

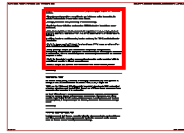
FTTH Council proposes regulatory improvements

The FTTH Council Europe has concluded its input into the European Commission's public consultation exercise on regulatory approaches to Next Generation Access (NGA) networks.

Joeri Van Bogaert, President of the FTTH Council Europe explains the guiding principles of the response: "The FTTH Council Europe believes that, where feasible, competition based on access to passive infrastructures offering all operators the ability to make NGA investments is the best mechanism for ensuring an appropriate and timely NGA deployment."

The FTTH Council calls on the Commission to incorporate the following FTTH positions in the final draft of the Recommendation on NGA:

- Base the sharing of indoor cabling up to and including the fibre concentration point on symmetrical remedies and not on Article 7 remedies. The Commission should advocate the



adoption of national laws which would reflect the proposed changes in Article 12 Framework Directive.

- Strongly promote mandatory pre-cabling for new buildings as well as harmonising the technical implementation for pre-cabling across Europe.

- Strongly promote the over-provisioning of fibre in all buildings.

- Specify how legacy obligations can be met on NGA infrastructure to avoid new copper deployment.

- Place more emphasis on the role of commercial negotiations in network deployment and give more guidance to regulators on how they can facilitate the sharing of risk between the operators.

In addition, in order to avoid dampening investor sentiment, the FTTH Council asks that the Commission:

- Clarify the issues regarding Wholesale Broadband Access (WBA) access remedies and how readily available such remedies should be.

- Clarify operators' ability to price differentiate at the retail level and the need for corresponding WBA products as appropriate. Without the ability to effectively price discriminate at the retail level, the FTTH Council Europe does not believe operators will have the incentives they need to invest.

- Clarify the Commission's position on geographic sub-markets and/or regulators' ability to apply different remedies in different geographic areas.

- Initiate a dialogue with NRAs and other stakeholders on a number of issues, such as decommissioning of copper.