

**Proposed Work Program for new ICN Working Group on Telecommunications Services**

Telecommunications is a rapidly evolving sector, presenting many challenges for competition authorities from both developing and developed countries in their enforcement work and in their competition advocacy efforts before regulators. For example, competition agencies are continually faced with questions about the degree to which new technologies – such as mobile telephony and voice over IP (VOIP) -- operate as viable competitive constraints against traditional fixed line services. Similarly, alternative networks like cable television provide some telecommunications services, and some have touted the electric grid as having the same potential. These new technologies may affect the way that competition agencies define relevant markets and assess competitive effects in their telecommunications cases. Competition agencies engaged in competition advocacy must also be familiar with the issues raised by these new technologies so that they can encourage pro-competitive laws and regulations. One potential role for competition agencies in reform efforts is to focus on ways to ensure that entry is facilitated.

The ICN Working Group on Telecommunications Services will, during its one-year life-span between the Bonn and Cape Town Annual Conferences, carry out work in the following areas:

- a) Conduct a stocktaking exercise (to be carried out by the Canadian Competition Bureau over the summer of 2005) of:
  - existing work concerning competition policy and the telecommunications sector, focussing particularly on that of the ICN<sup>1</sup> and the OECD;
  - selected major antitrust cases concerning the telecommunications sector; and
  - the state of competition in telecommunications services in developing countries, focussing on a small number of representative countries (approximately 3 to 5) from Asia, Africa and South America.
- b) Identify valuable lessons learned based on the stocktaking that would apply to the appropriate regulatory framework with respect to competition law issues, competition law enforcement, and the interaction between the competition authority and the regulatory authority with a view to possibly identifying optimal approaches (perhaps taking the form of Guiding Principles, Recommended, Best or Better Practices) that would assist ICN Members, particularly those in the process of liberalizing or deregulating their telecommunications sector; and
- c) Should time permit, identify and analyse the new competitive challenges stemming from technical/technological progress.

The results of the Working Group's efforts will be presented in Cape Town.

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<sup>1</sup> See, e.g.: Limits and constraints facing antitrust authorities intervening in regulated sectors ([http://www.internationalcompetitionnetwork.org/seoul/aers\\_ch1\\_seoul.pdf](http://www.internationalcompetitionnetwork.org/seoul/aers_ch1_seoul.pdf)); enforcement experience in regulated sectors ([http://www.internationalcompetitionnetwork.org/seoul/aers\\_ch2\\_seoul.pdf](http://www.internationalcompetitionnetwork.org/seoul/aers_ch2_seoul.pdf)); interrelations between antitrust and regulatory authorities ([http://www.internationalcompetitionnetwork.org/seoul/aers\\_ch3\\_seoul.pdf](http://www.internationalcompetitionnetwork.org/seoul/aers_ch3_seoul.pdf)).

## **DISCUSSION DRAFT**

**May 25, 2005**

The group will be co-chaired by the Canadian Competition Bureau (Sheridan Scott), the Italian Antitrust Agency (Alberto Heimler) and the South African Competition Tribunal (Yasmin Carrim) and all member agencies are invited to actively participate. Indeed, those jurisdictions represented on the group from developing jurisdictions will be given priority consideration in respect of the stocktaking exercise. Private sector representatives, academics and international organizations are also welcome.