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Danish Business Authority (DBA)

Dahlerups Parkhus,
Langelinie Allé 17,
DK-2100 Copenhagen,
Denmark

For the attention of:
Mr Jorgen Abild Andersen
Director General Telecom

Fax: + 45 3546 6001

Dear Mr Andersen,

Subject: Commission decision concerning Case DK/2012/1282: Voice call termination on individual mobile networks

Article 7(3) of Directive 2002/21/EC:¹ No comments

I. PROCEDURE

On 11 January 2012, the Commission registered a notification from the Danish national regulatory authority, the Danish Business Authority (DBA), concerning a new operator on the market for mobile voice call termination².

The national consultation³ ran from 3 November 2011 until 2 January 2012. The deadline for the EU consultation under Article 7 of the Framework Directive is 13 February 2012.

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 (Framework Directive), OJ L 108, 24.4.2002, p. 33, as amended by Directive 2009/140/EC, OJ L 337, 18.12.2009, p. 37, and Regulation (EC) No 544/2009, OJ L 167, 29.6.2009, p. 12.

² Corresponding to market 7 of the 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 (the Recommendation), OJ L 344, 28.12.2007, p. 65.

³ In accordance with Article 6 of the Framework Directive.

Pursuant to Article 7(3) of the Framework Directive, national regulatory authorities (NRAs), the Body of European Regulators for Electronic Communications (BEREC) and the Commission may make comments on notified draft measures to the NRA concerned.

II. DESCRIPTION OF THE DRAFT MEASURES

II.1. Background

In its second round notification⁴ of the voice call termination market, the DBA (at the time NITA) imposed a set of remedies on four mobile network operators (MNOs)⁵ and a mobile virtual network operator (MVNO) Barablu, which in the meantime left the market⁶. The remedies consisted of the obligation to meet all reasonable requests for access and interconnection, non-discrimination, transparency, cost accounting and price control. The DBA further notified the details of the price control remedy in 2010⁷ and 2011⁸. The latter decision set the price caps for the period 1 January 2012 – 29 February 2012 at 0.33 DKK/min (~EUR 0.04). In the period 1 March 2012 – 31 December 2012, the price caps will be reduced to 0.22 DKK/min (~EUR 0.03)⁹. The Commission had no comments.

II.2. The draft measure notified by way of a short form

The MVNO Lycamobile entered the Danish market in the first half of 2010, offering mobile termination of voice calls. The draft measure notified by way of a short form proposes to impose the existing set of remedies on the new entrant, which has been found to hold significant market power (SMP) in the voice call termination market on its network.

III. NO COMMENTS

The Commission has examined the notification and has no comments.¹⁰

Pursuant to Article 7(7) of the Framework Directive, the DBA may adopt the draft measure and, where it does so, must communicate it to the Commission.

The Commission's position on this particular notification is without prejudice to any position it may take *vis-à-vis* other notified draft measures.

Pursuant to Point 15 of Recommendation 2008/850/EC¹¹ the Commission will publish this

⁴ DK/2009/1013 and DK/2009/1014, SG-Greffe (2009) D/12014.

⁵ TDC, Telenor, Telia Sonera and Hi3G.

⁶ The Commission was informed about this in case DK/2010/1124, SG-Greffe (2010) D/14503.

⁷ DK/2010/1124, SG-Greffe (2010) D/14503.

⁸ DK/2011/1250, SG-Greffe (2011) D/16989.

⁹ Danish kroner have been converted into Euros by applying the ECB Euro foreign exchange reference rates on 19 January 2012 (1 EUR=7.4357 DKK).

¹⁰ In accordance with Article 7(3) of the Framework Directive.

¹¹ Commission Recommendation 2008/850/EC of 15 October 2008 on notifications, time limits and

document on its website. The Commission does not consider the information contained herein to be confidential. You are invited to inform the Commission¹² within three working days following receipt whether you consider that, in accordance with EU and national rules on business confidentiality, this document contains confidential information which you wish to have deleted prior to such publication¹³. You should give reasons for any such request.

Yours sincerely,
For the Commission,
Robert Madelin
Director-General

consultations provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services, OJ L 301, 12.11.2008, p. 23.

¹² Your request should be sent either by email: INFSO-COMP-ARTICLE7@ec.europa.eu or by fax: +32 2 298 87 82.

¹³ The Commission may inform the public of the result of its assessment before the end of this three-day period.