



Last /8 allocation proposals and EU Competition law implications

Risk analysis summary



Requirements EU competition law

A new policy proposal should be:

- Adopted through open procedures
 - Not intended to restrict competition
 - Non-discriminatory
- (the next slide shows the different topics of each proposal and the risk analysis of the proposed solutions)



Risk analysis

\Proposals Topics	2008-06	2009-03	2009-04	AP-WG Proposals
Requirements	none	none	IPv6 infrastructure*	none
Way to allocate	One single (minimum) allocation	Regular way of allocating	Downscale minimum allocation, for consistency with RFC 5211	Requests downscaled by a certain factor -maximum allocation based on LIR's run rate
	Regardless of need	According to need per limited time slot	According to need	Smaller than actual need for everybody
EXTRA reservation of address space	none	none	none	For coming up LIRs e.g. a /10
Conclusion	Low risk	Low risk	Low risk *Any additional requirement makes the risk higher	Low risk



Requirements of EU competition law for new policy proposals

- Adopted through open procedures
- Not aimed to restrict the competition
- Non-discriminatory



Conclusion

The legal advice was very positive and concrete:

- IPv4 shortage is a genuine technical scarcity - discrimination between existing and new LIRs is justified
- The proposals intend either to include as many LIRs as possible or to promote technical progress
- It is very unlikely for a complaint to succeed
- Even if it happens, very difficult for sanctions to be imposed
- Worst case scenario: obligation to change the policy for the future



Questions?

