

# FRANCE

## INTRODUCTION

The broadband sector continued to be the most dynamic market segment in France in terms of competition and penetration in 2008. Consumers benefited from low prices and also from bundled offers. The next challenge is the deployment of fibre. In contrast, the mobile market has not experienced significant changes and the potential entry of a new mobile operator is still unclear.

2008 was characterised by intense legislative activity related to electronic communications. Besides new rules aimed at reinforcing consumer protection and modifying the universal service designation mechanism, the French legislator also set out a regime on access to fibre within buildings. Additionally, draft laws on online piracy and on public television funding were presented to the Parliament. Furthermore, a plan to foster the development of the digital economy, which includes measures and actions to be undertaken, was adopted by the government.

## REGULATORY ENVIRONMENT

### Main regulatory developments

The legislator has been active in France in 2008 regarding electronic communications regulation. A law on competition and consumer protection (Loi n° 2008-3 du 3 janvier 2008 pour le développement de la concurrence au service des consommateurs, so called "loi Chatel"), with specific provisions on mobile, fixed and broadband services, was adopted in January 2008. The law on the modernisation of the economy (Loi n° 2008-776 du 4 août 2008 de modernisation de l'économie, LME) includes a chapter on electronic communications, aimed inter alia at regulating the in-building sharing of the terminating segments of fibre networks. Implementing Decrees were expected to be adopted shortly. It remains to be seen how these rules will be implemented in practice.

In the meantime, a French plan on the development of the digital economy, called Digital Plan 2012 ("France numérique 2012"), was launched by the government in October 2008. Important measures include filling the gap in broadband coverage and, more generally, increasing the broadband penetration rate, licensing UMTS frequencies, stimulating the deployment of digital terrestrial TV (DTTV), and reserving some of the digital dividend generated by the switch-off of analogue broadcasting for the development of mobile broadband and very high speed broadband.

Other proposed laws, not specifically aimed at electronic communications, could have a non-negligible impact on the sector. A draft law on the diffusion and protection of Internet content ("projet de loi favorisant la diffusion et la protection de la création sur Internet") provides for a "graduated response" approach. After two successive warnings to Internet users in cases of copyright infringement, the administrative authority, created by the draft law, would have the power to order Internet providers to cease giving Internet access to subscribers illegally downloading content, subject to certain conditions. The surveillance role that seems to be assigned to Internet service providers by the proposals and the overall proportionality of the sanction have been questioned by market players opposing the draft measure.

A draft law reforming the public television system was also presented to the French Parliament at the end of the year. Among other measures, it proposed the imposition of a new charge on telecoms operators and Internet providers, in order to compensate for the suppression of advertising on public television. That charge could reach 0.9% of the undertakings' turnover. A unanimous reaction against this charge came from the telecoms

sector, claiming inter alia a negative impact on the current investment efforts. It is also possible that the charged operators would pass on the cost to consumers. It is unclear if this charge will be imposed under the general authorisation delivered to telecom operators. Administrative charges should only cover the administrative costs for management, control and enforcement of the authorisations, according to the EU Regulatory Framework. The Commission services are following this matter closely.

### **Organisation of the NRA**

The mandate of the current Chairman of ARCEP (the French regulatory authority, Autorité de Régulation des Communications Électroniques et des Postes) expired at the end of 2008. A new Chairperson was appointed by the President of the French Republic for a term of six years in December 2008. According to the law, the regulator's board has seven members nominated for six years. Their mandates are irrevocable and non-renewable, in order to guarantee their independence.

The possibility of closer cooperation between the telecoms regulator, ARCEP, and the broadcasting regulator, CSA (Conseil supérieur de l'audiovisuel) has been mentioned in the Plan on the development of the digital economy, to reflect the markets' growing convergence and the new exclusivity-based agreements between network access providers and content broadcasters.

The number of procedures submitted to ARCEP for dispute resolution increased in 2008. Four disputes were submitted to ARCEP in 2007 and six in 2008.

The law on the modernisation of the economy (LME) has charged ARCEP with the resolution of disputes between cable operators and local authorities related to infrastructure sharing. However, it appears that the cable operators have not used this opportunity to clarify a situation they have been concerned about for several years.

### **Decision-making**

ARCEP continued with the second round of market analyses and notified the reviews of the fixed retail access market, the fixed wholesale call origination and call termination markets, the physical network infrastructure access market and the wholesale broadband access market, in June 2008. ARCEP also completed its second cycle of market analysis for the mobile call termination markets by adopting in December 2008 its decision defining the price caps of mobile termination rates for mobile operators in France (except Overseas Departments, forecast in 2009) for the period between mid-2009 and end of 2010.

The regulator's enforcement powers have been strengthened by the new LME. In particular, the regulator will deal with disputes between operators on fibre sharing inside buildings. Also, its sanctioning powers have been increased in that it can now impose restricting measures on an operator further to a formal notice, and new measures such as reduction of rights of use, use of spectrum or of numbering.

### **MARKET AND REGULATORY DEVELOPMENTS**

The total electronic communications turnover in France increased slightly (by 3.38% compared to the previous year) from around €46.17 billion at the end of 2006 to around €47.73 billion at the end of 2007, following the same trend as the previous year in terms of balance between revenues from the fixed and mobile sectors (€4.52 billion from the fixed market compared to €3.20 billion from the mobile market). At the same time, France is one of the two Member States where the total value of tangible investments has dropped (by 14.96% in 2007), decreasing from €7 billion by the end of 2006 to €5.96 billion by the end of 2007. This is mainly due to the mobile sector, which reduced its investment from €3.27 billion to €2.29 billion.

There was some consolidation in the telecoms sector in 2008. The second mobile operator, whose owner also owns one of the main actors in pay TV, bought one of the alternative fixed

operators, which will allow the former to offer mobile, fixed, broadband and television services. In the meantime, the third mobile operator started offering broadband and television services. More generally, the question of the links between content and electronic communications services providers has been raised by ARCEP as potentially negative for competition in the telecoms market.

As regards next generation access, several tests and subsequent agreements between some operators on in-building wiring have been developed, based on the new regulation set in the LME. Bundled offers continued to have an influence on the market, mainly through double and triple play, and progressed to 18.67% of the population in the first quarter of 2008.

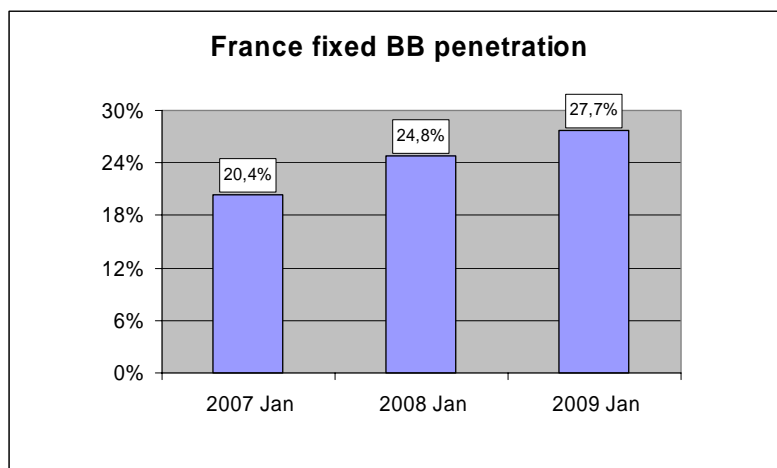
## Broadband

### *Market situation*

The broadband penetration rate in France, at 27.7% in January 2009 compared to 24.8% in January 2008, is still ahead of the EU-27 average (22.9% in January 2009), thereby placing it in the seventh position in the EU. The increase in the penetration rate was approximately, 3 percentage points from January 2008 to January 2009, slightly above the EU average growth of approximately 2.8 percentage points in the same period. France increased the total number of broadband lines to 17.69 million in January 2009, compared to 15.69 million in January 2008 ( 12.7% growth), which shows a slowdown in the process, compared to 22.4% growth in the same period last year.

The DSL market share remained stable from January 2008 to January 2009, being 95.3%. Out of the 16.85 million DSL lines, 6.33 million were unbundled lines in January 2009, the bulk of which were fully unbundled (4.94 million lines) as at January 2009, compared to 3.62 million as at January 2008. LLU is still the main driver of DSL growth, together with naked DSL, although it is likely to achieve market saturation soon, according to ARCEP. A not insignificant part of the local loops (up to 15%, according to ARCEP) has been unbundled by networks owned by regional authorities.

France narrowed the digital gap for DSL coverage. National DSL coverage remained roughly the same (98.5% in 2007 compared to 98.4% in 2006) and DSL coverage in rural areas increased by 0.2 percentage points over a year (from 96.5% to 96.7%). For cable, rural coverage and national coverage stood unchanged at 1.1% and 24.9% respectively.



The cable operator offers to deploy fibre for other operators and some of them are using this possibility. It remains to be seen what impact the incumbent's commercial wholesale reference offer in fibre will have. In spite of these developments, one local authority ("département") has announced its intention to deploy its own fibre network. This is causing concern among telecoms operators, as fibre deployment by private initiative seems to be developing well so far, and therefore public intervention might not be needed. The Commission services are looking into this matter.

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launch of a call for tenders in the first half of 2009, for designating the provider that would ensure that service (a minimum of 512 kb/s) at an affordable price (35 euros/month) to all.

#### *Regulatory issues*

ARCEP notified its market analysis on the market for physical network infrastructure access (LLU), which included in the market definition both copper and fibre local loops, as well as telecommunications civil works infrastructures, and imposed access to the ducts of the incumbent and access to the copper local loop, but not access to fibre. ARCEP also notified its market analysis on the market for wholesale broadband access, which included DSL and fibre connections, and imposed bitstream access for copper infrastructure, but not for fibre infrastructure. ARCEP continued the existing access obligations for the copper local loop. Following these analyses, in September 2008, the incumbent operator launched the corresponding reference unbundling offer (RUO), the bitstream reference offer and the ducts' access reference offer, as well as a commercial offer on fibre.

In order to complete these measures and to facilitate fibre deployment, the legislator has included in the LME several provisions on the deployment and sharing ("mutualisation") of fibre in-building wiring, which would aim to ensure that every residential user has the right to obtain access to a fibre network ("droit au très haut débit", "right to fibre"). A decree adopted in early 2009 sets out the procedure by which this "right to fibre" may be exercised. According to the LME, any reasonable request by an operator to deploy fibre in existing buildings should in principle be met; owners of buildings may only oppose it if a fibre network has been or is being deployed in the building. The law further provides for a mandatory convention between operators and owners of buildings, aimed at regulating their mutual obligations when deploying fibre in-building wiring. Another decree, adopted in early 2009, specifies the compulsory elements of this convention. If a fibre network has already been deployed by an operator, the latter should, regardless of its SMP (significant market power) status, grant other operators access to its network under reasonable conditions, for the purpose of providing services to end-users, giving priority to commercial agreements between operators. Access must be subject to an agreement between operators, aimed at determining the financial and technical conditions of access. ARCEP has been granted the power to set rules regarding sharing obligations, and to resolve disputes between operators. The LME also includes an obligation to equip new buildings with fibre in-building wiring. Another decree adopted in early 2009 specifies this obligation.

### **Mobile**

#### *Market situation*

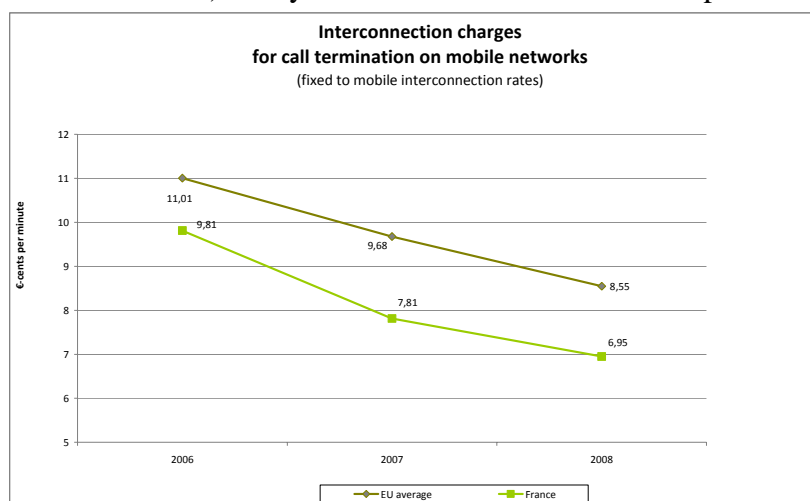
The French mobile market has been characterised by its limited dynamism over recent years. The penetration rate was still well behind the EU-27 average, standing at 88.4% as of October 2008 (compared to 118.9% in the EU), up from 83.3% as of October 2007. This significant gap might, however, partly be attributed to a relatively small share of pre-paid users in the mobile market in France, compared to the share for post-paid (34% and 66% respectively).

The main mobile network operator's market share decreased by less than one point, from 44.3% to 43.6% (in terms of subscribers), as did the second operator's share, which decreased from 34.1% to 33.4% between October 2007 and October 2008. The third operator's market share also decreased slightly from 17.4% to 17.2% in the same period. Mobile virtual network operators (MVNOs) gained some market share, growing from 4.2% in October 2007 to 5.8% as of October 2008.

16 MVNOs (one of which is registered but has not yet launched any commercial offer), three more than the previous year, were on the market as at October 2008. Three of them have been bought by their network operators. In view of the stability on the mobile market, it appears that MVNOs have not had an impact on competition in any significant manner.

### *Regulatory issues*

The situation of MVNOs, expected to make the mobile market more dynamic, attracted specific attention in 2008. At the request of the French government, the National Competition Authority (NCA, Conseil de la concurrence) analysed the market conditions imposed by network operators on MVNOs. In its opinion of July 2008, the NCA acknowledged the existence of various restrictive conditions imposed on MVNOs which limited their ability to compete. The NCA also stressed their low market share, compared to other Member States. The government asked ARCEP to take measures further to this opinion. While ARCEP



initiated a dialogue between MNOs and MVNOs focusing on contractual issues (e.g. the duration of exclusivity clauses and pre-emption conditions), the impact of this initiative remains to be seen.

The Plan on the development of the digital economy, adopted in October 2008, stressed the need for a mobile market that allows MVNOs to bring competition and broader choice to citizens, and also stressed the possibility for the legislator to intervene if the MVNO conditions were not improved. The Plan also referred explicitly to the MVNOs' conditions as an element that would be taken into account in the allocation of 3G frequencies.

The LME has effectively allowed ARCEP to allocate 3G frequencies through an auction procedure, according to conditions set by the Minister, upon a proposal of ARCEP. In particular, the conditions for allocating those frequencies to new network operators and existing operators will be decided in the first quarter of 2009. In principle, neither of them are expected to be excluded from the process. The LME also contains several provisions on 2G network coverage reporting and on 3G deployment (through facility sharing in urban areas).

In December 2008, ARCEP adopted measures to lower further the mobile termination rates in the period between mid-2009 and end of 2010, under the second round of notifications. ARCEP maintained asymmetry of termination rates for the third operator. These measures were expected by consumers' associations to contribute to a drop in retail prices. The Commission supported the move towards cost-orientation, while reminding ARCEP that any asymmetry should ultimately be phased out.

### *Roaming*

No particular problems were reported in 2008 concerning the implementation of the Roaming Regulation.

## **Fixed**

### *Market situation*

The fixed market (including dial-up Internet) has further decreased in volume and revenues. The distribution of voice traffic (including calls to Internet) was 55% for fixed calls and 45% for mobile calls in 2007. The total number of active operators continued to decrease, from 43 to 38 as at March 2008. The incumbent's market share is sizeable, but the slowly decreasing trend of past years has continued, with a 68.4% share in December 2007, compared to 69.6% (by revenues) as at December 2006. At the same time, a significant increase in the market

share (by volume) of VoIP operators has been observed, from 14% in December 2006 to 27.34% in December 2007, which is well ahead of the EU27 average (8.25% of voice traffic by December 2007).

At retail level, flat-rate offers (excluding fixed-to-mobile calls) have been made generally available by most operators.

#### *Regulatory issues*

ARCEP adopted a decision in July 2008, following a market analysis, removing regulation in the retail fixed market. This was a matter of concern to alternative operators, which considered that the incumbent's market share was sufficiently large to merit the maintenance of remedies. The regulator launched a public consultation prior to a decision on quality of service standards, expected by the end of 2008. The indicators would measure the quality of access to the network (related to bundled offers and fixed telephone only) and the quality of the telephone service itself.

Following the presentation in 2007 of the incumbent's cost-accounting and accounting separation for 2006, the association of service and network operators (alternative operators) lodged a complaint with ARCEP, in which they claimed that the report appeared to prove an excessive profit produced by overcharging of regulated wholesale prices. ARCEP's decision was still pending when this Report was drafted.

## **Broadcasting**

### *Market situation*

25.3 million households were served with TV in July 2008. The broadcasting market shows platform competition and different technical options, between terrestrial television (analogue and digital), cable, satellite and IPTV. Digital terrestrial TV is the main platform with 31.7% of households, whereas exclusive analogue terrestrial TV still represents 29.1% of households. Cable represents about 14.5% of households, the satellite figure is about 25.7% and IPTV is used by about 13.2% of households (22% of households are subscribed to a triple play offer that includes IPTV)<sup>1</sup>. New technologies are developing in France. A call for tenders on mobile TV was launched to allocate a total of 13 channels, out of a total of 16, since the government pre-empted three channels for public services. In addition, several broadcasters started broadcasting high definition TV from October 2008.

Digital terrestrial TV (DTTV) continued to be deployed, reaching 87% coverage by October 2008. National free-to-air broadcasters (except encrypted) will have to cover 95% of the population by November 2011, and all other broadcasters (private and public) have undertaken to achieve the same goal. A first region will switch over by the end of 2009.

The Plan on the digital economy announced that the sub-band 790-862MHz, part of the digital dividend, would be kept for the development of new electronic communications services and, in particular, for very high speed broadband and mobile broadband. An ordinance published by the end of 2008 modified the national table of frequency allocation in order to assign that band to mobile services from December 2011 and placed its management under ARCEP's responsibility, with the goal of allowing very high speed mobile Internet offers over the whole territory. The ordinance also states that the 174-223MHz band will be fully allocated to digital broadcasting applications, after the analogue TV switch-off. Finally, the 470-790 MHz band remains fully assigned to broadcasting activities, with the aim of developing in particular digital terrestrial television (11 national multiplexers (HDTV) and two mobile TV multiplexers).

### *Regulatory issues*

The LME established several measures specifying the deployment of DTTV and the switch-off of analogue TV. A special fund will be earmarked for supporting low-income households

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<sup>1</sup> Source: National broadcasting regulator, CSA (Conseil supérieur de l'audiovisuel).

during the switch-over process. A decree, still pending, will develop this principle and set the conditions for receiving this aid, which will be given to consumers, and not to undertakings.

The March 2007 broadcasting law, whereby additional digital channels ('bonus channels') would be allocated to the three main analogue broadcasters without a prior call for tenders, has been contested by several alternative broadcasters. This allocation, which would become effective with the switch-over by November 2011, seems to be in the nature of compensation for the early termination of some of those broadcasters' analogue licences, caused by the switch-off of analogue TV. New entrants in DTTV point to the disproportionate character of this compensation. They are also concerned that this will limit the options for new entrants in the market, as there will not be enough spectrum to be distributed, and provides discriminatory advantages to the existing broadcasters.

ARCEP launched a public consultation in November 2008 on the revision of the wholesale broadcasting transmission services, which related to the advisability of extending the current regulation and possible measures to be imposed on the operator with SMP in the wholesale broadband market. The results were not expected before the beginning of 2009. The rules for implementation of the cost-accounting and accounting separation obligations, imposed on the current operator with SMP, were specified only in April 2008, two years after the market notification and just one year before the expiry of the previous decision.

Finally, in May 2008, the NCA dismissed a complaint regarding exclusivity agreements on catch-up TV (i.e. TV on demand allowing access to TV programmes shortly after the first broadcast) reached between the incumbent (which has SMP in the wholesale broadband access market) and the public service television broadcaster, which was lodged by the association of telecom network and services operators. The agreements allocate an exclusivity right to the incumbent for broadcasting, to its DSL and mobile subscribers, certain programmes shortly after their normal diffusion.

The NCA dismissed the complaint on the grounds that the impact of the exclusivity agreement was limited, in terms of programmes and duration. It nevertheless left open the possibility to lodge a new complaint further to the implementation of the agreements, if new elements were to arise. Also, the incumbent fixed operator has launched two TV services provided to its mobile and DSL subscribers on an exclusive basis. ARCEP appears to be opposed to this kind of agreement and, more particularly, to bringing exclusivity (which is standard practice in the content market) to the telecom market, since it could limit the access of certain users to different services. The regulator has expressed its concerns with regard to telecom operators acting in the content market, and would support equal access to content for all telecom operators.

## **Horizontal regulation**

### *Implementation of spectrum decisions*

All spectrum decisions have generally been implemented, including the amended WAS/RLANs Decision (Decision 2007/90/EC). The French authorities have requested a derogation from Decision 2008/477/EC on the harmonisation of the 2500-2690MHz frequency band, on the grounds of its current use for security purposes. The transitional period has been requested for over four years, which might hamper the uptake of broadband to some extent. France plans, however, to free the most densely populated areas first in order to limit the potential impact of the derogation on broadband coverage.

The allocation of frequencies for deploying 3G was one of the most recurring issues in 2008. After the unsuccessful 2007 assignment process concerning the fourth 3G licence, ARCEP launched a public consultation in June 2008, proposing different solutions for the allocation of free spectrum. Further to the results of the consultation, ARCEP recommended that part of the spectrum be allocated to new entrants, which would facilitate the effective entry of a new

operator in the mobile market. In the French Digital Plan, the government announced the launch of a call for tenders based on financial conditions, coverage and contribution to increased competition, in the first half of 2009, but did not specify that time whether it would reserve spectrum for a genuine new entrant. This announcement generated controversy among stakeholders. A new entrant in the mobile market could contribute in a substantial manner to making the mobile market finally more dynamic.

The use of the 900 and 1800 MHz bands for 3G services, which ARCEP has agreed to allocate to the main mobile operators, will help them to fulfil their coverage obligations. The third operator has not applied for this use so far.

ARCEP monitored the WiMAX deployment obligations during summer 2008. A large number of licences are held by regional authorities. While WiMAX licences have been used for mobile broadband and for increasing the DSL coverage, ARCEP found that the deployment was significantly below the operators' commitments, and therefore put the latter under surveillance. As a result, monitoring exercises will take place every six months to verify that operators meet their obligations.

#### *Rights of way and facility sharing*

It appears that the thresholds for fees set in the 2005 Decree on rights of way apply to new contracts (mostly fibre deployment). They do not apply to contracts pre-dating the Decree, which are therefore submitted to bilateral negotiations and are less constrained. Also, some cities providing access to their sewers request high fees for such access, on the basis that they offer additional services (as there are special provisions, e.g. related to public health, to be respected). The Directorate General for Enterprise can be addressed in the case of a town not respecting the regulation on rights of way.

#### *Authorisations*

The LME established that local authorities can impose a new obligation on the cable operator to give access to its network in a transparent, objective and non-discriminatory manner. An agreement should then be signed by the operator, the local authority and the operator requesting access. The cable operator expressed its concern, as the local authority could in addition take control of the network, if the operator refuses to give access, further to a formal notice and a contradictory process, in exchange for compensation and the right of use of the network.

## **THE CONSUMER INTEREST**

### **Tariff transparency and quality of service**

Special attention has been paid to consumer protection this year as evidenced by several pieces of user-oriented legislation. The "loi Chatel", with specific provisions on mobile, fixed and broadband services, was approved in January 2008, and the most relevant provisions entered into force on 1 June 2008. Under those provisions, calls to hotlines (technical assistance and customer care services) may not be premium-rated and the waiting time for on-net calls to those services should be free-of-charge. Regarding contractual conditions, the notice of termination by users was reduced to ten days, and the maximum duration of a contract to 24 months. Terminating the contract after 12 months is permissible against payment of a limited termination fee. While this law could improve transparency, its effective impact remains to be seen, for instance on the number of complaints. The law provides that ARCEP will assess the impact of these provisions in 2010.

An issue raised by many mobile communications users, especially those not residing permanently in France, seems to be the short validity period of pre-paid cards in France and the early expiry of the recharge period, together with the loss of unused credit. Such conditions might have contributed to the small proportion of pre-paid users in France.



Finally, a judgment in September 2008 declared as abusive several contractual clauses that had to be withdrawn from the second mobile operator's general conditions. The most significant related to the limited operator's obligations on the provision of broadband services, in a way that allowed the latter not to be responsible if the subscribed download speed was not provided.

Voluntary agreements were concluded by the government and the association of telecom operators in order to improve transparency and consumer protection, through a revised guide on electronic communications (drawn up in cooperation with the consumers' associations), a telephone number for reporting SMS spam, and compensation for users suffering an unsolicited change of operator.

### **Universal service**

The European Court of Justice gave its judgment on the French universal service designation mechanism in June 2008 (Case C- 220/07). The Court concluded that French law, by restricting participation in the designation process to operators able to cover the whole of the national territory, did not comply with the principles of efficiency, objectivity, non-discrimination and transparency, set out in the EU Regulatory Framework. As a result of that restriction, it could not be ensured that universal service was provided in the most efficient and cost-effective manner.

Further to the Court's decision, the French legislation was amended in order to open participation in the designation mechanism to any interested operators. At the same time, the provision of directory and directory enquiry services was unbundled, in order to allow the designation of different providers for each of those elements, as required by the EU Regulatory Framework. The next call for tenders for designating the universal service provider was expected by the beginning of 2009.

It would appear that the universal service financing mechanism is applied automatically, without any formal request from the provider. Moreover, when the net cost calculation of the comprehensive directories and directory enquiry services results in a net benefit, this would not be taken into account in the calculation of the overall net cost of a universal service provider. There are concerns that, as a result, the amount to be paid from the universal service fund would be higher than justified, because the overall net cost for which a designated operator is to be compensated should take account of any net benefit from all individual components covered by that operator. The Commission services are looking into these matters.

It should also be noted that under the LME (outside the universal service regime), mobile operators will provide a special tariff for people with low income, on a voluntary basis, further to an agreement between operators and the government, still to be concluded.

### **Directory services and directory enquiry services**

According to a new provision of the LME, calls to directory enquiry services originating in a mobile network will be charged as a normal national call, adding the price of the provided service. Users will be informed in advance about the prices for having their calls put through to the required number.

### **Emergency services (112)**

The previously reported problems in reaching 112 in cases of roaming or in areas covered by only one mobile operator have been solved. The caller location information is obtained using a manual system, as it seems that there is an interface problem between the 112 centres and the operators that impedes automatic transfer of data. It is to be hoped that improvements will be made to the manual system (by which the 112 centres contact the operator to obtain the

user's location), in order to reduce the time needed for locating and to improve security of citizens, in line with the Commission Recommendation on caller location.

### **Number portability**

The average time for porting a fixed number was four days, and seven days for mobile numbers, as of October 2008, which is below the EU-27 average. The volume of ported fixed numbers continued to rise and reached 2 800 000 as of October 2008, compared to 1 700 000 the previous year. The total accumulated volume of ported mobile numbers, 2 746 900 in France metropolitan (overseas excluded) as of October 2008, represented 2.63% of the mobile numbers. This figure seems to confirm the value of the regulatory changes, reducing the deadline for porting and introducing a one-stop-shop system, and shows further growth from 1 490 600 in October 2007.

### **Must-carry**

The March 2007 broadcasting law imposed new provisions for carrying channels, to be applied to mobile television service providers. Pursuant to the EU Regulatory Framework, must-carry obligations may only be imposed where a significant number of end-users use the network as their principal means to receive radio and television broadcasts and when they are necessary to meet clearly defined public interest objectives and are proportionate.

### **Consumer complaints and out-of-court dispute resolution**

The electronic communications sector was still the subject of a large number of complaints from users. The total number of complaints was 35 000 in 2007, most of them relating to quality of service, technical problems, billing and termination conditions.

As some of those issues are covered by the law on consumer protection which entered into force in July 2008, a potential effect of this law could be a reduction in the number of complaints by users.

**Data protection**

The draft anti-piracy law, which was still being discussed in the Parliament at the end of 2008, has raised concerns among Internet access providers regarding the filtering measures that they would have to implement. Following a request from the administrative authority regarding specific subscribers, Internet providers would have to investigate the websites consulted by the latter.