

Summary Notification Form

Market 1

Markets for voice call termination on the public telephone network at a fixed location”

Date of notification 14 February 2019

This form specifies the summary information to be provided by national regulatory authorities to the EFTA Surveillance Authority (ESA) when notifying draft measures in accordance with Article 7 of Directive 2002/21/EC (Framework Directive) and the annex to ESA Recommendation of 14 July 2004 on notifications, time limits and consultations.

Under the obligation in Articles 15 and 16 of the Directive 2002/21/EC (Framework Directive) and Electronic Communications Act §§ 3-2 and 3-3, the Norwegian Communications Authority (Nkom) has conducted the forth analysis of the markets for voice call termination on the public telephone network (Market 1). This analysis covers all undertakings in Market 1: Altibox, Broadnet, eRate, Ice, NetGenTel, Orange, Puzzel, Telenor, Telia and Verizon.

Nkom’s draft decision including market definition, designation of SMP and regulatory obligations and the revised market analysis were subject to a national consultation in the period from 5 November to 28 November 2019. Nkom did not receive any comments to the draft decisions.

Comments to these draft measures may be sent to Mrs Frid Sissel Reiersølmoen (fsr@nkom.no)

SECTION 1

Market definition

Please state where applicable, and give reference to the relevant section/paragraph:

1.1	The affected relevant product/service market. Is this market mentioned in the Recommendation on relevant markets?	Section/ paragraph
	Yes, the wholesale markets for voice call termination on the public telephone network at a fixed location are market 1 in the Recommendation of 11 May 2016. The relevant markets include both analogue (PSTN) and digital (ISDN) access to the copper-based access network, as well as access via other fixed-location access networks for broadband telephony. Nkom deems the relevant product market to be in accordance with the Recommendation.	Annex 1, Section 2.3.2
1.2	The affected relevant geographic market	
	The markets are defined as the individual network's respective areas of coverage within Norway.	Annex 1, Section 2.3.8
1.3	A brief summary of the opinion of the national competition authority where provided;	
	The Norwegian Competition Authority (NCA) has not given any comments or objections to the definition of the relevant product market or the geographical market.	
1.4	A brief overview of the results of the public consultation to date on the proposed market definition (for example, how many comments were received, which respondents agreed with the proposed market definition, which respondents disagree with it	
	Nkom held a public consultation from 5 November to 28 November 2018. Nkom did not receive any responses.	
1.5	Where the defined relevant market is different from those listed in the Recommendation on relevant markets, a summary of the main reasons which justified the proposed market definition by reference to Section 2 of the Authority's Guidelines on the definition of the relevant market and the assessment of significant market power ¹ , and the three main criteria mentioned in recitals 6 to 16 of the Recommendation on relevant markets.	
	Not applicable.	

SECTION 2

Designation of undertakings with significant market power

Please state where applicable, and give reference to the relevant section/paragraph:

2.1	The name(s) of the undertaking(s) designated as having individually or jointly significant market power. Where applicable, the name(s) of the undertaking(s) which is (are) considered to no longer have significant market power;	Section/ paragraph
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¹ Authority guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications and services.

	Altibox AS, Broadnet AS, eRate AS, ICE Norge AS, NetGenTel AS, Orange Business Norge AS, Puzzel AS, Telenor ASA, Telia Norge AS and Verizon Norway AS.	Draft decision, Section 2 and Annex 1, Section 4
2.2	The criteria relied upon for deciding to designate or not an undertaking as having individually or jointly with others significant market power; The criteria relied upon were inter alia market shares, an overall assessment of entry barriers and potential competition, prices and price-development and absence of sufficient countervailing buying power.	Annex 1, Section 3 and 4
2.3	The name of the main undertakings (competitors) present/active in the relevant market; See answer to question 2.1.	
2.4	The market shares of the undertakings mentioned above and the basis of their calculation (e.g., turnover, number of subscribers). All operators mentioned above have 100% market shares in the markets for voice call termination on their respective networks.	Annex 1, Section 4.2
Please provide a brief summary of:		
2.5	The opinion of the national competition authority, where provided; The Norwegian Competition Authority has no objection to Nkom's designation of the above mentioned operators as undertakings with significant market power.	
2.6	The results of the public consultation to date on the proposed designation(s) as undertaking(s) having significant market power (e.g., total number of comments received, numbers agreeing/disagreeing). None of the respondents disagreed with the proposed designations of undertakings having significant market power.	

SECTION 3 Regulatory obligations

Please state where applicable, and give reference to the relevant section/paragraph:

3.1	The legal basis for the obligations to be imposed, maintained, amended or withdrawn (Articles 9 to 13 of Directive 2002/19/EC (Access Directive)); The following obligations are proposed on all operators designated with SMP in this decision:	Section/paragraph
	<ul style="list-style-type: none"> ▪ Access/interconnection – Access Directive Article 12. In Norwegian law: Act No. 83 of 04 July 2003: Act relating to electronic communications (The Electronic Communications Act) Section 4-2, paragraph 3, cf. Section 4-1. ▪ Non-discrimination – Access Directive Article 10, Electronic Communications Act Section 4-7 ▪ Transparency (publication of prices) – Access Directive Article 9, The Electronic Communications Act Section 4-6. ▪ Price control – Access Directive Article 13, The Electronic Communications Act Section 4-9. 	Draft decision, Section 7 and 8

3.2	The reasons for which the imposition, maintenance or amendment of obligations on undertakings is considered proportional and justified in the light of the objectives laid down in Article 8 of Directive 2002/21/EC (Framework Directive). Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found;	
	Cf. Section 7 and 8 of the draft decision. In short the proposed obligations are proportionate, appropriate and justified as they are necessary to remedy relevant competition problems identified in the draft decision. They will inter alia prevent excessive pricing and cross-subsidisation.	Draft decision, section 7 and 8
3.3	If the remedies proposed are other than those set out in Articles 9 to 13 of Directive 2002/19/EC (Access Directive), please indicate which are the 'exceptional circumstances' within the meaning of Article 8(3) thereof which justify the imposition of such remedies. Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found.	
	Not applicable	

SECTION 4

Compliance with international obligations

In relation to the third indent of the first subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive), please state where applicable, and give reference to the relevant section/paragraph:

4.1	Whether the proposed draft measure intends to impose, amend or withdraw obligations on market players as provided for in Article 8(5) of Directive 2002/19/EC (Access Directive);	Section/ paragraph
	Not applicable	
4.2	The name(s) of the undertaking(s) concerned;	
	Not applicable	
4.3	Which are the international commitments entered into by the EFTA State that need to be respected;	
	Not applicable	