

Contents

1 Introduction	1
1.1 Introduction	2
1.2 Objectives	3
1.3 Setting the Context	3
1.4 Outline of the Book	5
References	7
2 Liberalisation of Telecommunications Services: Social Embedding of the Liberalised Market as a Regulatory Challenge . . .	11
2.1 Telecommunications Services as Services of Public Interest.	12
2.1.1 Services of Public Interest	13
2.1.2 Telecommunications as a Service.	25
2.1.3 Intermediary Conclusion: Telecommunications Services as Services of Public Interest and Dynamics of Their Provision in Terms of Polanyian Theory	37
2.2 Universal Service: Regulatory Concept for Social Embeddedness of Liberalised Telecommunications Services Markets.	39
2.2.1 Origins and History of the Universal Service Concept in the United States of America	40
2.2.2 Universal Service in Europe.	43
2.2.3 Modern Concepts of Universal Service: Universal Service and Universal Access	50
2.2.4 Universal Service’s Potential for Social Embeddedness of the Telecommunications Services Market	52
2.2.5 Conclusion: Universal Service as a “Black Box”.	55
References	56

3	Liberalisation and Regulation of International Trade in Telecommunications Services Through the WTO	63
3.1	Reconstruction of the Origins of the WTO Liberalisation and Regulation	64
3.1.1	Influence of Various Stakeholders on the Launch and Process of Liberalisation Reform	65
3.1.2	Negotiations on Value-Added Telecommunications Services	71
3.1.3	Negotiations on Basic Telecommunications Services and on the Reference Paper on Regulatory Principles	74
3.1.4	Intermediary Conclusion	77
3.2	Overview of the Regulatory Framework	79
3.2.1	Overview of the Commitments Under the Basic Telecommunications Agreement	80
3.2.2	Provisions on Universal Service in the Annex on Telecommunications	82
3.2.3	The Reference Paper on Regulatory Principles as a Document Containing Central Provisions on the Regulation of Universal Service	87
3.2.4	Implementation of WTO Regulatory Principles Regarding Universal Service Provision by the Members.	98
3.3	Conclusion: Critical Appraisal of WTO Regulation.	107
	References.	112
4	Liberalisation of Telecommunications Services Markets and Regulation of Universal Service in the European Union	117
4.1	Reconstruction of Telecommunications Market Liberalisation by the European Union.	118
4.1.1	The European Commission and Liberalisation of the Market for Telecommunications Services	119
4.1.2	Liberalisation of Basic Telecommunications and Regulation of the Market for Telecommunications Services	126
4.1.3	Intermediary Conclusion	130
4.2	Regulation of the Provision of Universal Service Under Current Rules	131
4.2.1	Scope of Application of the Universal Service Directive.	135
4.2.2	Principles of Universal Service Regulation and Provision.	137
4.2.3	Scope of Universal Service in the EU	142
4.2.4	Characteristics of Universal Service	162
4.2.5	Designation of Universal Service Provider(s) and the Status of a Designated Undertaking	174
4.2.6	Financing of the Universal Service Provision	184

4.2.7	The Role of National Regulatory Authorities in the Implementation of the Regulatory Framework for Universal Service	195
4.2.8	Overview of the Implementation of the European Regulatory Framework by the Member States	200
4.3	Conclusion: Critical Appraisal of European Regulation	205
4.4	Comparison of the Transnational Approaches to the Regulation of Universal Service Provision	208
	References	211
5	Transformation of Universal Service for the Future	215
5.1	Evolution of the Communications Environment	216
5.1.1	Technological Trends	217
5.1.2	Evolution of Markets for Telecommunications Services	219
5.1.3	Societal Implications	221
5.1.4	Intermediary Conclusion: Dramatic Evolution of the Public Value of Telecommunications	224
5.2	Necessity of Reforms of Both Transnational Regulatory Frameworks on Universal Service	227
5.2.1	The WTO Framework	228
5.2.2	The EU Framework	234
5.2.3	Intermediary Conclusion: Critical Appraisal of the Current Universal Service Concept for Application in a Changing Communications Environment	242
5.3	Re-casting the Universal Service Concept	248
5.3.1	Access as a Core of the New Universal Service	249
5.3.2	Characteristics of Access to the Network	254
5.3.3	Translation of Access to the Network into Law	257
5.3.4	Conclusion: Universal Service as a Policy Decision	262
	References	263
6	Conclusion	269
	Annexes	271
	Bibliography	283
	Index	297



<http://www.springer.com/978-94-6265-080-0>

Universal Service in WTO and EU law
Liberalisation and Social Regulation in
Telecommunications

Batura, O.

2016, XVI, 300 p., Hardcover

ISBN: 978-94-6265-080-0

A product of T.M.C. Asser Press