

The Fair Share Debate



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Tipping Point

BIG TECH GLOBAL TRAFFIC SHARE SIX COMPANIES = 57% OF ALL INTERNET TRAFFIC

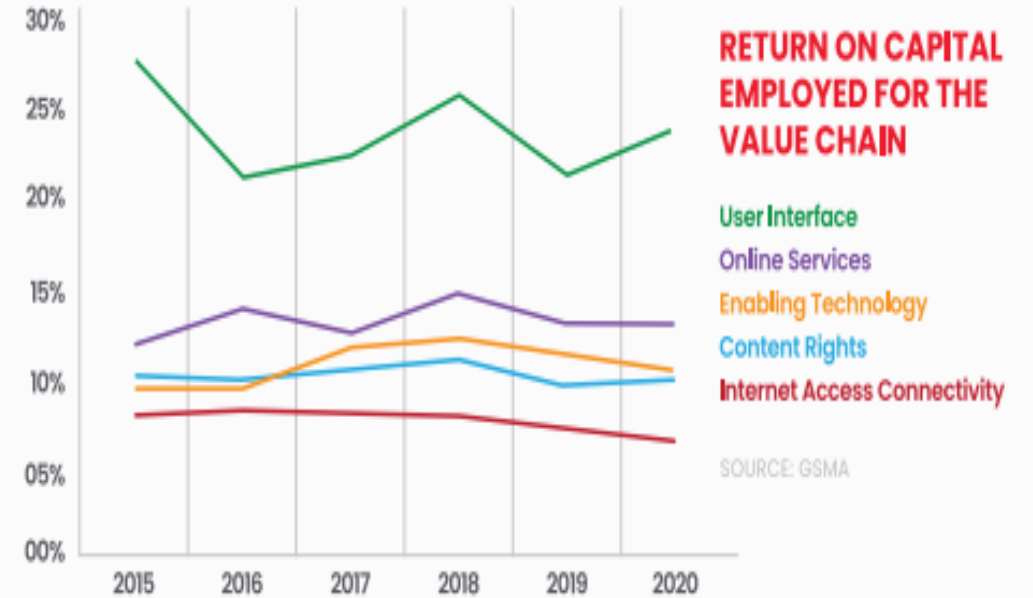
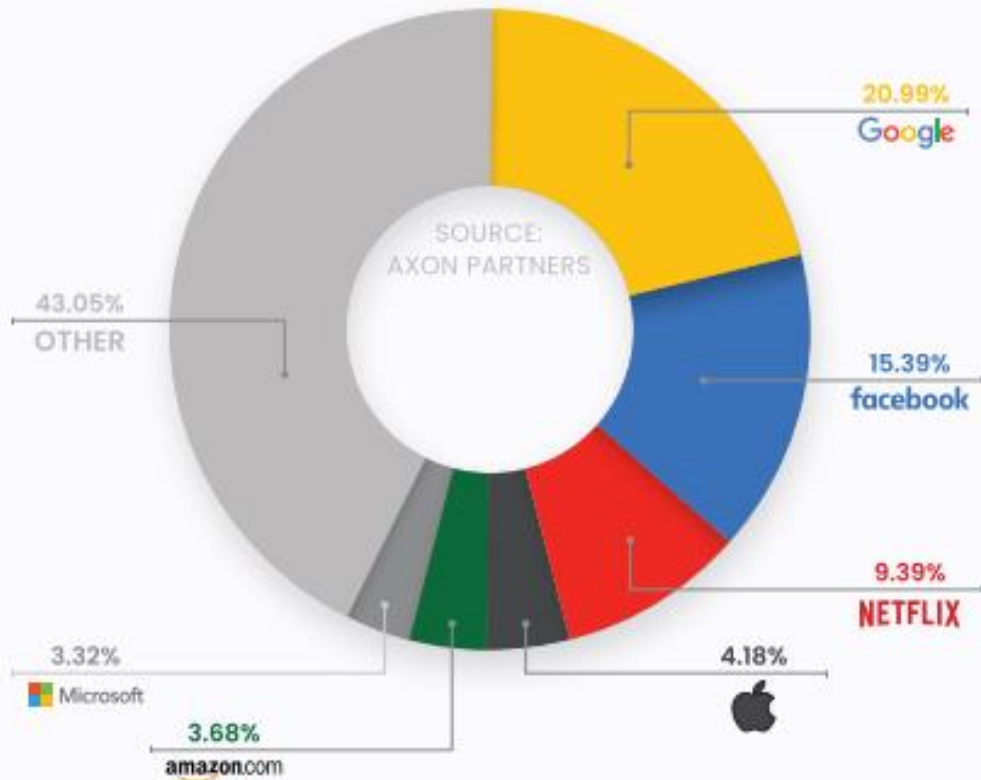


TABLE 1 ESTIMATED TOTAL COSTS ATTRIBUTABLE TO OTT TRAFFIC FOR FIXED AND MOBILE

	FIXED	MOBILE
Weighted average cost per subscriber	€40 - €47	€43 - €46
Annualised OTT costs across Europe	€8 billion - €10 billion	€28 billion - €30 billion

Global Debate



Broadband Commission:

All companies who derive benefit from the use of broadband infrastructure should contribute towards the cost of its deployment.

Australia News Media Bargaining Code a potential regulatory model for contributions.

Florence School of Regulation:

‘if online platforms are allowed to side-line traditional network operators, it may mean that vital investment in building and maintaining the infrastructures on which these markets are founded becomes unsustainable in the long-term.’

Australian Code



Following ACCC investigation, Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021 enacted.

A mandatory code of conduct which governs commercial relationships between Australian news businesses and ‘designated’ digital platforms who benefit from a significant bargaining power imbalance.

Treasurer may designate certain digital platforms as subject to the obligations under the code.

Obliges digital platforms to negotiate commercial agreements for the use of locally produced content with the possibility of an arbitrator deciding terms if the parties cannot agree.

Following the introduction of the code, Google and Facebook (now Meta) have reached voluntary commercial agreements with a significant number of news media organisations.

ACCC permits collective bargaining with each of Google and Meta.

Competition Law

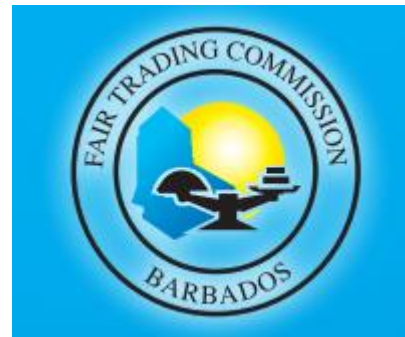
Caribbean jurisdictions can free ride on investigations into Big Tech already undertaken by the EU (or other jurisdictions with similar laws) by investigating the same practices.

‘Copycat’ investigations following previous investigations elsewhere saves time and resources as Caribbean competition authorities could impose fines or other remedies without the need to develop their own theories of harm, market definition and competitive assessment.

Without enforcement a two-tier Caribbean Digital economy may develop – consistent application of international best practice across the region is required.



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