

GSR13 Consultation

Contribution from the National Authority for Management and Regulation in Communications, Romania

This consultation focuses on **the need to rethink regulation and the evolving role of the regulator** in light of the changes taking place in the sector.

Regulation 4.0: Innovative and smart regulatory approaches fostering equal treatment of market players, stimulating services uptake and access to online services and applications without putting extra burden on operators and service providers (co-regulation, self-regulation, smart incentives etc.).

On this matter, ANCOM's optation would go towards smart incentives. For example, in view of having a more efficient use of the available radio spectrum, ANCOM would envisage stimulating the operators by means of the tariff system - higher tariffs for less efficiently used spectrum - and, at the same time, be more in favour of the FCC model of "unlocking spectrum in order to maximize white spaces' value for consumers and businesses".

To this end, we may look at the results of ANCOM's radio spectrum auction in 2012: the spectrum resources available to the operators grew by 77% and allowed for the introduction of the 4G technology, whereas the 900 MHz band is now more efficiently distributed. From a different perspective, for the operators the results of the auction opened the door to additional business and innovation opportunities, to better securing the investments and to a higher efficiency as regards the use of the spectrum they hold.

ANCOM also thinks about the stakeholder dialogue as a useful regulatory tool in this quickly evolving technological and commercial environment, promoting collaborative approaches and giving raise to practical and workable solutions to concrete problems.

The evolving role of the regulator: the regulator as a partner for development and social inclusion.

ANCOM promotes the idea of more empowerment of end users and agrees that, in order to take into account the end users expectations, it is required to go beyond the classical approach, in particular because it is sometimes very difficult for the end users to choose the best offers for themselves. For them to be able to obtain the most out of electronic communications services, it is important for a country to have a healthy competition in the market, transparency, quality of service or, especially for the end users with disabilities, to have affordable and accessible services.

On the development side, ANCOM looks at the convergence with media services as a significant aspect since, due to the progress of technology we are witnessing, various and basically different types of media (e.g. computer, television, radio, newspaper) are now starting to combine into a single media. Television and computer technology are increasingly becoming alike, websites have video incorporated, the Internet is an important part of the offer of most broadcasters, while computers and network technology has allowed the provision of "video on demand" services moving away from traditional "linear" or scheduled television. The improvements in mobile technology have also allowed

many of these services to be delivered to mobile devices, bringing the operators of mobile networks into this phenomenon.

The need to adapt the structure and institutional design of the regulator to develop future regulation.

ANCOM's view on this matter would be that, for a market to be viable with regard to regulations, the structure and institutional design of a regulator should rely on its independence, expertise, transparency and flexibility. A regulator might be seen as a mirror of the respective market: its performance must be at similar levels of quality and effectiveness as the regulated market. Nonetheless, while adapting and changing, let us not forget that the regulators' strong bond with their traditional features - among which professionalism and expertise – should be maintained undisturbed in order to be, and be visible as, a solid institution of the state, less likely to be influenced by usually volatile external factors, for the benefit of the consumers and, ultimately, of the society itself.