



**LATIN AMERICAN COMPETITION FORUM  
-- 9-10 September 2009, Santiago (Chile) --**

**Session IV: Competition Issues in Telecommunications**

**CALL FOR COUNTRY CONTRIBUTIONS**

1. This request for contributions is circulated in preparation for the discussion to be held in Session IV of the Latin American Competition Forum (LACF, 9-10 September 2009 in Chile). Session IV will discuss competition issues in telecommunications. For the last two decades most Latin American countries have privatised public companies, established and strengthened regulatory agencies, and promoted market competition. The region has entered a new phase, characterised by technological convergence, which necessitates changes to both the way competition law and policy is applied in this area and the development of the competition/regulatory framework.

2. The session will discuss two current and related issues in the telecommunications sector<sup>1</sup>: i) the impact of technological convergence for antitrust analysis; ii) and the institutional divergences between competition authorities and telecoms regulators.

3. The main impact of the impressive progress made in the information and communication technologies (ICT) sector is the convergence between different industries and services. Technological convergence is often defined in simplified terms, as a process by which telecommunications, information technology and the media - sectors that originally operated independently of one another - are moving closer together. In economic terms, technological convergence connects two or more existing, but previously distinct, production chains and markets<sup>2</sup>.

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<sup>1</sup> As background, competition authorities can consult the papers presented at the XII REGULATTEL-AHCIET Summit, "Challenges for future Regulation" (9-10 July 2009, Medellín, Colombia). <http://www.ahciet.net/agenda/evento.aspx?idEvt=214&a=2009>

<sup>2</sup> Stobbe A. and T. Just (2006), "IT, telecoms and New Media: The dawn of technological convergence », *Economics*, Deutsche Bank Research, N°56, May.

4. Within the context of rapid technological convergence, the challenge for regulators is to adapt competition law and policy, and/or the way it is applied, so that it deals effectively with emerging competition issues (e.g. cross-sector regulatory harmonisation, substitutive and convergent services), as well as strengthening market competition, while at the same promoting efficiency in the telecommunications sector. During this session at the LACF, competition authorities will have the opportunity to share their experiences of institutional coordination which have resulted in the adaption or development of competition law and policy in this sector.

5. Speakers will be selected on the basis of written contributions submitted to the OECD Secretariat in response to this call for contributions. All participating countries are invited to prepare submissions. To assist the OECD Secretariat with the detailed planning of the session, advance notice of your intention to provide a contribution would be helpful. The contributions should be sent by email to Jennah Huxley [[jennah.huxley@oecd.org](mailto:jennah.huxley@oecd.org)] (copied to: Helene Chadzynska [[helene.chadzynska@oecd.org](mailto:helene.chadzynska@oecd.org)] and Erika Lopez Ponton [[erikalopezponton@gmail.com](mailto:erikalopezponton@gmail.com)]) **by 17 August 2009 at the latest** (in electronic Word format, 5 pages maximum in Spanish or English). Country contributions will be circulated to participants through the OECD (<http://www.oecd.org/competition/latinamerica>) and Chilean websites (URL to be circulated shortly).

6. Countries are invited to address the general issues identified in the above description. In addition, they are invited to answer the questions below:

1. In the context of technological convergence, what are the main consequences of the current competition / regulatory framework on the development of the telecommunications sector in your country?
2. Is the concept of technological convergence, implicitly or explicitly, included in the competition law and sectoral regulation of your jurisdiction?
  - a. If yes, since when and how has it been active?
  - b. If no, do regulators have the intention to change sector regulation to better deal with convergence? If so, in what ways?
3. In the context of technological convergence, what are the main divergent points between the competition and the telecommunications regulators? Could you expose a recent case illustrating current divergences? Are there problems of jurisdictional overlaps? How are they addressed?
4. According to your jurisdiction, what should be the tasks and objectives of both the competition authority and the telecommunications regulator in order to promote competition and, therefore, fully enjoy the benefits from technology convergence?
5. Is the telecommunications sector in your jurisdiction suffering from regulatory uncertainty? If yes, what are the sources of the uncertainty (e.g. “segment by segment” approach, new services out of the regulatory spectrum, overlapping rules ...)?
6. How is the trade off between sectoral efficiency and competition handled in your jurisdiction?