



**Contribution of the Communications Regulatory Authority of the Republic of Lithuania
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The primary concern of communications regulators in any country is well being of consumers, which is reachable at the ability of the market to serve modern and affordable services anywhere within the territory of the country. The Communications Regulatory Authority of the Republic of Lithuania is of opinion that nowadays liberal market oriented principles are in position to lead communications sector to suit community needs best.

The growth of ICT's by its nature is committed to supply of faster, cheaper, prevalent, purposeful and wise ways of communication, thus having quite enough knowledge on best options to fit these goals. It is definite, that **infrastructure sharing should not be the objective by itself, but considered as a tool for better competitive and product development environment.**

With regard to passive and active infrastructure sharing we presume, that:

1. There should be no barriers in an open and competitive communications markets for service suppliers to negotiate without restraints common access, location and operation of infrastructure. **Infrastructure sharing agreements should be subject to commercial practice and initiative with minimum governmental intervention,** present in those cases only where “invisible hand” and private initiative don't work properly.
2. Growth of communications industry covers its own pitfalls like limited bandwidth, limited number of towers and their poor coverage of numerous populations. Even these facts do not deny the power of private initiative to overpass all the difficulties and to look forward for advanced solutions. Infrastructure sharing should in no way be used as a barrier to fair trade, and new entrants must be likewise accommodated into any selected schemes. **Thus in certain cases the state is still responsible for the establishment and supervision of fair, transparent and equal conditions of infrastructure sharing for all market players, and all new entrants should be treated on equal footing.**
3. **Infrastructure sharing should in no way suppress further technological development of the market as such and reduce investments to network**

innovations. Infrastructure sharing approach must be guided by primary policy goal of encouraging facilities-based competition together with the environmental impact reduction and removal of all inconveniences faced by the owners of facilities.

4. **Infrastructure sharing should not only grant acceding party extra rights, obligations should follow.** Still it is unclear if sharing amongst competitors could result in operators losing their ability to differentiate their services. For example, the larger the extent of sharing, it may be that each party could have less control over its own quality of service (QoS). Thus idea of services delivery over shared infrastructure should not trample quality expectations by the final service receivers.
5. With regard to harmonized regulatory approaches and regional policy setting, also taking into account expanding pan-regional business forms and needs of businesses⁶ operating in several countries, to have more or less similar conditions in all the local markets, intended **sharing regime should embody the flexibility, which whole information communication technology sector demonstrates.** Further regime reviews should be enclosed to all harmonization measures.
6. Elaborating further the domain of infrastructure sharing in the context of technological development, **the concept of infrastructure sharing probably shall be supported by another concept - joint infrastructure building.** This is especially relevant while building-up new networks, in emerging economies or well-established ones. Regulatory actions using both tools, when market itself cannot guarantee satisfactory results, can deliver the best outcomes for the benefit of competition and consumers.