

# NEW RULES FOR THE DIGITAL DECADE

WIK Conference, 6 - 7 September 2022  
Club of the University Foundation, Egmontstreet 11, 1000 Brussels, Belgium

## Programme

1<sup>st</sup> day: 6 September 2022

NEW RULES FOR DIGITAL MARKETS

09:00 – 09:30 Welcome & Registration

09:30 – 10:30

### KEYNOTE - REGULATION IN THE DIGITAL ERA: CAN EUROPE BE AN INNOVATOR AS WELL AS A REGULATORY LEADER?

*In this keynote address, Anthony Whelan, Digital Advisor to Commission President von der Leyen will present the European Commission's vision for the digital economy. He will explore Europe's role in setting a benchmark for the governance of platforms and data in the digital society, and discuss the balancing act that regulators play in fostering innovation and competition in digital platforms and services while protecting consumers and business users from exploitation and misinformation. Anthony will put into context the Commission's latest regulatory initiatives in this field including the DMA, DSA, Data Act and AI Act alongside its efforts (including substantial funding programmes) to support Europe as a hub for digital innovation and investment in Gigabit infrastructure. The importance of digital sovereignty, security and resilience in light of recent geopolitical developments will also be explored.*

Chair *Cara Schwarz-Schilling, General Manager, WIK*

KEYNOTE

**Anthony Whelan**, Digital Advisor to Commission President Ursula von der Leyen

10:30 – 11:15

### KEYNOTE - THE ROLE OF COMPETITION LAW IN THE DIGITAL ECONOMY

*In this keynote address, the Director General of DG Competition Olivier Guersent will explore the role played by competition authorities in fostering choice and innovation in digital industries and discuss the future role of competition law in the sector. Can anti-trust action be timely and relevant in fast-moving industries? Has it proven to be an adequate deterrent to abuse? As ex ante rules take on a greater role in the sector (notably for platforms and data), what will be the remit for competition authorities? What developments are expected in merger policy and state aid in the digital field?*

Chair *Cara Schwarz-Schilling, General Manager, WIK*

KEYNOTE

**Olivier Guersent**, Director General, DG Competition, European Commission

11:15 – 11:35

### CHALLENGES FOR THE DATA ECONOMY

*Pilar del Castillo, MEP and rapporteur for the EPP on the Data Act provides her view of the challenges posed by the data economy and the potential role that could be played by new EU legislation in opening up opportunities for innovation while protecting consumer interests.*

Chair *Philippe Defraigne, Founding Director Cullen International*

KEYNOTE

**Pilar del Castillo**, MEP and Rapporteur for the Data Act

11:35 – 12:00 Break

12:00 – 12:20

### DATA AND AI: A VIEW FROM THE CONNECTED CAR

*In this view from industry, Jonas Rönnkvist, reflects on how Volvo Cars plans to exploit opportunities from big data and artificial intelligence and the practical challenges ahead.*

Chair *Philippe Defraigne, Founding Director Cullen International*

KEYNOTE

**Jonas Rönnkvist**, Head of Data Business and Strategy, Volvo Cars

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12:20 – 13:00

## ANALYSING THE IMPLICATIONS OF THE PROPOSED DATA ACT

*The proposed European Data Act will require holders of data including data from connected devices to make this data available to end-users as well as potential competitors, at the request of end-users at a reasonable charge and without discrimination. The Data Act also introduces significant measures which seek to promote data sharing, interoperability and portability. In this session, we will explore what these provisions might mean from a practical perspective, the implications for consumer welfare and innovation and examine whether there are lessons to be learned from other sectors such as telecoms and banking.*

Chair

*Philippe Defraigne, Founding Director Cullen International*

**Ilsa Godlovitch**, Director Brussels WIK-Consult

**Andrea Sanders-Winter**, Head of Subdivision, Bundesnetzagentur

13:00 – 14:00 Lunch

14:00 – 16:00

## THE DIGITAL MARKETS ACT IN PRACTICE: HOW WILL SELF-EXECUTION WORK?

*The soon-to-be approved DMA will introduce rules which seek to prevent the largest platforms from engaging in unfair business practices, and thereby boost innovation and choice. The DMA is intended to be to a large extent "self-executing". However, steps will be needed by gatekeeper platforms and the European Commission (as the newly appointed regulator in this space) to apply the legislation in practice. In this session we will look at the key measures of the DMA and explore in detail the next steps in its implementation, including the designation process, and the measures that may be introduced by gatekeeper platforms to meet the requirements of the new instrument.*

Chair

*Ilsa Godlovitch, Director, Brussels WIK-Consult*

**Michael Koenig**, Advisor on the Digital Markets Act, European Commission

**Alexandre de Streel**, Professor European Law, University of Namur & Academic Director at CERRE

**Annemarie Sipkes**, BEREC Chair 2022 and Director at ACM

**Carel Maske**, Director Competition EMEA Microsoft

**Philip Malloch**, Director Economic and Social Policy, Meta

**Konstantina Bania**, Partner, Geradin Partners & Lecturer in Law, Sheffield University

16:00 – 16:20 Break

16:20 – 17:00

## KEYNOTE: GLOBAL TRENDS AND IMPACTS OF PLATFORM REGULATION

*In this keynote speech, Prof. William Kovacic Global Competition Professor of Law and Policy at George Washington University and former Chair of the US Federal Trade Commission, will highlight how the European approach to platform and data regulation contrasts with approaches taken in other countries and regions, including the UK, US and Asia, and reflect on the implications for innovation and competitiveness as well as consumer welfare.*

Chair

*Prof. Alexandre de Streel, Prof. European Law, U. Namur & Academic Director at CERRE*

KEYNOTE

**Prof. William Kovacic**, Global Competition Professor of Law and Policy, George Washington University

17:00 – 18:30 WIK 40th ANNIVERSARY COCKTAILS

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2<sup>nd</sup> day: 7 September 2022

KEY DEVELOPMENTS IN TELECOMS REGULATION

09:00 – 09:30 Welcome

09:30 – 10:30

## ELECTRONIC COMMUNICATIONS REGULATION: DEVELOPMENTS, CHALLENGES AND FUTURE TRENDS

*In this opening session, we will hear from Rita Wezenbeek, Director of electronic communications for the European Commission, about upcoming initiatives in telecoms, including the proposal for the review of the Broadband Cost Reduction Directive, Access Recommendation and funding support for Gigabit broadband. Thereafter, Kostas Masselos, incoming Chair of BEREC will provide an overview of the main challenges for NRAs during the COVID pandemic and their role in shaping the regulatory agenda. We will hear about BEREC's experience and plans concerning the Guidelines on very high-capacity networks and co-investment. We will also hear about the potential role for BEREC NRAs in supporting the wider sustainability agenda, overseeing the platform economy and ensuring the resilience and security of networks in the context of global threats.*

Chair Cara Schwarz-Schilling, General Manager, WIK

KEYNOTE Rita Wezenbeek, Director Electronic Communications, European Commission

KEYNOTE Prof. Kostas Masselos, incoming BEREC Chair 2023, President of EETT

10:30 – 11:00

## WHAT FUTURE FOR THE REGULATION OF THE SECTOR?

*With renewed pressure for consolidation and a trend towards commercial agreements and commitments for co-investment, leading representatives from telecoms operators discuss their vision for the future structure of the sector, and the role that ex ante regulation could and should play.*

Chair Cara Schwarz-Schilling, General Manager, WIK

Reinald Krüger, Director Policy and public affairs, Vodafone Group

Marc Schütze, Vice President Regulation, United Internet and 1&1

11:00 – 11:30 Break

11:30 – 12:50

## EXAMINING THE COMMISSION'S PROPOSALS FOR THE REVIEW OF THE BROADBAND COST REDUCTION DIRECTIVE

*In this session, we examine the Commission's upcoming proposals for the review of the Broadband Cost Reduction Directive, look at best practice implementation of these principles, and highlight possible areas for debate as the proposed Directive is reviewed by Council and Parliament. We will explore what actions can be taken to support full 5G deployment and the streamlining of permit granting processes. The implications for local authorities will be considered alongside impacts for electronic communications operators. We will also look more closely at possible approaches to standardising in-building infrastructure including in-building fibre. The evolving relationship between the EECC and BCRD will also be explored.*

Chair Cara Schwarz-Schilling, General Manager, WIK

Ilsa Godlovitch, Director Brussels, WIK-Consult

Staffan Ingvarsson, CEO of Business Region Stockholm

Ralf Capito, Director External Affairs, Vantage Towers

Ruben Vlek, Sales Manager MOOR platform, Roxit

12:50 – 13:10

## IMPLEMENTING THE BCRD: THE GERMAN EXPERIENCE

*Germany has been at the forefront of efforts to reduce broadband deployment costs through multi-sectoral collaboration. In this keynote address, Wilhelm Eschweiler, Vice-President of BNetzA*

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*discusses the experience of the German regulatory authority in building an infrastructure database and establishing rules to boost infrastructure sharing. He also discusses future ambitions and Germany's plans to facilitate cost reductions in 5G.*

**KEYNOTE** **Wilhelm Eschweiler**, Vice-President BNetzA

13:10 – 14:10 *Lunch Break*

## 14:10 – 15:30 **THE COMMISSION'S NEW ACCESS RECOMMENDATION AND CASE STUDIES IN SMP REGULATION**

*The Commission is conducting a Review of the Recommendations on "Next Generation Access", "cost methodologies and non-discrimination". In this session, we hear from DG Connect about the experience with the implementation of the current Recommendations and what changes they are proposing to make to foster competition and investment in Gigabit broadband and reflect the requirements of the Code. Thereafter, with the aid of case studies from Sweden and France, we look at how VHCN is impacting market definitions, and how regulation is adapting to focus on fostering VHCN and facilitating migration. Areas of focus include the role of physical infrastructure access (PIA) as an SMP remedy or market, switch-off practices and pricing of copper in the transition to VHCN, and the role of co-investment and commercial arrangements as an alternative to VHCN regulation.*

*Chair* **Ilsa Godlovitch**, Director, Brussels WIK-Consult

**Przemyslaw Kordasiewicz**, Acting Head of Unit Markets, DG CONNECT, EC  
**Dan Sjöblom**, CEO, PTS  
**Emmanuel Gabla**, Member of Board ARCEP VP, BEREC 2022

15:30 – 15:50 *Break*

## 15:50 – 16:10 **THE NEW BROADBAND STATE AID GUIDELINES**

*The European Commission is reviewing the Broadband State Aid Guidelines to bring them up to date with Europe's Digital Decade Gigabit broadband goals. The new Guidelines may also take into account the need to support more sustainable deployment. In this session, we hear from the European Commission about the main changes to the Guidelines and the implications for the targeting and award of State Aid and associated obligations*

*Chair* **Karl-Heinz Neumann**, Senior Advisor WIK-Consult

**Krzysztof Kuik**, Head of Unit State Aid, DG Competition, European Commission

## 16:10 – 17:00 **APPLICATIONS AND NETWORKS: WHO SHOULD PAY?**

*Europe's largest telecom operators are calling for contributions from content and application providers on the basis that tech giants are "not contributing a fair share to the deployment of telecom networks" while "generating network-related costs of tens of billion euros". In this session, we explore how competition has evolved in the transit and peering markets and whether there is an imbalance in negotiating power between telcos and application providers. We also consider whether there is a case for application providers to make payments for fibre and 5G deployments. We conclude with a debate on what any changes in the payment system might mean for Europe's policies on net neutrality, interconnection, universal service, and public funding regimes for Gigabit broadband.*

*Chair* **Karl-Heinz Neumann**, Senior Advisor WIK-Consult

**Lukas Wiewiorra**, Head of Department, WIK  
**Pascal Rogard**, Executive Director Orange Brussels' Office  
**Alan Sewell**, Chief economist, Sky  
**Christian Borggreen**, Vice President and Head of Office, CCIA Europe

17:00 *Conference close*