

Background Note

- This Recommendation defines those markets that are subject to *ex ante* regulation (implemented by National Regulatory Authorities), as opposed to normal *ex post* regulatory oversight (antitrust).
- Markets so far regulated are 7 and include: fixed telephony access, fixed call origination and termination, local loop unbundling and wholesale access (for broadband), terminating segments of leased lines (offered to businesses who ask for dedicated capacity etc.), mobile termination rates.
- The basis on which these markets are subject to such *ex ante* regulation dates back to 2002 Directives, 12 years ago, when 18 markets were regulated.
- The last review of the recommendation happened in 2007, 7 years ago, bringing the number of regulated markets down to 7.
- Markets, technology and the competitive environment completely changed: in ICT, 12 years equal to several geological eras.
- Two striking examples of how markets that are still regulated have dramatically changed:
 - Skype and Whatsapp completely changed the calls and messaging markets in the last few years.
 - Cable reaches 50% of the EU population and, while incumbents' broadband networks are still regulated, cable isn't.

Table / Regulated Markets: 2007 vs. 2014 Recommendation

2007	2014
Market 1, Retail fixed-line access	Ex-ante regulation removed
Mkt 2, Fixed voice call origination	Ex-ante regulation removed
Mkt 3, Fixed voice call Termination	New "Market 1", no changes to definitions
Mkt 4, Wholesale physical network infrastructure access	New "Market 3a", Wholesale local access provided at a fixed location
Mkt 5, Wholesale broadband Access	New "Market 3b", Wholesale central access for mass-market products provided at a fixed location
Mkt 6, Wholesale terminating segments of leased lines	New "Market 4" Wholesale central access for high-quality business grade products provided at a fixed location
Mkt 7, Mobile voice call Termination	New "Market 2", no changes to definitions

Chart / Number of regulated markets: from the 2003 Recommendation to today

