National Communications Agency – Argentine Republic (ENACOM)

# THE GOLD STANDARD FOR DIGITAL REGULATION

## Demonstrating regulatory thought leadership for digital transformation

For some years, the digital economy has been presenting us as policy-makers with significant regulatory challenges as policy is constantly updated to keep up with progress in the sector. We are convinced that a modern and efficient approach to regulation must without a doubt look towards technological innovation. We are not yet in a sector where the regulator needs only to ensure consumer protection and universal service.

Today, ICT regulators are key players in the ongoing development of the digital society, which has implications for countries' economic and social activities.

The crisis that has affected and continues to affect all countries, to a greater or lesser degree, as a result of the COVID-19 pandemic has obliged us to take emergency measures and, at the same time, to be creative, flexible and innovative so as to ensure the sustainability of access to ICT services. This is because the services are uniquely necessary to the continuity of activities such as distance learning, working from home and health care, and also because of the need to keep sectors that are vulnerable (whether historically or as a result of the crisis) connected.

As we all know, demand for networks has not only come from the entertainment and multimedia messaging services. A new "use" with its own need for bandwidth has also emerged and grown rapidly: videoconferencing, e-learning and digital messaging systems, previously the almost exclusive preserve of the business and academic world, have created an additional burden for telecommunication infrastructure in terms of traffic.

In this respect, at times like these, regulatory bodies and those in charge of them must demonstrate leadership in society, meeting its needs and responding as quickly and efficiently as possible.

This leadership must be understood not as an imposition from administrations but as a catalyst for meeting the demands and needs of consumers, operators, industry and all those affected, creating spaces for dialogue and consensus and, at the same time, establishing society's priorities.

## Vectors of regulatory action: Inclusiveness, agility, and resilience

As mentioned above, the emergency meant that we had to be innovative in adopting regulations. To do this, one of our priorities was to transform universal service programmes, adapting them to emerging needs so as to address the situation of historically overlooked sectors, which has been made worse by the pandemic.

In the wake of the COVID-19 pandemic, we will have to analyse the lessons learned and consider them carefully, taking into account the need to improve connectivity as a prerequisite for the digital transformation, making it is possible to integrate and adopt technology into both government services and the various production processes.

There is now no doubt that the use of technology is essential in shaping society and the economy. During the emergency, it has been clearly demonstrated that the countries with the best tools to

tackle it were those with robust connectivity and digital development that enabled them to keep work and education going in the best way possible.

Another factor that has assumed even greater relevance in the context of the emergency has been analysing the resilience and robustness of telecommunications/ICT infrastructure, which means that, in the short term, we need to define and identify critical telecommunications/ICT infrastructure with the aim of protecting it and ensuring its reliability.

In the short term, we also require an in-depth analysis of cybersecurity, privacy and protecting the data of users and the general public, taking into account the further development of broadband data networks that will come with 5G and Wi-Fi-type technologies and the launch of Internet of Things (IoT) applications, which will result in linkages and interaction not only among people but also between devices of all kinds, calling for regulations to protect services and sensitive information that are susceptible to cyberattack or subject to discretionary information management, among other scenarios.

Furthermore, we believe that regulators should engage in a continuous process of studying regulation to facilitate and promote the deployment of new technological solutions for different scenarios, such as specific solutions for rural areas or areas without coverage, allowing affordable implementation and providing telecommunication services with the necessary service quality. We see these solutions as helping to achieve greater inclusivity by bridging the digital divide.

Lastly, in order for the regulatory function to achieve its ultimate objective of advancing the economic development and well-being of society as a whole, it must be treated as a dynamic tool and something to be continuously examined, evaluated and improved in its own right. This can be achieved by incorporating modern ***methods for diagnosing the regulatory capacities*** of agencies to enable them to refine their objectives in a flexible and agile manner to respond both to predictable instances of technological change and new services and to extraordinary emergency situations such as a pandemic.

Risk management, planning and implementing regulations, and reviewing and assessing the impact of those regulations on how public policy is carried out must form an institutional mechanism that goes beyond political considerations, so that the regulator enjoys predictability and sustainability over time as well as a solid base from which to consolidate and better use public resources.

**Collaboration across sectors, cooperation across borders, and engagement across the boards**

As mentioned above, as this emergency comes to an end it will be vital for all actors involved in the sector's ecosystem to work together and, at international level, to strengthen links with other regulators and administrations, especially neighbouring ones, so as to cement regional ties.

In this situation, one of the main tasks or activities that we must all take on as a priority is to identify what critical telecommunications/ICT infrastructure we have in each of our countries and, as far as possible, build regional links with a focus on emergency situations and potential disasters.

This last concept, which we have traditionally envisaged in the sense of severe meteorological disasters with the potential to damage existing infrastructure, should now be widened to include emergencies such as the current situation, where infrastructure is not at immediate risk in itself but has a key role to play in supporting the use of other essential services, such as all those linked to the use of ICTs for health.

This means that we as governments, and especially regulatory bodies, are faced with the necessity and challenge of evaluating, in conjunction with all actors in the sector, the current situation and future needs in the area of digital infrastructure that this new scenario presents and, in that connection, developing a clear and defined regulatory framework to manage the resources necessary for service provision.

Another central pillar of regulation is transboundary collaboration at all levels: bilateral, regional and multilateral.

Against the background of the crisis of multilateralism, international organizations must redouble their efforts to show their member States that they are committed to rendering equitable service to an international community with differing yet interdependent interests and realities. Instruments for international cooperation must be employed transparently and efficiently and become levellers that enable national realities to develop in a more homogenous manner.

For their part, regulatory bodies must determine and maximize their potential to identify and make use of the international cooperation instruments available to support ICTs and their impact on the economy and society of today and tomorrow.