



ARCEP's decision on
**“Implementation of a process for gathering
information on the technical and pricing terms
governing data conveyance and interconnection”**

April 17, 2012

About ARCEP



- ▶ ARCEP is France's Electronic Communications and Postal Regulatory Authority.
- ▶ ARCEP is an administrative body, **distinct from the government**. Its independence is guaranteed by European directives and national law.
- ▶ ARCEP regulates an economic sector. It regularly gathers information from stakeholders and processes them with an adequate level of **confidentiality**. ARCEP is **not competent to set or collect taxes**.

ARCEP's policy on interconnection

- ▶ ARCEP has been addressing net neutrality since 2010. Interconnection is one of the main work streams within this topic.
- ▶ As a regulator, ARCEP considers it is important to understand interconnection's trends and dynamics (e.g. growing concentration of traffic, increase of some ISPs' market power, debates around NGA networks funding, etc.). **ARCEP does not intend to regulate this market today and stated it in its recent decision** : *“the situation in data conveyance and interconnection markets today does not appear to warrant the introduction of ex ante regulation at this stage”*.
- ▶ However, when tensions arise, stakeholders can come and ask ARCEP to settle their dispute about interconnection and data conveyance conditions. ARCEP has already been informally contacted by some actors. If a formal request comes, ARCEP will have to take a fair and well-informed decision to settle the dispute.
- ▶ ARCEP got involved in several works to increase its understanding of the market (e.g. meetings with stakeholders, international workshops). It considers necessary to have a quantitative, accurate, up-to-date knowledge of interconnection conditions.

About the decision

- ▶ On March 29, 2012, ARCEP published a decision “*on the implementation of a process for gathering information on the technical and pricing terms governing data conveyance and interconnection*”.
- ▶ This decision was preceded by a public consultation launched on December 23, 2011. The decision takes effect immediately.
- ▶ The questionnaire is about “*data conveyance and interconnection relationships*”. It covers peering and transit relationships.
- ▶ Each respondent is required to list its most significant relationships (in terms of capacity), and provide for each:
 - the partner’s name (AS);
 - the type of relationship (peering, transit...);
 - the capacity;
 - the actual incoming/out traffic over a period of time;
 - the pricing conditions.

Who is concerned?

- ▶ **Category 1.** Operators of electronic communications which:
 - are required to be declared to ARCEP (*i.e.* which operate a network open to the public in France),
 - *and:* own one AS connected to two AS at least,
 - **must respond to the questionnaire every six months.**

- ▶ **Category 2.** Other stakeholders interconnected to a Category-1 operator, specifically:
 - operators of electronic communications,
 - *or:* undertakings providing an online communication service to the public which have actively taken steps to have their services used by end users in France,
 - **may receive a specific request from ARCEP which aims at checking or completing information given by Category-1 respondents; in this case they will have to respond within two months.**

The way forward

- ▶ The information will help to further ARCEP's knowledge of data conveyance and interconnection markets.
- ▶ ARCEP will process it while being careful to respect trade secrets. In particular, it will enable the Authority to assess the existence or lack of competition in these markets over time.
- ▶ ARCEP wants to keep exchanging views with stakeholders. It will participate to OECD-BEREC workshop (Brussels, June 20) and remains open to discussion.

Useful links on ARCEP's website

- [Press release](#)
 - Decision's translation
 - Questionnaire to be filled in
- } **Online soon**