

**Book Review: Telecommunications Law and Regulation, Edited by Ian Walden, Oxford University Press, 3rd Edition, 2009
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The main purpose of this book is to address several issues related to the liberalisation trend in the telecommunications sector in the EU with special emphasis on the UK. The authors contributing to this edited book focus on the need of having sector specific rules (i.e. *ex ante* regulations) to supplement those of general competition (i.e. *ex post* regulations). This to address market failures such as interconnection arrangements and universal services obligations (USO) and also introducing the concept “Significant Market Power” (SMP) which supplements the concept of ‘Dominance’ that exists in competition law.

The book is divided into six parts each of which contains several chapters. The first part introduces the background on the sector concerned. It summarises successfully the key issues pertaining to the telecommunications law. Although very elaborated and cumbersome, the technical jargon that practitioners must be aware of is briefly presented. This part also deals with the various economic models and structures of pricing the services provided on all the distribution levels. In addition, it assures that the economic regulations must be in place so as to mimic the likely operation of a competitive market. Many mechanisms have been introduced to force the incumbent to treat all the downstream businesses non-discriminatorily and to charge cost-oriented prices to its services for the sake of fostering competition and opening the market for new entrants. It may be argued that the final chapter in this part is introduced at a very early stage as many concepts mentioned therein were left to be defined in subsequent chapters and hence it was difficult to understand it on its own.

The second part highlights the main regulatory regimes. It begins with the historical developments of the telecommunications regulatory regime in UK and how it was liberalised. Afterwards, the European regulatory regime is examined with reference to its historical developments and the current EU framework. The last chapter in this part which presents the U.S. regulatory regime was expected to provide more comparative analysis rather than being mostly descriptive.

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Following the description of the different regimes, the third part discusses, the most important questions related to *ex ante* and *ex post* regulations. It sheds some light on authorisation and licensing process. In this regard, operators must provide telecommunications networks and/or services in a way that is in conformity with the EU ‘Framework Directive’ and ‘Authorization Directive’ to allow more market access. It also discusses the most eminent issues related to *ex ante* regulations, namely, access and interconnection and how it is regulated in the ‘Access Directive’ of the EU and its implementation in the UK. It then focuses on the application of Articles 101 and 102 TFEU (ex. 81 and 82 EC) (Section 2 and 18, respectively, of the Competition Act in the UK) in that market. This part provides a clear justification why there is a need to have special competition rules in this regime to deter the anti-competitive behaviours that might not be covered by the general competition framework. For example, access and interconnections have special importance in the field of telecommunications. Generally, this sector is interdependent in the sense that undertakings therein have the upper hand over the call termination even those who do not enjoy a dominant position. This is due to the fact that all operators are obliged to connect the customers of its competitors to its network and vice versa according to the principle of “all-to-any”. Moreover, certain rivals may have control over essential facilities of national networks which adds more entry barriers and has an adverse effect on the competitiveness of the market. The last chapter discusses other aspects such as Mergers and State Aid. In short, it has a clear structure and well suited for persons who are not familiar with the basic concepts of competition.

Part four covers the telecommunications transactions including the capacity agreements and communication outsourcing. It also provides an illustration on how they are regulated under the current EU regime to achieve a more competitive environment. This is through providing an opportunity for new entrants of special types of services like Mobile Virtual Network Operators (MVNOs) without discrimination and on cost-oriented basis.

The fifth part deals mainly with the communications content and privacy issues. As for the sixth part it outlines the international telecommunications law focusing on the role of the World Trade Organization and the International Telecommunications Union. Finally, the last three chapters consider the historical developments of the telecommunications sector in the developing countries and how it is being privatised.

In short, the book identifies the trajectory of regulating the telecommunications sector in the EU with special emphasis on the period following 2002. The current framework governing this sector can be described as 'policy-neutral' so as to be more consistent with the technological convergence that is currently taking place.²

Indeed, it is suitable for any person interested in the field who is not necessarily familiar with the concepts of telecommunications or competition. Not only it focuses on the EU regime but also it extends its relevance and comparative analysis to cover the developing countries and the future prospects of the telecommunications regulations worldwide.

² Technology convergence is the tendency for different technological systems to evolve towards performing similar tasks.