



CULLEN

INTERNATIONAL

# **Novo Modelo Regulatório nas Telecomunicações**

**São Paulo – Junho 2016**

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# REGULATORY INTELLIGENCE

Telecoms

Media

Digital Economy

Postal

Competition Law

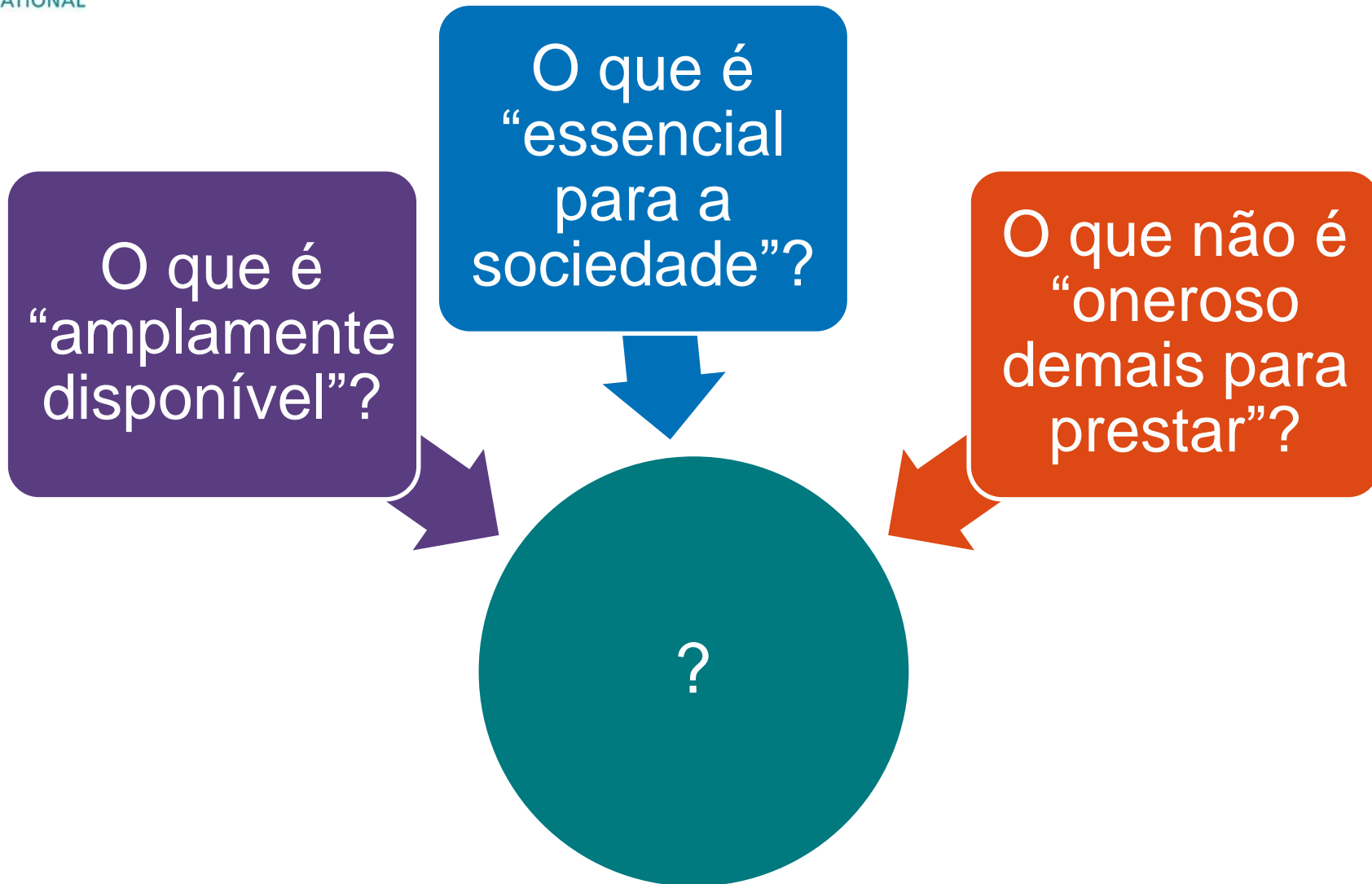
# Reflexões

## Pilares de um novo modelo



# Universalização

## O que queremos universalizar?



# ... escopo atual da universalização varia de país para país...

	Telefone público	Acesso fixo	Lista telefônica	Portadores de necessidades especiais	Social tariffs	Broadband
BE	✗	✓	✗	✗	✓	✓
BG	✓	✓	✓	✓	✓	✗
DE	✗	✗	✗	✗	✗	✗
IT	✓	✓	✗	✓	✓	✗
IE	✓	✓	✓	✓	✓	✗
ES	✓	✓	✓	✓	✓	✓
FI	✗	✓	✗	✓	✗	✓
FR	✗	✓	✓	✓	✓	✗
SE	✗	✗	✗	✓	✗	✓
UK	✓	✓	✓	✓	✓	✗

# Universalização

## Tendência atual



# Universalização

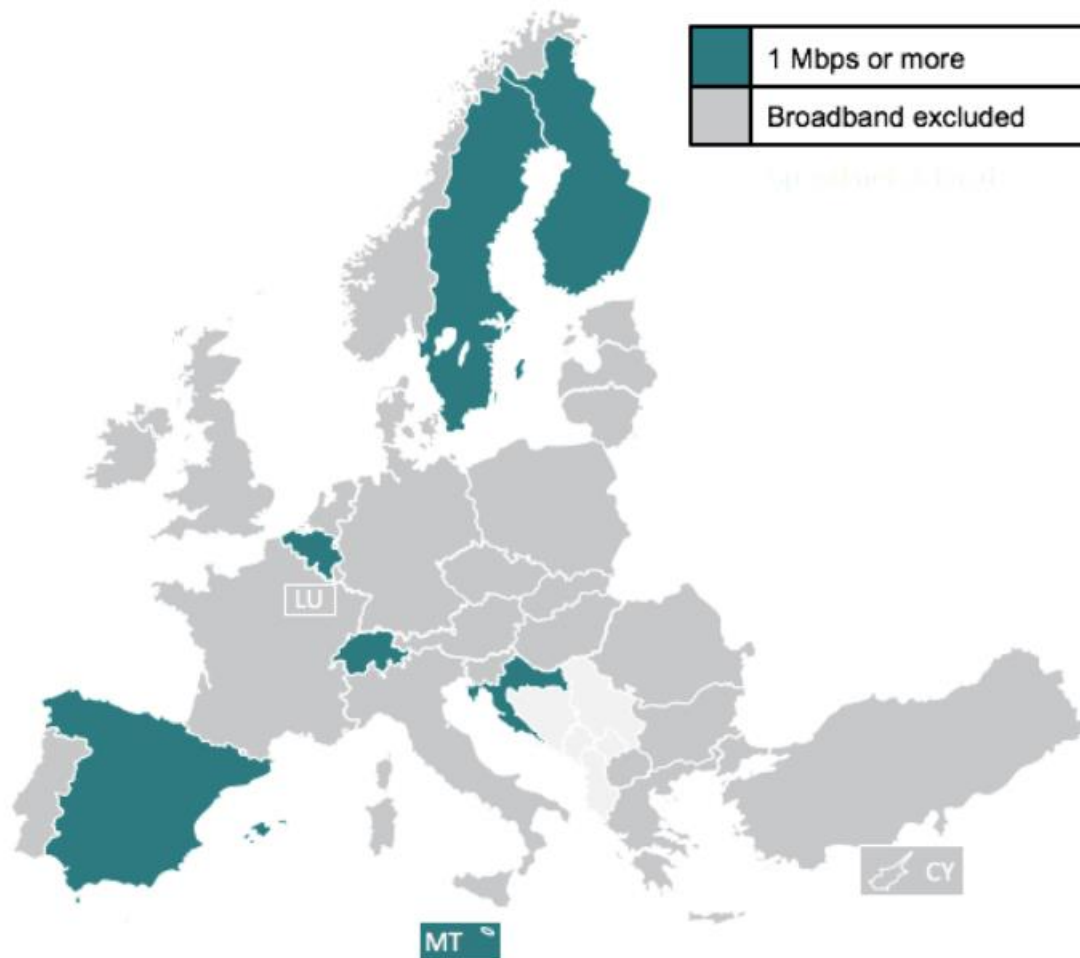
## Acesso funcional à Internet

### Velocidade mínima (universalização)

Países	Velocidade mínima
Bélgica	1
Finlândia (hoje)	2
Finlândia (2021)	10 (meta)
Croácia	1
Malta	4
Suécia	1
Suíça	2
(Reino Unido – proposta)	10

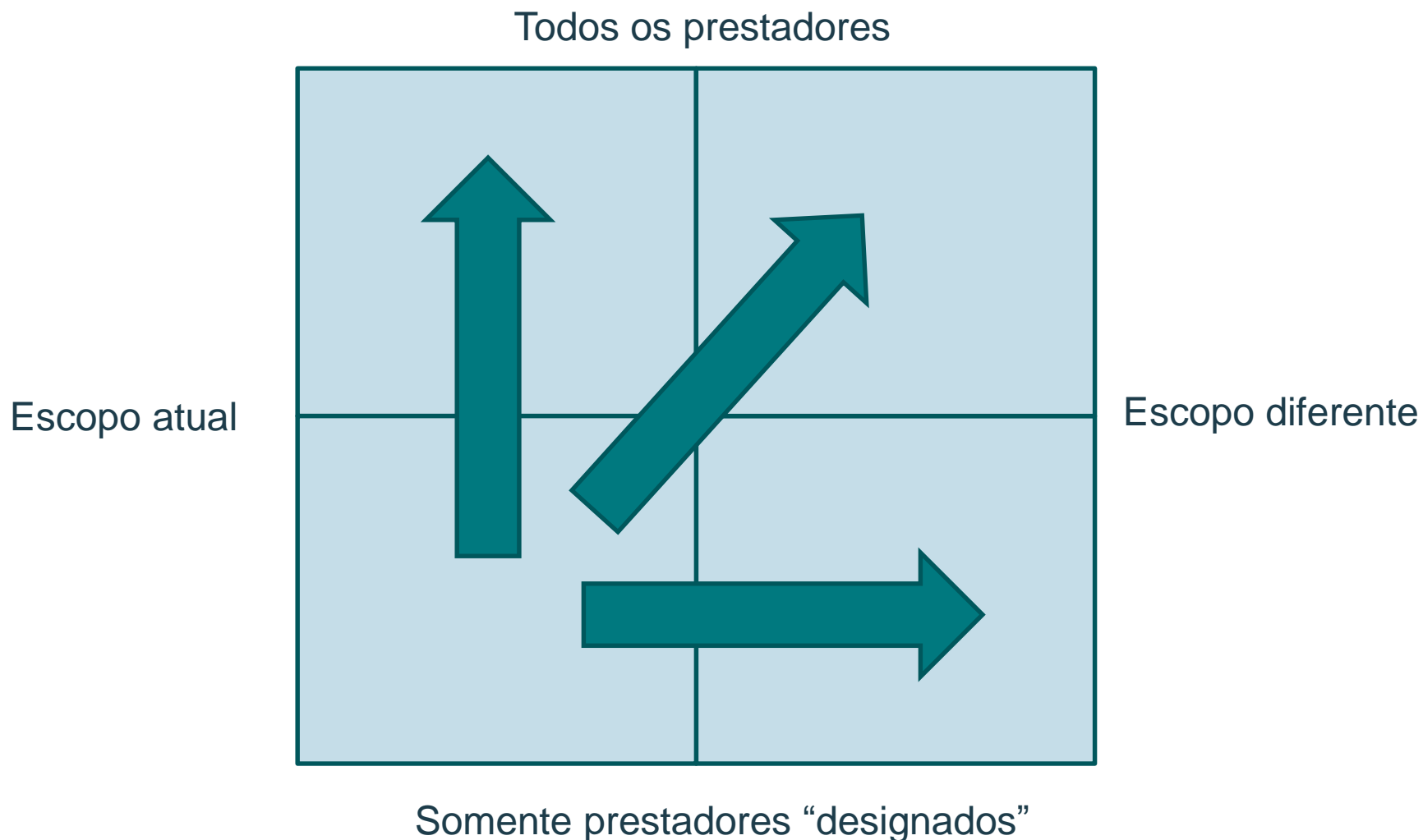
# Universalização

## Acesso funcional à Internet





# Universalização Caminhos a seguir no Brasil



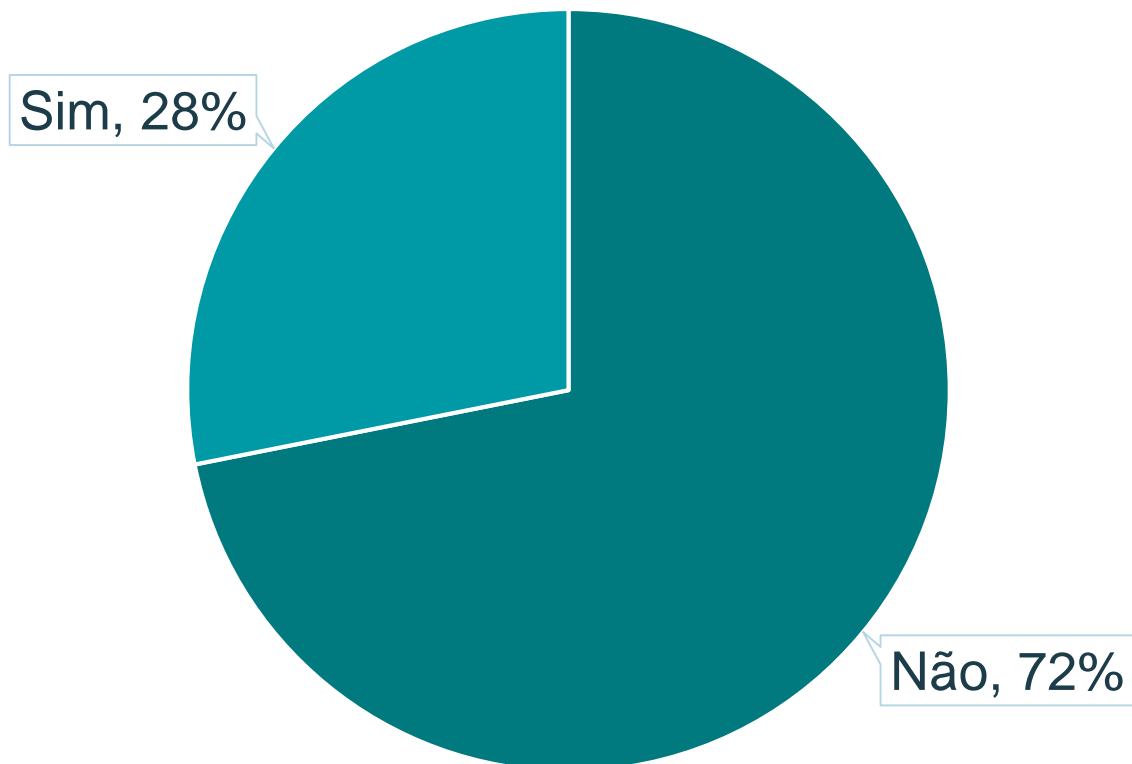
# Financiamiento público

## Chile, Colômbia e Peru investem +85%

BR	Universal Service / Access Fund	Year of creation	Budget available in 2014	Percentage of budget executed in 2014	Budget available in 2015	Percentage of budget executed in 2015	Budget available in 2016
CL	Yes <i>Fondo de Desarrollo de las Telecomunicaciones (FDT)</i> Its main objective is to promote telecommunications services coverage, especially in rural areas and poor urban sectors.	1994 (Law 18168 of 1994, modified by Law 20522 of 2011)	CLP 7.77bn (US\$11.13m) (2014 budget)	84% CLP 6.56bn (US\$9.40m)	CLP 14.04bn (US\$20.12m) (2015 budget)	86% CLP 12.09bn (US\$17.33m)	CLP 5.60bn (US\$8.02m) (2016 budget)
CO	Yes ICT fund (FontIC): Policy goal to support general universal access and availability of basic fixed telephony and internet access (mainly implemented through the <i>Compartel programme of social telecommunications, created in 1998 and managed by the Ministry of ICT (MinTIC)</i> ).	1976	COP 1.28bn (US\$0.42m) (investment)	98%	COP 931.10bn (US\$0.30bn)	92%	COP 846.10bn (US\$0.28bn)
CR	Yes Fondo Nacional de las Telecomunicaciones (FONATEL).	2008	US\$0.24bn General Budget 2014 (page 10)	Information not available	Information not available	-	Information not available
EC	Yes Fund for telecommunication development in rural and urban marginal areas (FODETEL). The new <i>Telecommunications Law</i> of Feb. 2015 foresees a new fund. A New regulation will be issued within 180 days from February 18, 2015 to develop a new fund or to establish conditions for FODETEL continuity.	2000 <i>Rules for the administration of FODETEL</i>	Information not available	-	Information not available	-	Information not available
MX	No Under Mexico's current legislation, access to telecommunications services is a Constitutional Right. In the new <i>Law</i> , the Government is mandated to generate conditions for universal access: <ul style="list-style-type: none"> <li>a public driven social coverage programme to be issued every year (first to be due in 2015);</li> <li>Internet access in public buildings and spaces;</li> <li>establishment of a Public entity (shared network) that will offer spectrum for telecom services through public-private partnerships.</li> </ul>	Not applicable	Not applicable	-	Not applicable	-	Not applicable
PE	Yes Fondo de Inversión de Telecomunicaciones (FITEL)	1993	PEN 0.17bn (US\$49.40m)	48.4%	PEN 0.16bn (US\$46.99m)	94.6%	PEN 72m (US\$21.43m) 9.7%
PY	Yes <i>Law 642/95 Art. 97</i>	1995	PGY 55bn (US\$9.66m)	Approximately 16%	PGY 35bn (US\$6.14m)	Approximately 12%	PGY 24bn (US\$4.21m)

# Financiamento público



Investimento da Europa em serviço universal



# Financiamento público

## Espanha

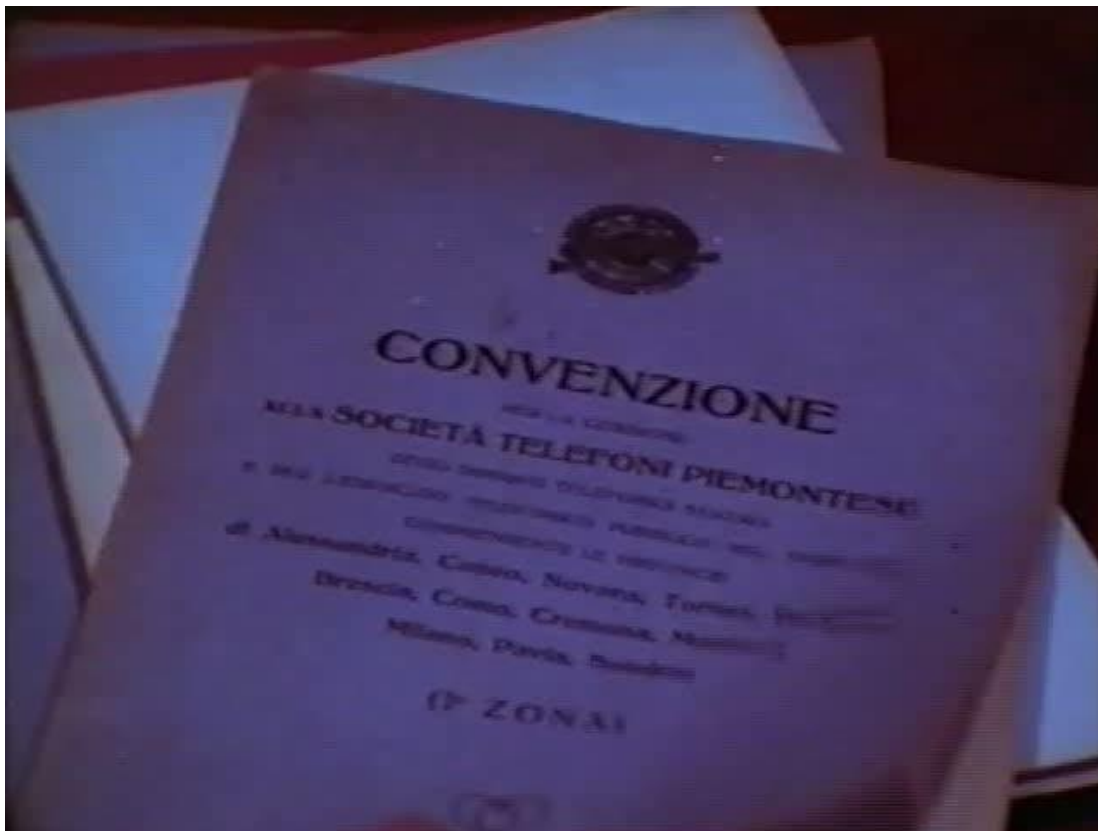
- Compensação financeira: €20 milhões

		
População	47 milhões	204 milhões
Densidade	90 hab/km <sup>2</sup>	24 hab/km <sup>2</sup>
PIB per capita (PPC)	US\$ 35.000	US\$ 15.000

Universalização na Espanha: oferta de 1 Mbps (2014)

# Regime de prestação

## Concessão: o que significa?



Um contrato  
com o Estado

Direitos  
especiais

Obrigações  
especiais

Foto de concessão da companhia de telecomunicações (1924)

## Authorisation types (Cullen International)

Type	Key descriptions	Country
Concession agreement	<ul style="list-style-type: none"> <li>individual licence with special status (e.g. for basic telephone services)</li> <li>contract negotiation involved between parties</li> </ul>	<ul style="list-style-type: none"> <li>Argentina</li> <li>Brazil</li> <li>Ecuador</li> <li>Paraguay</li> </ul>
Individual licence	<ul style="list-style-type: none"> <li>explicit decision by the granting authority</li> <li>issued to single provider at a time</li> <li>contains detailed conditions (rights and obligations)</li> <li>eventually based on a competitive selection process or eligibility criteria</li> </ul>	<ul style="list-style-type: none"> <li>Argentina</li> <li>Brazil</li> <li>Chile</li> <li>Costa Rica</li> <li>Ecuador</li> <li>Mexico</li> <li>Peru</li> <li>Paraguay</li> </ul>
General authorisation	<ul style="list-style-type: none"> <li>general framework laying down basic rights and obligations</li> <li>no selection procedure</li> <li>does not need an explicit or formal decision of the granting authority, only a notification or registration including minimal information before starting to provide the service</li> </ul>	<ul style="list-style-type: none"> <li>Colombia</li> <li>EU member states</li> </ul>

# Regime de prestação

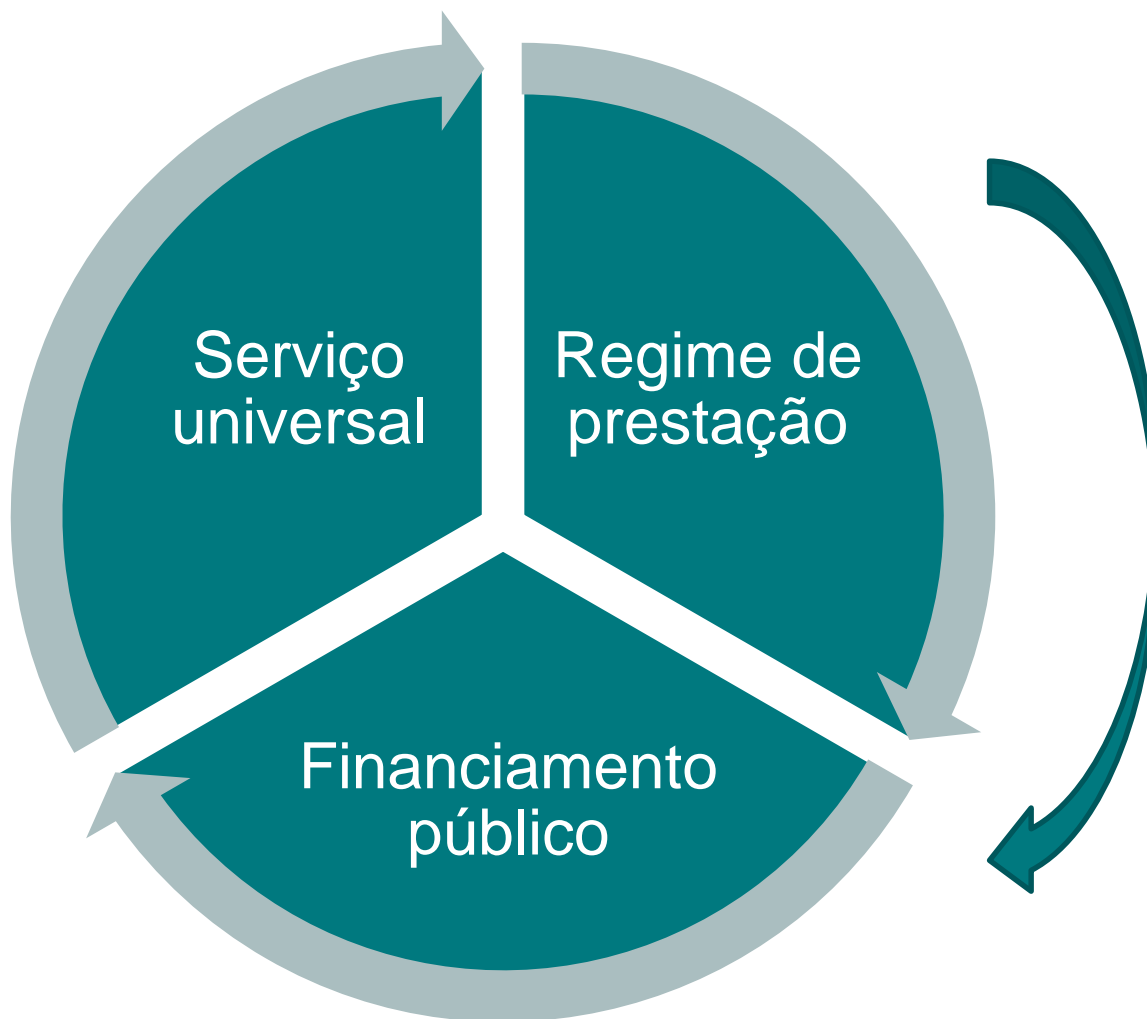
## A concessão brasileira

- Oferta do serviço de telefonia fixa
- Mas sem exclusividade na prestação do serviço
- Termo final: 2025
- Revisão a cada 5 anos
- Obrigações especiais de:
  - Continuidade do serviço
  - Universalização
  - Tarifas (preços de varejo)
  - Interconexão fixa

<http://www.anatel.gov.br/legislacao/resolucoes/25-2010/40-resolucao-552-anexo1>

# Próximos passos

## Mais energia no debate







**THANK YOU!**

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