welcomes the main changes being made to the existing regulation. It also made several observations that Arcep will take into account, some of which help inform Arcep's thought process on the future of fixed market regulation in the medium term, and on the implementation of the obligations set out in these draft Decisions.

Moreover, the feedback received from market stakeholders during the public consultation that ran from 29 June to 18 September did not lead the Authority to make any substantial changes to the version of the draft Decision published for consultation.

¹ [13th July 2022 press release](#)

² [20th February 2023 press release](#) and [29th June 2023 press release](#)

³ [26th October 2023 Autorité de la concurrence press release](#)

Arcep is also notifying its draft Decision on unbundling price caps for 2024 – 2025

Arcep is also notifying its draft Decision on price caps for unbundling (LLU) of the Orange copper local loop, with the operator being subject to an obligation of cost-based pricing for the years 2024 and 2025. It was submitted to a public consultation that ran from 7 September to 9 October 2023. This new version of the draft Decision was also notified today to the European Commission.

Responses to the public consultation on the draft Decision on LLU price caps which are subject to an obligation of cost-based pricing in 2024 – 2025 did not lead the Authority to make any substantial changes to the draft Decision.

Depending on the feedback from the European Commission, the Authority could adopt its final decisions in December.

Today, Arcep is also publishing Decision No. 2023-2318 setting the rate of return used for cost accounting, and price supervision of regulated fixed network businesses starting in 2024.

Associated documents

- [Draft analysis Decision on the market for the wholesale provision of access to physical civil engineering infrastructures for the deployment of electronic communications networks](#)
- [Draft analysis Decision on Market 1: wholesale local access provided at a fixed location](#)
- [Draft analysis Decision on Market 2: provision of high-quality wholesale access](#)
- [Draft analysis Decision on price caps for unbundling solutions](#)
- [Contributions to the second public consultation on the draft Decision on fixed markets](#)
- [Contributions to the public consultation on the draft Decision on the unbundling price cap](#)
- [Decision No. 2023-2318 setting the rate of return used for cost accounting, and price supervision of regulated fixed network businesses starting in 2024](#)

Background info:

- [Table recapping 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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