

**Dr. Salah Al-Chalabi's response to Ofcom Workplan 2013/14  
Chaltel Ltd.**

Ofcom's role responsibilities and duties as a National Regulatory Authority (NRA) in the United Kingdom and the European Union is determined by the EU Directives of the European Union and the Communications Act 2003 of the United Kingdom. This liberalised market with competition between communications network operators as well as service providers in turn forms part of the global telecom market of public network services. Figure 1 summarises the current architecture of the Telecom sector market and Ofcom's position within it. Each player, either as a competitor and the supporting players within the market or customer has its own sets of interest which sometimes can be conflicting with the interest of other players. For instance different service providers and their backing investors can be competing for the same customer. Therefore, the role of Ofcom as regulator is very important to resolve disputes and regulate the market.

Ofcom's workplan 2-13/14 document describes the tasks planned by Ofcom's management to fulfil its duties and responsibilities as stated in the regulation.

The workplan describes in detail the work areas, priorities areas for the year 2013/14 and the expected interim and final outcomes. These are summarised in figures 1,4 and 5 of Ofcom's document, which are shown below, which identify the strategic purposes of the groups of activities that support the main duties and responsibilities of Ofcom as determined by the Commun. Act:

**“Further the interests of citizens and consumers in relation to communications matters.”**

This strategic objective sets clearly Ofcom's position within the sector's architecture. Of course, how well Ofcom achieve its goals as a NRA will depend on the competence and skills of its staff, who should be aware of the role of Ofcom within the sector's current architecture.

The consultation document also identifies themes relevant to more than one strategic priority.

Ofcom work areas, priorities areas and proposed outcomes for Ofcom's work programme 2013/14

Comments:

Ofcom has correctly recognised that there are themes relevant to more than one strategic purpose. One very important theme is “**Supporting technological development, including interoperability and standardisation**”, where Ofcom will continue to support the deployment of new technologies and approaches to service delivery, especially where there is the risk of market failure. Examples may include situations where barriers to harmonisation or coordination could exist. This cross strategic purpose theme will impact the choice of technologies in the public networks which will in turn impact the cost and quality of services delivered over the network. This theme will impact the following work areas:

“**Contribute to the consistency of communications regulation in Europe through BEREC and ERGP**”, where Ofcom will contribute to the promotion of competition in European communications markets and ensure the consistent implementation of the EU regulatory framework. Ofcom will be providing an opinion on the upcoming Commission Recommendation on non-discrimination and costing methodologies. Taking account of technological developments should provide an input to formulate BEREC's common positions in the EU.

The EU Framework Directive 2002/21/EC requires that the Commission may adopt appropriate technical implementing measures with a view to harmonising the measures to ensure network security and integrity. These technical implementing measures shall be based on European and international standards to the greatest extent possible, and shall not prevent Member States from adopting additional requirements in order to pursue the objectives of managing security risks, and network integrity.

The first paragraph of Article 17, **Standardisation**, of the EU Framework Directive states that “1. The Commission, acting in accordance with the procedure referred to in Article 22(2), shall draw up and publish in the Official Journal of the European Communities a list of non-compulsory standards and/or specifications to serve as a basis for encouraging the harmonised provision of electronic communications networks, electronic communications services and associated facilities and services.” The second paragraph “2. Member States shall encourage the use of the standards and/or specifications referred to in paragraph 1, for the provision of services, technical interfaces and/or network functions, to the extent strictly necessary to ensure interoperability of services and to improve freedom of choice for users. As long as standards and/or specifications have not been published in accordance with paragraph 1, Member States shall encourage the implementation of standards and/or specifications adopted by the European standards organisations. In the absence of such standards and/or specifications, Member States shall encourage the implementation of international standards or recommendations adopted by the International Telecommunication Union (ITU), the European Conference of Postal and Telecommunications Administrations (CEPT), the International Organisation for Standardisation (ISO) and the International Electrotechnical Commission (IEC).” The Ofcom document does not identify the “Standards making bodies” most relevant to UK, EU and global market. It does not clarify how Ofcom will work with the UK government, EC and BEREC to execute this work area. One important area that needs to be standardised is the “Network Termination Point” for the different technologies and platforms used to deliver the different services.