

Request for issuing opinion submitted on the part of the Regulatory Agency for Electronic Communications and Postal Services, RATEL

Request summary – question: In the request of the Regulatory Agency for Electronic Communications and Postal Services, RATEL, is presented a call for issuing opinion of the Commission for Protection of Competition as to whether the Report on wholesale market inquiry of voice call termination on the public telephone network, as well as regulatory commitments set against operators with significant market power on the relevant market, are in accordance with the regulations governing protection of competition.

Issued opinion: The Commission for Protection of Competition has issued an opinion in which is stated that different approaches, or respectively potential differences in conclusions adopted by the Agency and Commission when considering a specific relevant market, may derive from the differences in legal frameworks implemented in the electronic communications and competition policy areas. Specifically, in respect of the market of voice call termination on the public telephone network, the supply and demand substitution on the wholesale level does not exist. The relevant market also contains a dimension of the relevant geographic market, and subsequently, the boundaries of the relevant geographic market observed from the perspective of each operator individually are defined by the coverage of their networks. That means that all service providers of voice call termination on the public telephone network belong to the identical relevant product market but different geographic markets, which observed conjointly have a dimension of the national market. The Commission emphasized that undertakings operating on the market concerned would be considered as a single undertaking, given that in accordance with the provision of Article 5 of the Law on Protection of Competition they would be considered as affiliated undertakings. In general terms is established that the principles implemented when analyzing the wholesale market of voice call termination on the public telephone network basically correspond to the principles implemented in the competition policy area as well, adding that the relevant market for the purposes of each individual case conducted before the Commission would be defined in accordance with the Law and bylaws regulating this matter, and that the market defined in such manner would not necessarily need to correspond to the definition of market adopted by the Agency for the Inquiry related needs. In terms of regulatory commitments set for operators with significant market power, the Commission establishes that they are regulated in accordance with the Law on Electronic Communications, emphasizing that the Commission is competent to set measures pertaining to the behavioral measures upon the establishment of the competition infringement acts or actions.