

**INVITATION TO MARKET PARTICIPANTS TO SUBMIT OBSERVATIONS REGARDING THE
COMMISSION'S SERIOUS DOUBTS LETTER UNDER ARTICLE 7 OF
DIRECTIVE 2002/21/EC¹**

Case AT/2013/1442: Wholesale terminating segments of leased lines in Austria

- (1) On 3 April 2013, the Commission registered a notification from the Rundfunk und Telekom Regulierungs-GmbH (hereinafter, "RTR")², concerning the wholesale terminating segments of leased lines market³ in Austria.
- (2) The Commission has examined the notification and additional information provided by RTR and concluded that the notified draft measure would affect trade between Member States and falls within Article 7(4) of the Framework Directive.
- (3) On 3 May 2013, pursuant to Article 7(4) of the Framework Directive, the Commission has informed RTR and the Body of European Regulators for Electronic Communications (hereinafter, "BEREC") of its reasons for considering that the draft measure would create a barrier to the internal market and its serious doubts as to its compatibility with EU law (hereinafter, "serious doubts letter").
- (4) A non-confidential version of the Commission's serious doubts letter is available on the Commission's website⁴.
- (5) Pursuant to Article 7(4) of the Framework Directive, the draft measure may not therefore be adopted for a further two months, i.e. until 3 July 2013. Within this period the Commission may, taking utmost account of the opinion of BEREC, take a decision requiring RTR to withdraw the draft measure or lifting its reservations.
- (6) Third parties can submit any observation(s), in writing, on the Commission's serious doubts letter. Please note that in the interest of cooperation between the Commission, BEREC and the relevant NRA, the third party observations submitted to the Commission could be put at the disposal of BEREC and/or TKK/RTR if requested by BEREC and/or TKK/RTR respectively.

¹ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services, OJ L 108, 24.4.2002, p. 33, as amended by Directive 2009/140/EC (Better Regulation Directive), OJ L 337, 18.12.2009, p. 37, and Regulation (EC) No 544/2009, OJ L 167, 29.6.2009, p. 12 (Framework Directive).

² Under Article 7 of the Framework Directive.

³ Corresponding to market 6 in Commission Recommendation 2007/879/EC of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (Recommendation on Relevant Markets), OJ L 344, 28.12.2007, p. 65.

⁴ <https://circabc.europa.eu/w/browse/0fc4cbf9-3412-45fe-84bb-e6d7ba2f010e>.

- (7) To enable close cooperation between interested parties, third party observations should reach the Commission no later than 5 working days following publication of this notice on the Commission's website, i.e. by 16 May 2013. Observations should be sent, quoting the appropriate case registration number, by email to: CNECT-ARTICLE7@ec.europa.eu

* * *