

# Q & A WITH...

**KONSTANTINOS MASSELOS**, President of the Hellenic Telecommunications and Post Commission (EETT) and BEREC Chair for 2023

## **Q. WHAT GOALS DO YOU HAVE WHILE IN YOUR ROLE AS CHAIR OF BEREC?**

A. My main objective as BEREC Chair 2023 is to contribute to BEREC's continuous efforts for independent, consistent and high quality regulation of digital markets for the benefit of European citizens. Our strategic priorities for 2021-2025 that will be addressed by BEREC's work in 2023, include promoting full connectivity, supporting sustainable, open and competitive digital markets and the empowerment of end users. The successful implementation of the Work Programme 2023 is a challenge in itself as it is quite ambitious, including 51 projects, 13 of which start this year. New projects address trends such as 'wholesale only' tower and fibre companies, the phasing out of 2G and 3G networks, connectivity from low earth orbit satellites, migration to very high capacity networks and copper switch off, the entry of content application providers in the electronic communications market, 'cloudification' and 'softwarisation' of telecommunications, and the regulatory challenges of IoT.

Participation in the dialogue around the EC's connectivity package (the Gigabit Infrastructure Act and the Access Recommendations), is also a priority for 2023, achieving the ambitious European connectivity targets for 2030. This includes the ongoing discussion about who should contribute to network investments, which should be held in light of the European Declaration on Digital Rights and Principles. The last includes a statement that all market actors benefiting from the digital transformation should assume their social responsibilities and make a fair and proportionate contribution to the costs of public goods, services and infrastructures. It also emphasises the protection of a neutral and open internet.

Digital regulation will be also a priority for BEREC in 2023 through its participation in the High-Level Group, supporting the EC in the enforcement of the Digital Markets Act (DMA) and in the dialogue for the forthcoming Data Act.

Continuing the work on the definition of BEREC's strategic orientations and roadmap towards 2030 is also a key objective. Ongoing convergence of information and communication technologies – the 'I' and the 'C' of ICT – is blurring the border between them. This represents a major challenge



for electronic communications regulators and needs to be taken into consideration when discussing the roadmap towards 2030.

## **Q. SHOULD MORE REGULATORS HAVE EXPERIENCE IN INDUSTRY AND ACADEMIA?**

A. The role of regulator requires multidisciplinary skills, including law, economics, engineering, accounting and financial analytics. Regulatory decisions benefit from having a range of different professional skills and perspectives. Hands-on experience with established regulators can be particularly valuable; however both industrial and academic experience is important.

Working in industry generates skills and knowledge that are impossible to learn from textbooks and provides insights that are difficult to get from a non-industry perspective. By understanding how the industry and market work, it is easier to design regulatory frameworks of higher quality and enforce them more efficiently. Industrial experience brings other skills such as efficient teamwork, simplification of processes and efficient handling of challenging situations.

Working in academia requires initiative and the creation of robust and novel ideas. It builds experience in the management of resources such as funding and grant money, research personnel and publications. Academic networking is also important since we need to know who's who in our increasingly esoteric fields. In general, I strongly believe that academic experience should be valued as the equal of 'work' experience.

**Q. THE EETT (HELLENIC TELECOMMUNICATIONS AND POST COMMISSION) IS BOTH THE REGULATORY AND COMPETITION AUTHORITY FOR THE TELECOMMUNICATIONS SECTOR – HOW MUCH DOES YOUR ROLE OVERLAP WITH THE HELLENIC COMPETITION COMMISSION, FOR EXAMPLE IN CONSIDERING REGULATION OF LARGE PLATFORMS?**

A. Indeed, EETT is both the regulator and the competition commission for electronic communications and postal markets with exclusive competence in these fields.

Although our model is not common to other EU and OECD countries, I strongly believe that there is no one-size-fits-all model in the institutional arrangements for competition enforcement. A regulator developing competition skills brings significant advantages, as it allows a) building on the sector-specific acquired expertise, b) enforcement of an optimal mix of competition law and regulatory tools, and c) more efficient consideration of competition principles when issuing regulatory frameworks.

The EU regulatory framework for the electronic communications sector, as recently codified with the European Electronic Communications Code (EECC), already includes many competition law principles, which means that a number of critical decisions need to be made by the regulator with a view to establishing a competitive landscape. The assignment of exclusive competition law enforcement powers to the EETT (both for national and EU competition legislation) for the electronic communications and postal markets means that there is no overlap with the role of the Hellenic Competition Commission in these two markets. In the case of digital platforms, the DMA enforcement mandate is mainly with the European Commission. Most recently the EETT was acknowledged as the sectoral competition authority for the DMA. With regards to the DSA, no significant role is foreseen at the national level for the competition commissions, but in several EU Member States, electronic communications regulators are considered most suitable for the role of national coordinator.

The path of cooperation is and has always been an essential and conscious choice for the EETT, whether with independent authorities and sector specific regulators, on a national basis, or with the public authorities of other EU Member States and countries around the world.

**Q. THE OBLIGATIONS UNDER THE DIGITAL MARKETS ACT BEGIN TO TAKE EFFECT DURING THIS YEAR – WHAT ARE THE MAIN PROBLEMS YOU SEE WITH ITS INTRODUCTION?**

A. We consider the introduction of the DMA as challenging. It is an innovative, hybrid model of competition legislation, which makes use of ex-ante regulatory tools. But we strongly believe

that any difficulties related to the first stages of its implementation will be overcome.

BEREC will continue to contribute to the implementation of the DMA as a member of the High-Level Group, which provides advice, expertise and recommendations on its implementation and enforcement.

Article 7 of the DMA includes an interoperability obligation for number-independent interpersonal communication services (NI-ICS), stating that a gatekeeper must make the basic functionalities of its NI-ICS interoperable with the NI-ICS of another provider.

The gatekeeper must publish a reference offer laying down the technical details and general terms and conditions of interoperability with its NI-ICS, including the necessary details on the level of security and end-to-end encryption. In recital 64, the DMA also sets out that the European Commission may consult BEREC to determine whether the proposed reference offer complies with this obligation. Interoperability measures for NI-ICS are also included in the EECC. BEREC will provide an overview of the economic and behavioural features of NI-ICS and the state of the market for these services. The report (due in June 2023) will also present different interoperability approaches and propose potential solutions. It will analyse the provisions and conditions for application and implementation under both the DMA and the EECC, and will also consider the interplay between the two legislative frameworks.

**Q. IN ITS SUBMISSION TO THE EUROPEAN COMMISSION BEREC HAS REJECTED THE SUGGESTION THAT DIGITAL SERVICE PROVIDERS SHOULD BE REQUIRED TO CONTRIBUTE TO THE COST OF BUILDING NEW NETWORKS. HOW DO YOU VIEW THE ARGUMENT THAT THE COSTS OF NEW INFRASTRUCTURE ARE TOO HIGH TO BE BORNE EXCLUSIVELY BY OPERATORS? WHAT CAN REGULATORS DO TO HELP?**

A. BEREC in its preliminary assessment in October 2022 focused on the implementation of a ‘direct compensation’ (sending party network pays, or SPNP) mechanism from content application providers to telecommunication networks operators. BEREC has found no evidence that this is justified given the current state of the market and that such a mechanism could present various risks for the internet ecosystem. In practice this means that BEREC found no reason to alter the conclusions of its previous study of 2012 (and 2017).

However the issue is, in my opinion, broader. The European Union has set very ambitious objectives with regards to very high capacity



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← networks (VHCNs) deployment towards 2030. The deployment of such networks, such as 5G and FTTH, is capital intensive. Regulators should develop policies to encourage investments and at the same time address the demand side to make networks financially viable in the long term as well as accessible to consumers – services need to be competitively priced.

Different policy approaches can be used to reduce network deployment costs and mitigate investment challenges. These include development-friendly spectrum assignment processes, encouraging infrastructure sharing, supporting the use of the right technology hybrid (fibre to the home, fixed wireless access, satellites), strengthening passive infrastructure access, and frameworks to reduce civil engineering costs and promote open access networks. Public funds will be necessary to address network deployment in areas of less commercial interest. For example, only densely populated areas can go to FTTH without the use of subsidies.

**Q. DO YOU SEE OPPORTUNITIES FOR GREATER HARMONISATION OF REGULATION AROUND THE WORLD? SHOULD REGULATORY BODIES COOPERATE MORE FORMALLY, AS THEY DO IN BEREC?**

A. Harmonisation of regulation is important since it removes inconsistencies that create unnecessary and burdensome barriers. Achieving harmonisation is nevertheless a challenging task given the specifics of different countries and markets, and flexibility should always be preserved.

International collaboration of regulators is important, given the increasing convergence of issues across different regions of the world. This convergence, as well as the global nature of electronic communications services, means that policies, legislation and regulation must be seen from a more global perspective.

Institutions such as the International Telecommunication Union (ITU) and the OECD can play an important role in promoting international collaboration among regulators from different regions of the world and exploring the wider opportunities for harmonisation. BEREC benefits from the cooperation with NRAs and with other international regulatory institutions, including Regulatel, EaPeReg and EMERG, which are all involved in communications issues beyond the territory of the European Union.

**Q. WHAT ARE THE TECHNOLOGIES ON THE HORIZON THAT EXCITE YOU THE MOST?**

A. The number of applications of artificial intelligence and its variants like machine learning, deep learning and convolutional

neural networks is huge and covers almost all aspects of our lives. Integrated circuits set the foundations of this evolution. This makes the semiconductor industry a very strategic industry for a country (or even big corporations) NOT to participate in.

By the mid-2000s, the semiconductor industry ceased to be able to scale silicon speeds at the pace it used to three decades prior to that, and



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by the mid-2010s introducing more cores to CPUs ceased to deliver measurable returns. The industry, in order to keep up with our need to process more and more data, paradigm shifted to heterogeneous or ‘accelerated’ computing. During the last 3-4 years, these special-purpose computing pieces of silicon, typically targeting AI or networking stack acceleration tasks, started to

get fabricated in independent chips that we call ‘chipllets’. In the near future, choosing the right mix of chipllets per application and properly interconnecting them – what the industry calls ‘advanced packaging’ – will probably become more important than the technology of the chipllets themselves. System-scale on silicon always wins!

This, I believe, is a big opportunity for smaller European countries to get into the semiconductor business. By standardising chipllets and maybe by getting a small piece of our planned semiconductor spending made accessible to innovative SMEs around Europe, they can come up with chipllet interconnect and advanced packaging solutions. I think it is needed, in order to democratise access to this key technology.

**QUICKFIRE:**

**What was the last book you read?** North and South by John Jakes (I have read it several times). Mission impossible is accomplished at the end of Book 2 for two people really in love.

**What song would you like played at your funeral?** Truly Madly Deeply – Savage Garden. Great music - superb lyrics.

**Starter or pudding?** Chocolate pudding. I always eat chocolate before going to sleep.

**What’s your favourite holiday spot?** Messenia in the southwestern part of the Peloponnese region in Greece.

**What’s the first item you’d save if your house caught fire?** My data/hard disk. This is the era of the digital economy.