Publication Review: Regulating Telecommunications in the EU and China: What Lessons to be Learned?

XIAO MA, Bangor University

Available at: https://works.bepress.com/xiao_ma/14/
Regulating Telecommunications in the EU and China: What Lessons to be Learned?

Edited by Bernd Holznagel, Xu Junqi and Thomas Hart
Reviewed by Xiao Ma

Subject: Telecommunications
Keywords: Telecommunications

*Comms. L. 198* Being the focus of global attention regarding telecommunications, the European region has brought together the hottest and most troublesome topics, such as the construction of next generation access networks (NGAs) and the open and ‘neutral’ net, which are among the biggest headaches experienced by telecom carriers. Therefore the EU's handling of these problems will provide valuable experience for other countries and regions, especially China, which started its new round of telecom restructuring in May 2008.

Regulating Telecommunications in the EU and China: What Lessons to be Learned?, edited by Bernd Holznagel, Xu Junqi and Thomas Hart, is a timely work representing the crystallization of collective wisdoms. The research members of the project are drawn from the high levels of academe, and their excellent cooperation is reflected in this work. The book is a collection of papers contributed by different authors from two different countries, and the work shows amazing consistency and transparency thanks to the work of the editors.

Drawing on the research achievement of the EU-China Information Society Project (EU-China-InfSo), this book has a profound international and regional background. EU-China-InfSo was a four-year project which ran from July 2005 to June 2009 with the objectives of enhancing communication and cooperation between EU and China; promoting Chinese economic and social development through construction of information; and conducting comparative research on information-related legal framework through the introduction of the EU's experience and the use of its resources.

Four key issues of Chinese telecoms regulation are presented in this book: Part A: general telecommunications regulatory policy; Part B: market definition, market power assessment and SMP regulation; Part C: new service; and Part D: spectrum management. Starting with a very useful summary of ‘main findings,’ this work lays the groundwork for readers of the aim and content of each part. The introduction sets out the original intention of the research, along with a brief outline of the EU-China-InfSo, which initiated a heated and ongoing discussion. A comparative analysis approach is adopted in each part of the book, starting with the general status quo in China, followed by EU practice and a comparison bringing together similarities and differences between the two regions, and finally the reference points and suggestions for Chinese regulations and policies. This clear structure avoids the tedious repetition which occasionally appears in other collected works. The work contains informative tables and figures, which are valuable resources for other researchers in this area.

Part A of the book presents in detail the evolution of telecommunication regulation in both China and EU. Authors of both sides have done an excellent job by integrating perspectives of institutional transitions in China and the evolution of the economic system in the EU at the appropriate point of discussion. That is how telecoms regulations in different economic systems throughout history can mirror each other and how reference points are located and technically defined. Generally, the main development for Chinese telecom regulation in the new period of MIIT (Ministry of Industry and Information Technology) is privatization, proceeding with institutional reform and introducing asymmetric regulation in order to promote competition and attract investors and, finally, achieve the aims of accelerating the development of the industry, protecting the interests of end users, and increasing social welfare. Departing from the comparisons of telecom regulatory institutions, objectives, and policies, this part looks beyond the similarities and differences of different governments’ arrangements and digs into the causes of economic evolution, especially with regard to the process from state monopoly to full competition.
Part B delivers an analysis of basic market principles. It provides the market definition and SMP assessment on the regional and national level in both the EU and China, as well as amendments to the new regulatory framework. Although China has explored many practices in asymmetric regulation, there are several systematic and well-targeted measures, such as sector rule-making, regulatory procedures, implementation of policies and asymmetric SMP regulatory policy, worthy of consideration by China (see p 140). Among many things to enjoy in this part is its insightful awareness of the diverse challenges faced by the EU and China through convergence and other factors, setting a critical tone for further discussions.

Part C shifts emphasis from the general picture to the specific issue of new services: IPTV and Mobile TV. They are new not because of their technology but the challenges they bring to the current rule of separation of authority. They also raise the trend of convergence-oriented electronic communication legislation. By assessing the shortcomings of anticipated scale, business pattern, operation process and the corresponding regulatory framework of China based on empirical evidence, the authors raise concerns over discriminatory market access to, and the current business regulatory system of, the new services. At the same time, the authors examine both the previous and new regulatory regimes in the EU, as well as detailed regulatory issues on IPTV and Mobile TV, taking the situations in specific Member States such as France, Germany, Italy, Spain and United Kingdom into consideration to make the arguments more convincing. As in other parts of the book, Part C raises constructive suggestions for Chinese regulation on new services.

There is plenty of food for thought in part D. The conflict between the demand from the growing number of telecommunication users and the limited natural resource of the spectrum has raised concerns on how to derive its full benefits and how to implement efficient national frameworks for spectrum management. This part *Comms. L. 199* reviews the different stages of spectrum management and evaluates the spectrum planning and licensing systems in China. Through the careful examination of spectrum policy in the EU, using Germany and UK as two typical models, this part sheds some new light on China's spectrum management policies, especially the idea of building a new licensing system. This is really refreshing for readers.

Overall, for people who are seeking to devote themselves to the research of the background, development and general regulations of the EU and Chinese telecoms law, this book is a good reference source. The book is important in terms of its timeliness and seriousness, and sets the stage for further research with exhaustive data and bright viewpoints.

The months since publication of the book have witnessed some new developments regarding telecommunications in the EU and China. The EU telecoms reforms package, formally approved by the European Parliament on November 24, 2009, paves the way for stronger consumer rights, an open internet, a single European telecoms market and high-speed internet connections for all citizens, thereby terminating the two years of strife surrounding this subject between the European Parliament, the Council and Member States. Almost at the same time, China finished its new round of telecom restructuring in December 2009.

Xiao Ma

**Doctoral Scholarship Student, Bangor Law School CL**

Comms. L. 2009, 14(6), 198-199

© 2014 Bloomsbury Professional Ltd