

9th Conference on the Regulation of Infrastructures
Sector coupling: how to regulate convergence?

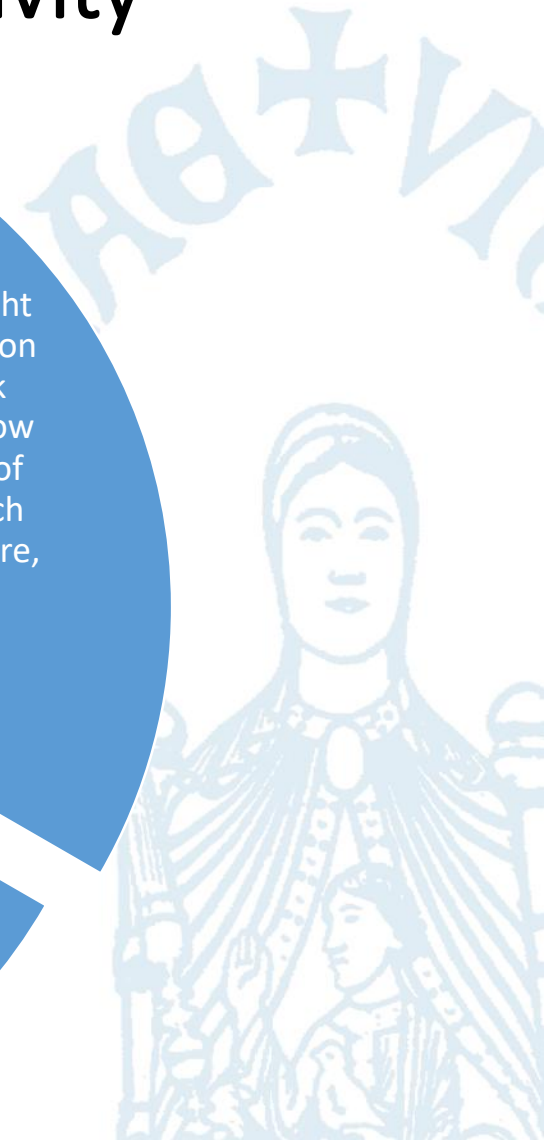
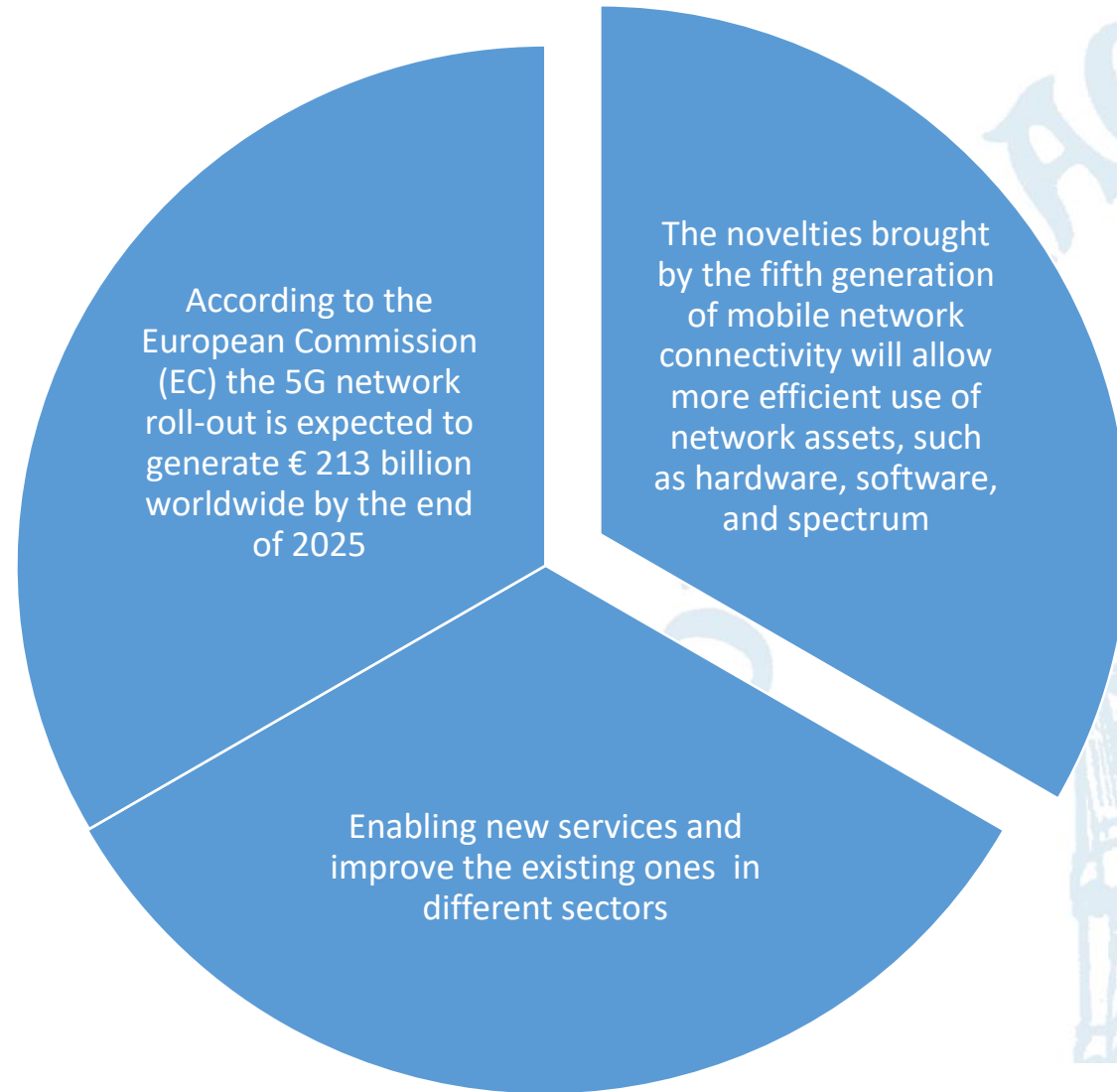
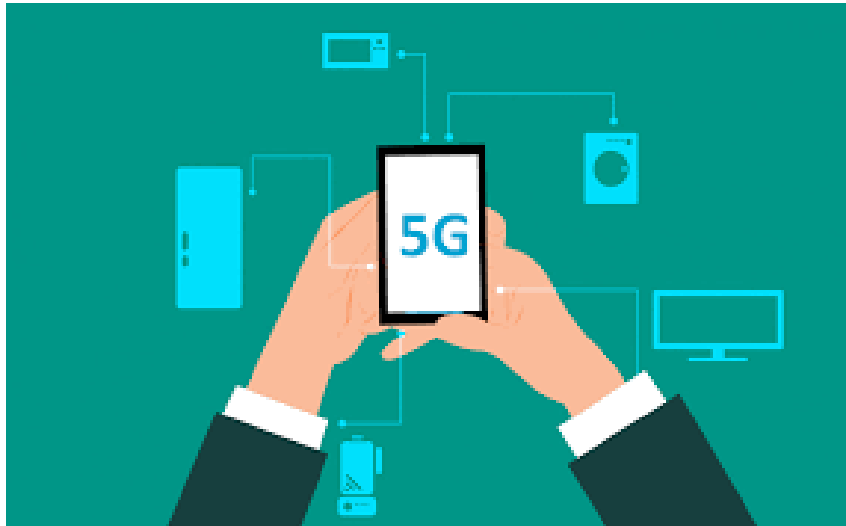
5G deployment

*The role and challenges of regulatory
bodies in ensuring convergence within
the EU*

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The Fifth Generation Of Mobile Network Connectivity



5G network: Enabler of Cross-Sector Convergence

Main regulatory challenges concern:

Public/Private investments

Infrastructure and spectrum sharing agreements

Traffic management

Security

Privacy and Data Protection

Consumer Protection



National and European Regulatory Bodies

The privatization process of essential state-owned assets occurred in the last thirty years have requested the allocation of tasks and responsibilities to entities with a level of expertise

Private Perspective

- Technical knowledge of reg. bodies to address technical challenges raised by private actors in the implementation and enforcement EU sector-specific norms in the national framework



Public Perspective

- Central bodies have demonstrated their inability to develop measures to address the challenges private entities have been facing daily



45 agencies and decentralised bodies across within the EU territory, established in different domains and designed with different structures and responsibilities

Role of filling the legislative gap between EU and national frameworks and ensure harmonised application of EU provisions

BEREC



Rec. 21 EECC *“National regulatory and other competent authorities should have a harmonised set of objectives and principles to underpin their work, and should, where necessary, coordinate their actions with the authorities of other Member States and with BEREC in carrying out their tasks ...”*

BEREC Regulation stresses the primary role of BEREC on the **relevant regulatory impact of any issue concerning the overall dynamics of digital markets** or with regard to their relationship, discussions and exchanges with, and the **dissemination of regulatory best practices** to, third parties

“In so far as necessary in order to achieve the objectives set out in this Regulation and carry out its tasks, [...] BEREC and the BEREC Office may cooperate with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations...”

“...To that end, BEREC and the BEREC Office may, subject to prior approval by the Commission, establish working arrangements. Those arrangements shall not create legal obligations.”



Security

Security in the EEC

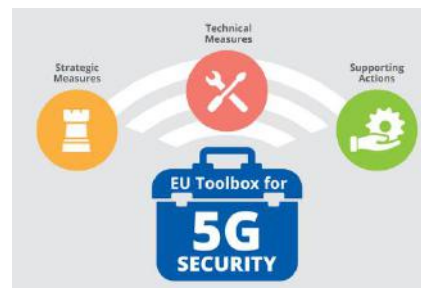
- Art. 40 EEC Member States have to ensure that 'providers of electronic communication and services adopt adequate technical and organisational measures to manage the risks posed to their networks and services'
- According to Art. 41 EEC if a security incident takes place Member States should to get assistance from national computer security incident response teams and **cooperate** with relevant national authorities

NIS Directive

- (9) Certain sectors of the economy are already regulated or may be regulated in the future by sector-specific Union legal acts that include **rules related to the security of network and information systems.**
- Art.1(3) exclude ECS from NIS scope of application

Few Member States are currently making use of the **cross-border consultation procedure** when it comes to identifying operators that are providing essential services in more than one Member State

There is a certain degree of inconsistency in the application of the provisions of the Directive on *lex specialis* amongst Member States



The **Cooperation Group** should support the creation of additional sectoral work streams with a view to increasing coherence and enhance collaboration

Conclusion

- The novelties brought by 5G network will affect multiple sectors, enhancing sector coupling
- The cross-border nature of the new generation of mobile network connectivity will have an impact on multiple regulatory frameworks, enhancing convergence and requiring therefore cross-sectoral rules and Regulation
- None of the legislative initiatives produced so far at EU level foresees procedures to ensure coordination among the EU regulatory bodies



Thanks!

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