



## WIK Conference – Beyond the Digital Decade: new rules, new challenges for digital platforms and telecoms

### Day 1: IMPLEMENTING EUROPE'S NEW ACQUIS ON DIGITAL PLATFORMS

On the first day of the WIK Conference held on September 2024 speakers and participants discussed the implementation of Europe's new acquis on digital platforms.

#### Panel 1: Implementing Europe's New Data Sharing Rules

The first panel addressed the implementation of Europe's new data-sharing rules under the upcoming Data Act. **Björn Juretzki** (Head of Unit Data Policy and Innovation, DG CNECT, European Commission) outlined the main objectives of the Act, including facilitating access to data generated by connected devices, ensuring fair conditions for business-to-business data sharing, and simplifying the process of switching cloud providers by eliminating exit charges. He emphasized the importance of transparency, interoperability, and the creation of model contracts to promote fairness, alongside a single point of contact for enforcement in each Member State. **Claude Rapoport** from the Association of CIOs in Belgium provided a business perspective, discussing the practical difficulties of cloud switching, especially the technical costs and complexities involved in transferring large volumes of data. **Jeremy Rollison** (Head of EU Policy, Microsoft) addressed challenges related to data ownership and compliance in IoT ecosystems, emphasizing the intricacies of managing cloud ecosystems involving multiple players. **Annemarie Sipkes** (Director for Telecom and Post) from ACM stressed that while progress is

being made, the regulatory journey is long and requires continuous effort. The session underlined the necessity of collaboration between regulators and businesses to navigate technical challenges and ensure effective enforcement.

#### Panel 2: Lessons from the First Year of the Digital Services Act (DSA)

The second panel reflected on the implementation of the Digital Services Act and its impact. **Rita Wezenbeek** (Director for Platforms Policy and Enforcement, DG CNECT, European Commission) provided an update on the enforcement of the DSA, which now covers 24 very large online platforms. She highlighted the Commission's proactive role in investigating non-compliance by platforms like TikTok and X, as well as the development of tools to mitigate risks related to harmful content. **Benoît Loutrel** from ARCOM emphasized the importance of national institutions in building trust among citizens and Camilla Bustani, Director International from Ofcom, drew parallels to similar legislation like the UK's Online Safety Act. **Marisa Jimenez Martín** (Director of Public policy and Deputy Head of EU Affairs, Meta) acknowledged the challenges of compliance, particularly in procedural requirements like age verification, but reaffirmed the company's commitment to DSA principles. **Alessandro Polidoro**, (Digital rights advocate and technology lawyer), critiqued self-regulation on online platforms, stressing the need for cultural changes alongside legal enforcement. **Lukas Wiewiorra**, Head of department from WIK called for more accurate risk metrics and early-warning systems to

detect emerging issues. The discussion highlighted the complexities of enforcement, the importance of transparency, and the need to balance free speech with platform liability.

### Panel 3: Enforcing the Digital Markets Act (DMA)

The third panel focused on the enforcement of the Digital Markets Act and the challenges posed by large gatekeeper platforms. **Thomas Kramler** (Head of Unit E-commerce and data economy at DG Comp, European Commission) outlined key provisions of the DMA, such as prohibiting self-preferencing, supporting alternative app stores, and enabling vertical interoperability. While the DMA has led to notable adjustments by gatekeepers like Google and Apple, he acknowledged the difficulties in ensuring full compliance. Industry representatives shared their perspectives, with **Myrto Tagara** (Associate Competition Counsel, Google) and **Gary Davis** (Senior Director Regulatory Legal, Apple) detailing their respective efforts to comply, including new APIs and tools to increase transparency, but also expressing concerns about balancing openness with security. **Álvaro Pinto** (COO and co-founder, Aptoide) highlighted the significant challenges faced by smaller app stores, including user acquisition friction and gatekeeper dominance. **Carolina Lorenzon**, Director from MFE Media, criticized Google's practices in search and advertising, which she argued undermine competition. **Matej Žežlin** (Public Affairs Manager, HOTREC) stressed the importance of ensuring compliance with self-preferencing rules while being cautious of unintended consequences for small businesses. **Aurélien Mähl** (Senior Public Policy Manager, DuckDuckGo) pointed out Google's continued dominance in search and called for stricter enforcement. The panel concluded that ongoing dialogue and stronger regulatory oversight are essential to fostering fair competition and ensuring compliance.

### Keynotes

The first keynote was delivered by **Martins Prieditis**, Deputy Head of Unit E2 - Consumer and Marketing Law from DG JUST, who discussed insights from the EU's ongoing Fitness Check on consumer law. He highlighted the challenges posed by dark patterns, transparency issues with social media influencers, and dynamic pricing, noting that while EU consumer laws remain relevant, enforcement is increasingly difficult in the digital marketplace. **Renate Nikolay** (Deputy Director General, DG CNECT, European Commission) presented the second keynote, reflecting on the Commission's achievements under Ursula von der Leyen, including the Chips Act and the Digital Services Act. She emphasized the importance of secure digital infrastructures and collaboration among Member States to drive innovation while protecting consumers.

### Final Panel: Europe's New Platform Rules – First Impressions and Early Lessons

The final panel explored early lessons from Europe's new platform rules. **Alexandre de Streel** from Namur Uni-



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versity emphasized that while the European Commission has set the right priorities and begun enforcing compliance, more clarity and measurable success metrics are needed. According to him the division of tasks between the Commission and national authorities, regarding gatekeepers and smaller platforms, remains a critical area for improvement. **Daniel Friedländer** (Senior Vice President & Head of Office) from CCIA Europe agreed on the need for clear metrics to guide enforcement and noted the tension between regulatory intentions and practical realities, while **Vanessa Turner** (Senior Advisor, BEUC) expressed cautious optimism, recognizing improvements in consumer choice but identifying ongoing issues with compliance. **Jan Penfrat** (Senior Policy Advisor) from EDRI criticized the slow pace of implementation and the reluctance of companies to comply fully with new requirements. The Commission will have to ensure compliance with limited resources and enforce small steps like product design of screens. **Annemarie Sipkes** (ACM) echoed these concerns, highlighting the challenges of coordination among national regulators and limited resources for enforcement. She noted that some companies remain unaware of their obligations under the DSA and called for greater awareness-raising efforts. The panel underscored that the success of the DMA and DSA depends on refining enforcement strategies, fostering coherence among Member States, and addressing gaps in regulatory information.

### Day 2: TELECOMS POLICY: TIME FOR A RETHINK?

The second day of the WIK Conference on 25 September 2024 was dedicated to telecoms regulation "Beyond the digital decade: new rules, new challenges for digital platforms and telecoms".

#### Session 1: Priorities and Achievements in Digital Infrastructure

**Kamila Kloc**, Director of Digital Decade and Connectivity at DG CNECT, highlighted the European Commission's efforts to implement the EU Electronic Communications Code (EECC). Although the final Member State notified completion in mid-2024, she noted delays across the EU.

Kamila also discussed other key components of the regulatory framework, including the Gigabit Infrastructure Act, the Gigabit Connectivity Recommendation, and the Roaming Rules. She emphasized the strategic importance of submarine cables, 5G networks, and backbone infrastructure in enhancing Europe's digital resilience and outlined plans for a review of the Code in 2025. **Tonko Obuljen**, Chair of BEREC and HAKOM, reiterated the importance of competition in achieving digital targets. While 70% of urban areas now have very high-capacity networks (VHCNs) and 5G, he pointed out that take-up remains low. Tonko warned against rapid deregulation and advocated for continued ex-ante regulation, particularly in markets with persistent dominance, while stressing the challenges in rural network expansion.

In his keynote, **Agustin Reyna** (Director General of BEUC) argued for consumer-centered telecom regulation. He expressed concerns about rising market concentration, which has negatively impacted competition, prices, and service quality in countries such as Germany and Portugal. He highlighted the need to maintain strong competition to foster affordability and innovation.

### Keynote debate: future rules for the telecom sector

The panel turned to future regulation, particularly in light of the Commission's white paper. **Juan Montero Rodil**, Telefónica Group Chief Public Policy, Competition & Regulatory Officer, called for a review of access regulations to better align with market realities and facilitate efficient network rollouts. **Agustin Reyna**, however, warned against weakening wholesale access regulations, as they are crucial for maintaining competition. **Kamila Kloc** emphasized the importance of flexibility in regulation, cooperation with Member States, and sustained investment to meet EU connectivity targets. Despite significant developments in 5G, she noted that financing gaps in infrastructure remain a concern. **Agustin Reyna** further criticized Europe's lack of a capital markets union, which limits scalability and drives investment to the U.S. **Richard Feasey** (Senior advisor CERRE, Inquiry Chair UK Competition & Markets Authority) warned against unduly distorting markets to achieve targets. **Robert Mourik** (Commissioner ComReg, BEREC Chair 2025) argued that targets are important but that one should not stick too rigidly to them. Robert elaborated that while fibre is a technology that will service for the next 20 years the industry has doubts about 5G. 5G makes networks more efficient but industrial use cases do not materialise. The panel also explored the role of cloud infrastructure. **Federico Boccardi**, Head of Connectivity Policy Europe from Amazon Web Services, differentiated cloud services from traditional telecom networks, emphasizing the complementary nature of cloud computing and physical networks. Discussions concluded with calls for greater harmonization of spectrum allocation and stronger universal service policies to ensure affordable and equitable access.

### Session 2: Debating the Case for Consolidation

**Carlota Reyners Fontana**, Director for IT and Digital at



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DG Competition, presented the European Commission's approach to regulating mergers, referencing recent cases like Orange and MásMóvil in Spain and Telecom Italia's merger with Vodafone in Italy. She acknowledged the potential efficiencies of consolidation, such as eliminating double margins, but stressed the importance of safeguarding competition, especially in markets where mergers may reduce consumer choice. **Luigi Di Gaetano** (Deputy Head) from AGCM addressed the risks of vertical integration, emphasizing the need for well-structured co-investment models to avoid market distortion. **Ben Wreschner**, Group Regulatory Policy Director from Vodafone, argued for a new European approach to competition policy, claiming that consolidation is essential for ensuring investment in next-generation networks and addressing Europe's fragmented markets. **Peter Alexiadis**, Visiting Professor at King's College London, highlighted the interplay of technology, innovation, and environmental policies in shaping consolidation outcomes. He noted the regulatory complexities of balancing competition with broader societal goals. The panel stressed the importance of careful assessments of market dynamics to ensure mergers do not harm competition while enabling infrastructure investments.

### Session 3: Developments in State Aid in the wake of the new broadband guidelines

**Krzysztof Kuik**, Head of Unit, ICT State Aid at DG COMP, discussed state-aid schemes aimed at meeting the EU's Digital Decade targets. He highlighted the role of demand-driven voucher programs and their limitations as a deployment measure.

### Session 4: Achieving the Gigabit connectivity targets – case studies and lessons learned

**Daniela Brönstrup**, Vice-President) from BNetzA, examined Germany's broadband landscape, pointing to challenges such as high deployment costs, low fibre adoption, and complex real estate structures. Despite 92% 5G coverage by at least one operator, she stressed the need for transparent regulations and ongoing dialogue

with stakeholders to achieve connectivity goals. **Dan Sjöblom**, Director General of the Swedish Post & Telecom Authority, presented Sweden's success in VHCN deployment, which has reached 98.6% of households. He emphasized the importance of alternative technologies, such as satellite and radio, to enhance rural connectivity and highlighted the growing demand for high-quality infrastructure to support competitiveness and emerging technologies like AI. **Emmanuel Gabla**, Member of Board from ARCEP, focused on France's progress in fibre roll-out, supported by symmetrical regulation and network sharing. However, he outlined future challenges, including managing the copper network's switch-off, maintaining service quality and bolstering competition in the business market.

### Session 5: Implementation challenges in broadband: the German experience with copper switch-off and more

**Cara Schwarz-Schilling**, General Manager from WIK, addressed Germany's experience with copper switch-off and fibre roll-out. She highlighted fragmented network roll-out, decentralized organization of funding and bottlenecks in in-building infrastructure as barriers to efficient deployment. She mentioned pilot projects to test migration to the fibre networks of Deutsche Telekom in the context of BNetzA's "Gigabitforum". Discussions concluded with reflections on the transparency of copper decommissioning plans and regulatory measures needed to ensure fair competition.

### Session 6: Preparing for the New Gigabit Infrastructure Act

**Jürgen Kühling** from Regensburg University outlined the objectives of the Gigabit Infrastructure Act (GIA), which aims to streamline rules and accelerate VHCN deployment to meet Digital Decade targets. **Wolfgang Kopf**, SVP Group Public & Regulatory Affairs from Deutsche Telekom AG, criticized the fragmented regulatory landscape, arguing that overregulation and asymmetric access rules hinder investment and the GIA's goals had not



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been achieved. He therefore called for a reform of access regulations. **Klaus Steinmaurer** from RTR highlighted the importance of coordination among stakeholders and clearer regulatory guidance to ensure the GIA's success. **Sonia Strube Martins**, Senior Economist from WIK, detailed the challenges in deploying in-building fibre infrastructure, including ownership disputes and low awareness of telecom regulations in the construction sector and suggested measures to accelerate roll-out of in-building infrastructure. **Daniel Pataki**, Director of Regulation and European Affairs from Cellnex, highlighted the role of TowerCos in 5G deployment and stressed the need for regulatory stability to encourage investment. The session concluded with consensus on the importance of collaboration among regulators, telecom operators, and infrastructure providers to achieve the GIA's objectives while fostering competition and innovation.

Across all panels, speakers emphasized the need for a balanced approach to fostering investment and competition, while adapting regulations to technological and market realities. Close collaboration between telecom operators, regulators, and infrastructure providers was deemed critical to achieving Europe's connectivity goals.

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