

**Overview of the comments received in the ERG Consultation
on
Bitstream access
from
14 July – 31 August 2003**

No.	Name	Incumbent operator	New entrant	Cable operator	Equipment vendor
1.	Belgacom (Belgium)	x			
2.	British Telecom (UK)	x			
3.	Cececom (Lux)		x		
4.	Deutsche Telekom (Ger)	x			
5.	NetCologne (Ger)		x		
6.	QSC (Ger)		x		
7.	ECTA (Association)		x		
8.	ETNO (Association)	x			
9	ISPA (Association)		x		
10.	France Telecom (France)	x			
11.	LDCom (France)		x		
12.	KPN (The Netherlands)	x			
13.	Onitelecom (Portugal)		x		
14.	PT Comunicacoes (Portugal)	x			
15.	Sonae (Portugal)		x		
16.	ONO (Spain)			x	
17.	Telefonica (Spain)	x			
18.	Polkomtel (Poland)		x		
19.	TDC (Denmark)	x			
20.	Telecom Italia (Italy)	x			
21	Tiscali		x		
22.	Wind Telecomunicazioni (Italy)		x		
23.	Telekom Austria (Austria)	x			
24.	Tele2 (Sweden)		x		
25.	Ericsson (Sweden)				x
26.	Total: 25 comments received	11 (44%)	12 (48%)	1 (4%)	1 (4%)

Summary of the answers to the questions of the consultation

1. How do you evaluate the options described or which (other) options should be made available/mandated?

The starting point of the analysis has been clarified by stating that the analysis assumes that the first two stages of the regulatory decision making process are accomplished and that the regulator is considering the proportionate remedy to apply (stage 3).

It was criticized that the descriptions of the different options were not technological neutral. This has been adjusted now by more comprehensive wording.

2. What do you think of the regulatory approach advocated in the document? (Please provide the reasons for your answer)

In general it was criticized that the document focused too much on the old framework. This has been changed now by including a more detailed description of the NRF as a strong legal basis for the regulation of bitstream access.

3. In which fields and by which means would you like regulators to take a harmonized approach?

The legal basis will be harmonized once the NRF will have been transposed as all regulatory decisions will then be based on the Access Directive (2002/19/EC).

4. Respecting the rules of the Framework Directive and the Access and Interconnection Directive, do you think that cable operators should be requested to offer bitstream access?

The variety of answers received as well as the ongoing market reviews by NRAs show that the inclusion of cable operators in market no. 12 of the Recommendation is an open issue.

5. Are there any other aspects / further comments concerning bitstream access that you would like to raise?

The answers received from incumbents on one side and new entrants on the other side discussed from opposite perspectives the question of whether bitstream access promotes infrastructure competition and whether unbundled access to the local loop and bitstream access are complementary or not.

The ERG thinks that Martin Cave's picture of the "ladder of infrastructure competition" describes the situation adequately in the way that bitstream access and unbundled access are complements to each other and both promote infrastructure competition. In order to enable new entrants to climb up the ladder by increasing their

investments in own infrastructure step by step, prices of the various access products must be regulated consistently by regulators if they choose to impose price control measures.