

**To ARCEP**

**Ref : Inputs to the public consultation (for information on the technical and pricing terms governing data conveyance and interconnection)**

**1) Company Presentation:**

TeliaSonera International Carrier is part of the TeliaSonera Group and operates an International Transit Network with a traditional Wholesale cross-border telecommunication product portfolio of voice, mobile, IP and capacity services. (see [www.teliasoneraic.com](http://www.teliasoneraic.com) for more details)

TeliaSonera International Carrier owns and operates more than 43,000kms of fibre network connectivity which covers more than 200 points of presence in major cities in 35 countries across Europe, North America and Asia.

TeliaSonera International Carrier is a Tier 1 IP Carrier Network, so it does not have to buy upstream IP Transit services in order to provide global Internet connectivity for IP Transit providers within an outside the EU.

TeliaSonera International Carrier is providing commercial IP interconnections Such as:

- Paid IP Transit customers (for providing Global Internet Connectivity for Retail/Wholesale Operators)
- Paid Peering customers (for providing paid access to the directly customer base of TeliaSonera IC)
- Settlement Free Peering with other operators that meet our Global Peering Policy

(see [http://www.teliasoneraic.com/iccons/groups/public/documents/productdocument/ts\\_004890.pdf](http://www.teliasoneraic.com/iccons/groups/public/documents/productdocument/ts_004890.pdf))

TeliaSonera provides IP Transit services (Paid access to the global internet) in 19 Countries including France and 28 cities all over the European Economic Area (EU) (Paris, Marseille for France exclusively)

The whole customer base of TeliaSonera inside EU represents a volume of approx 1800 customers that are mostly implmented on a Paid IP Transit service based on volume commitments (Committed Megabit per seconds per month) and contract terms (6,12,18 or 24 months)

The IP Backbone of TeliaSonera International Carrier has interconnection points both in TeliaSonera's own facilities and in Carrier neutral Datacenters.

**2) Limitation of confidential contract data publication:**

TeliaSonera AB, the incumbent operator in Sweden and Finland has received recently a Request for Information for the EU on European Internet connectivity and been asked for an answer by the 9th February 2012. TeliaSonera AB will make available its response in the context of such request as the nature of the information requested at this stage by the Commission remains on a general level to better understand how the market of Internet Connectivity operates.

**Informations société**

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TeliaSonera International Carrier, as part of the TeliaSonera AB group, is considering that the method and the content of the information gathering planned by ARCEP on the French Territory is going far beyond the general investigations actually implemented by the EU Commission and recommends focus is pointed towards local French connectivity suppliers to obtain a complete and consistent view of inbound and outbound traffic between France and the rest of the world.

TeliaSonera International Carrier as an operator hold number of IP transit Agreements/Peering agreements with other operators and is obligated by the terms of such agreements to follow strict confidentiality/non-disclosure undertakings, including e.g.:

- Prohibition to disclose information relating to the rates, the terms and conditions of the agreement, the exhibits, and the invoices for services provided pursuant to the agreement
- Prohibition to disclose information exchanged by the parties (including information of all kinds e.g. commercial, financial, technical or otherwise) deemed confidential if it concerns the party's business affairs and operations, to the extent such knowledge and information is not part of the public domain
- Prohibition to disclose information or make a public announcement relating to the existence as such of the agreement or the service orders made under the agreement

The breach of the non-disclosure obligation is source of liability and may entail termination of the agreement by the victim party.

Therefore, in the context of this public consultation and based on the consultative nature of the consultation, TSIC is not in a position to provide the information suggested in the response template provided by ARCEP.

In addition to the secrecy implications of the Project, the requirement that the information collected shall be "proportionate to the performance of those tasks" may not be fulfilled in the frame of the draft decision submitted by ARCEP.

### 3) Pertinence of a Quarterly gathering information campaign and limit of the scope:

TeliaSonera International Carrier due to its limited human resource structure locally in France (16 people) would be more inclined to suggest ARCEP to collect data from external resources (ex: Renesys etc) than asking them to provide such a report on a quarterly regular basis. Providing such a report will conduct TSIC to create internal processes for info reporting.

TeliaSonera International Carrier would more think useful to ask the local incumbent networks for such reporting as they are more locally staffed,

As a project description, it aims to involve all natural persons or legal entities whose activity or business "is likely to have a significant impact on end user located in France", including operators declared to ARCEP in accordance with CPCE Article L. 33-1 and operators with networks/installations located in France, or operators not included in the first category but having interconnection relationship with an operator belonging to the first category, as well as PPOCS established in France or having their services in France or having their services or content accessed by French users.

Based on such criteria's, Wholesale Carrier operators having no business on the retail level locally should not be considered in such a study. In addition, extending the obligation to operators not established in France may cause problems of implementation of the obligation to provide information as the failure of the operator to fulfil its obligation may be difficult to sanction.

The information requested, including information identifying main partners, information re. the agreement signed, technical information (capacity, interconnection points, etc) and price related information does not appear to be proportionate to the general objective of ARCEP to improve its understanding of the market.

In order to improve the ARCEP's knowledge of the market, information in aggregate form should be sufficient to give an understanding of such market...

The general statement expressed by ARCEP that the information will be used "to perform its duties" and that the information may be "spread" does not provide the necessary and clear limitations securing for the operators involved that the information will be used (and how it will be used) in a manner guaranteeing sufficient trade secrecy protection.

#### 4) Conclusions – Suggestions:

Based on the above, we would like to invite ARCEP:

1. To clarify the purpose of the Project and the reasons why information is requested pursuant to such methods implying for a large number of disparate operators the obligations to provide financial and technical information revealing on high detail level the content (protected by trade secrecy) of their relationships with other operators
2. If the purpose aims to improve ARCEP's general knowledge of the Internet/IP connectivity market, reconsider generally the need to implement such an information gathering campaign (the objective could be reached using other methods) e.g. consider if ARCEP could take advantage of other information sources and/or tools available either at EU level (e.g. see Request for Information implemented by the Commission as mentioned above) and/or on the French market which are likely to bring at this stage sufficient inputs without negative impact on trade secrecy
3. Notwithstanding the above, if ARCEP would confirm the need to request information from operators on the French market, limit the scope of the information gathering and specify a stricter frame under which information gathered may be used, including:
  - Clarify the tasks to be fulfilled by ARCEP based on the information collected and clearly limit the way the information shall be used in strict connection to the fulfilment of such tasks
  - Clarify the ARCEP's conditions of use of the information gathered and ARCEP's commitment to abide to confidentiality protections with regards to information provided with similar terms as the ones prevailing between operators, such as the obligation not to disclose information outside the expressed purpose, not to disclose information to third-parties, etc)
  - Limit the scope of operators involved, excluding e.g. carriers
  - Request a level/nature of information more proportionate to the task e.g. in aggregate form
  - Reconsider the need of quarterly campaigns

We appreciate that ARCEP has taken the initiative to contact operators on the market in order to receive their feedback re. the Project.

Would ARCEP need further clarifications with regards to the enclosed arguments and suggestions or to generally clarify the way the internet/IP interconnection market operates today, we remain at your disposal.