



Republic of Serbia
**COMMISSION FOR
PROTECTION OF
COMPETITION**
25/IV Savska Street, Belgrade
Number: 9/0-02-537/2022-2
Date: July 25, 2022

**REPUBLIC OF SERBIA
REGULATORY AGENCY FOR ELECTRONIC
COMMUNICATIONS
AND POSTAL SERVICES**
2 Palmotićeve Street
11000 Belgrade

SUBJECT: Opinion of the Commission for the Protection of Competition at the request of the Regulatory Agency for electronic communications and postal services number 1-03-3483-3/21-6 as of 07.05.2022.

The Commission for the Protection of Competition (hereinafter referred to as: Commission), on July 7, 2022 received a letter from the Regulatory Agency for Electronic Communications and Postal Services (hereinafter: Agency) in which it is stated that the Agency published on its website an invitation to experts and the general public to submit an opinion within the second round of public consultations regarding the Draft report on the analysis of the wholesale market of central access provided at a fixed location for mass market products (hereinafter: the Report).

According to the information in the letter, the Agency conducted the market analysis procedure in order to continuously monitor the situation on the subject market in the territory of the Republic of Serbia.

Referring to the provisions of Article 60, paragraph 2 of the Law on Electronic Communications, as well as to the provisions of Article 3 of the Protocol on Cooperation, entered into by and between the Agency and the Commission, a request was made that the Commission, by the deadline for submitting opinions within the public consultation procedure, ie by August 4, 2022, submits an opinion on whether the report on the analysis of the relevant market, as well as regulatory obligations, for which the report concluded may be assigned to an operator with significant market power in the relevant market, is in accordance with regulations protection of competition.

After reviewing the subject analysis, based on Article 21, paragraph 1. of the Law on Protection of Competition (“Official Gazette of the Republic of Serbia”, number 51/09 and 95/13), the Commission Council at its 91st session held on July 22, 2022 brings the following

OPINION

The Commission Council considered the Draft Report on the Analysis of the Wholesale Market of Central Access Provided at a Fixed Location for Mass Market Products, evaluating as acceptable the findings and conclusions contained in the report.

The commission issued the opinion number 9/0-02-338/2022-2 dated 04/04/2022 according to the request of the Regulatory Agency for Electronic Communications and Postal Services number 1-03-3483-3/21-4 dated 03/01/2022. in connection with the first round of public consultations on the Draft report on the analysis of the wholesale market of central access provided at a fixed location for mass market products. On that occasion, the Commission expressed the opinion that the Report was prepared in accordance with the principles of competition protection, with the fact that it believes that it would be useful to further explain and clarify certain statements.

The draft Report, which is the subject of the second round of public consultations, has been supplemented and amended in accordance with the Commission's previously submitted opinion.

Namely, the Agency agreed with the Commission's comment regarding the observed trend of increasing use of mobile phones for the purposes of broadband access and the noted increase in the number of users of mobile internet services, as well as with the proposal to show the participation of operators in this segment in the Draft, measured by the number of users and supplemented the draft report with data in accordance with the proposal. Also, in accordance with the proposal of the Commission, the Agency states that it will continue to monitor the development of this type of approach and that, to that end, it will take appropriate steps.

The Agency made certain amendments to the Draft Report in order to provide additional clarifications of the conclusions drawn in relation to the determining criteria and to amend the conclusions from the previous analysis, taking into account the current situation on the market in question, i.e. the changes that occurred in the period between the two market analyses.

Based on the above, the Commission is of the opinion that, from the aspect of competence entrusted to it by the Law, there are no objections in relation to the submitted report.

Without prejudice to the opinion expressed, the Commission notes that it reserves the right to draw possible conclusions in specific proceedings within its competences, in accordance with the regulations governing competition protection, in relation to those set out in the Report, and in particular with regard to the determination of the relevant market, either in the product or in the geographical dimension, where it is possible that a specific definition does not coincide in all respects with the definition adopted for the purposes of the Report.

PRESIDENT OF THE COMMISSION

Nebojša Perić, m.p.