

**Global Symposium for Regulators Consultation on on facilitating the uptake and widespread use of m-applications and services through targeted regulation**

**15th Global Symposium for Regulators (GSR) - Libreville (Gabon) – 9 to 11 June 2015**

**Contribution from *Comisión de Regulación de Comunicaciones (CRC)*, Colombia**

***Facilitating the uptake and widespread use of m-applications and services through targeted regulation.***

Proactive policy and innovative regulatory measures:

- Stimulating demand: raising awareness about the potential of m-services and applications to achieve socio-economic opportunities by empowering citizens.

The Plan Vive Digital (Live Digital Plan) 2014-2018 has the following two key objectives<sup>1</sup>:

- i) To be world leaders in the development of social applications for the most disadvantaged, which will help to increase productivity and the quality of life in sectors such as agriculture, education and health.
  - ii) To be the most efficient and most transparent government through information and communication technologies (ICTs); and to keep moving forward with the appropriation, widespread dissemination and use of ICTs to enable all citizens to enter the digital world. This will require training and an increase in the number of professionals, technicians and technologists specializing in ICT-related topics.
- Facilitating use, availability and access: identifying policy, regulatory and industry-led measures to lift regulatory and technical barriers and foster access, development and take-up of apps and m-services.

In 2011, the Communications Regulatory Commission (CRC) adopted Resolution CRC 3101<sup>2</sup> establishing a telecommunication network access, use and interconnection regime within a context of technological convergence, thereby creating a reference framework designed to facilitate relations among the various providers of communication networks and services, as well as with content and application providers.

The said regime applies to telecommunication network and service providers and to providers making use of those networks, whether through access and/or interconnection, for the provision of services in accordance with Law 1341 of 2009<sup>3</sup>. The provisions of the resolution do not apply to telecommunication networks that are not used for providing services to the public.

Furthermore, CRC's Regulatory Agenda for the period 2015-2016<sup>4</sup> requires the carrying out of a project to promote unified rules to facilitate infrastructure deployment at the national level. This in turn will require actions to coordinate activities with the municipal authorities responsible for issuing authorizations for the installation of telecommunication infrastructure.

- Protecting the users and suppliers: identifying measures to ensure ease of use, trust, privacy and confidence as well as basic security in the use of m-services and applications, taking into consideration their transnational nature.

---

<sup>1</sup> Plan Vive Digital 2014-2018 – <http://www.mintic.gov.co/portal/604/w3-article-7080.html> (in Spanish), <http://www.mintic.gov.co/portal/604/w3-article-1971.html> (different article, in English)

<sup>2</sup> Resolution CRC 3101 of 2011 – <https://www.crcom.gov.co/resoluciones/00003101.pdf> (in Spanish)

<sup>3</sup> Defining principles and concepts relating to the information society and organisation of ICTs, with establishment of the National Spectrum Agency and other provisions – <http://www.mintic.gov.co/portal/604/w3-article-3707.html> (in Spanish)

<sup>4</sup> [https://www.crcom.gov.co/recursos\\_user/Documentos\\_CRC\\_2014/Actividades\\_Regulatorias/Agenda2015/AR2015-2016.pdf](https://www.crcom.gov.co/recursos_user/Documentos_CRC_2014/Actividades_Regulatorias/Agenda2015/AR2015-2016.pdf) (in Spanish)

CRC's Regulatory Agenda for the Period 2015-2016 contemplates modification of the structure and content of the Communication Service User Rights Protection Regime<sup>5</sup> such as to adopt a convergent regime which addresses the specificities and requirements of the telephony, Internet and television services market, and which, through the pursuit of simplicity and clarity, makes for understanding and proper application on the part of users and operators and generates transparency in service provision, thereby enhancing the user's freedom of choice and proper exercise of rights and ensuring compliance with the regulations in force.

The exercise of user rights depends essentially on the body of information available to and exploited by the user. CRC has recently refocused its regulatory strategy on presenting the broadest and best market offers in terms of services and tariffs such as to ensure that they are seen and understood by all population segments, with users ultimately being in a position to take the most appropriate decisions to satisfy their requirements in an environment that makes those decisions less subject to heuristic behaviour or to the selection biases fostered by the markets. To achieve this aim, we have made use of such tools as (i) the Siegel simplification method, based on the concepts of empathy, distillation and clarity; (ii) customer psychology and behavioural economics; and (iii) visual communication and design techniques.

CRC has taken the view that, generally speaking, the right to information implies, at its most fundamental level, the right to understand, which has to do not only with the user being provided with all the requisite information, but also with that information being communicated in an intelligible language and format that is conducive to rational decision-making.

With this in mind, efforts in the area of user protection have been focused on projects such as (i) a comprehensive review of the Service User Rights Protection Regime; (ii) simplification of contracts for the provision of communication services; (iii) adoption of alternative mechanisms for dispute resolution; (iv) studying the effects of user protection regulation; (v) enhancing CRC's user portal for the submission of requests, complaints and appeals, as well as for the comparison of service tariffs.

In the area of security, CRC is carrying out work in coordination with other entities that are involved in defining and implementing the new national cybersecurity and cyberdefence strategy, having regard to the guidelines and recommendations associated with the corresponding international best practices, so that appropriate measures can be incorporated into the existing regulatory framework.

- Roles of ICT stakeholders: identifying the roles and responsibilities of the government, the telecom/ICT regulator, the industry and consumers to facilitate and stimulate uptake and use in a safe and secure manner.

Under the Law on ICT, CRC is responsible for regulation of the communication network and service markets, including the provision of content and applications and all services falling under the heading of ICT.

Its functions under the Law include the following:

- Establishing a regulatory regime which maximizes the social well-being of users.
- Fostering and regulating free competition in the provision of telecommunication networks and services and preventing unfair conduct and restrictive commercial practices, through general regulations or specific measures, which may include differentiated rules of conduct according to provider position, where a failure in the market has been identified.
- Issuing all general and specific regulations pertaining to the competitive regime, technical and economic aspects relating to the obligation to ensure interconnection, access and use of the essential facilities, physical resources and logical supports necessary for interconnection, as well as remuneration for access to and use of networks and infrastructure, wholesale prices, and invoicing and collection conditions.
- Network access and usage regime.
- Service quality parameters.

<sup>5</sup> [https://www.crcm.gov.co/recursos\\_user/Normatividad/Normas\\_Actualizadas/Res\\_3066\\_11\\_Act\\_4625.pdf](https://www.crcm.gov.co/recursos_user/Normatividad/Normas_Actualizadas/Res_3066_11_Act_4625.pdf) (in Spanish)

- Sector efficiency criteria and measurement of sectoral indicators to determine progress within the information society.
- Settlement of disputes between communication network and service providers.
- Regulating access to and use of all networks, and access to telecommunication service markets, with the exception of networks intended essentially for television and sound broadcasting services, moving towards market-based regulation.

Furthermore, the Presidency of the Republic<sup>6</sup> has, together with the Ministry for ICT, established the Plan Vive Digital II (2014-2018), which includes:

- Design and development of applications for agriculture, health and education
- Business projects based on ICT
- ICT efficiency and transparency
- Digital justice.

---

---

<sup>6</sup> [http://wp.presidencia.gov.co/Noticias/2014/Septiembre/Paginas/20140905\\_9-Presidente-Santos-anuncia-retos-del-Plan-Vive-Digital-para-los-proximos-cuatro-anos.aspx](http://wp.presidencia.gov.co/Noticias/2014/Septiembre/Paginas/20140905_9-Presidente-Santos-anuncia-retos-del-Plan-Vive-Digital-para-los-proximos-cuatro-anos.aspx) (in Spanish)