



EUROPEAN COMMISSION

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Hellenic Telecommunications &
Post Commission (EETT)

60 Kifissias Avenue
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Greece

For the attention of:
Mr. Konstantinos Masselos
President

Fax: +30 210 6151 113

Subject: Case EL/2021/2308: Wholesale local access provided at fixed location and Wholesale central access provided at a fixed location for mass market products (remedies) in Greece

Article 32(3) of Directive (EU) 2018/1972: No comments

Dear Mr Masselos,

1. PROCEDURE

On 25 February 2021, the Commission registered a notification from the Greek national regulatory authority, the Hellenic Telecommunications & Post Commission (EETT)¹, concerning the remedies on the markets for wholesale local and central access in Greece².

¹ Under Article 32 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (the Code) (OJ L 321, 17.12.2018, p. 36).

² Corresponding to market 3a and 3b in Commission Recommendation 2014/710/EU of 9 October 2014

The national consultation³ ran from 29 October 2020 to 12 November 2020.

The Commission sent a request for information⁴ to EETT on 5 March 2021, and received a reply on 10 March 2021.

2. DESCRIPTION OF THE DRAFT MEASURE

2.1. Background

The market for wholesale local access provided at a fixed location in Greece was previously notified to and assessed by the Commission under case EL/2016/1936⁵.

EETT had concluded that the market for wholesale local access included both the copper access network and the optical fibre access network for the purpose of providing broadband and voice services. EETT found the geographic scope of the market to be national. The incumbent OTE was found to hold a Significant Market Power (SMP) on the market. EETT imposed a set of regulatory obligations on OTE, namely access, non-discrimination, transparency, accounting separation and price control.

The market for wholesale central access provided at a fixed location for mass-market products in Greece was previously notified to and assessed by the Commission under case EL/2016/1937⁶.

EETT concluded that the market for wholesale central access included bitstream services of the incumbent operator (including self-supply) via copper and fiber. EETT found the geographic scope of the market to be national. The incumbent OTE was found to hold a Significant Market Power (SMP) on the market. EETT imposed a set of regulatory obligations on OTE, namely access, non-discrimination, transparency, accounting separation and price control.

The relevant wholesale prices for the wholesale local and central access were calculated based on a bottom-up long-run incremental cost plus (BU-LRIC+) model and notified to the Commission under case EL/2020/2237⁷. In its comment letter the Commission called upon EETT to reconsider if the benchmark analysis and countries used to calculate the mark-up reflected the situation in Greece. Further,

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 of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (2014 Recommendation on Relevant Markets) (OJ L 295, 11.10.2014, p. 79).). Market 3b has been removed from the list of the relevant markets that may warrant ex ante regulation which is contained in the currently applicable Commission Recommendation (EU) 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with the Code (2020 Recommendation on Relevant Markets) (OJ L 439, 29.12.2020, p. 23-31).

³ In accordance with Article 23 of the Code.

⁴ In accordance with Article 20(2) of the Code.

⁵ C(2016) 8300 final.

⁶ C(2016) 8300 final.

⁷ C(2020)1766 final.

EETT was invited to ensure that the model is valid and functions according to the proposed methodology. Subsequently, EETT informed the Commission that the addressed comments had been taken into account when preparing the final decision.

2.2. Description of the draft measure

Following the adoption of decision on wholesale prices for the wholesale local and central access (notified under the case EL/2020/2237), EETT received requests from three operators⁸ for clarifications on the prices included in this decision. In the current draft measure, EETT has included these clarifications as well as its proposals for the pricing of some services that were not included in the decision EL/2020/2237, as they were not identified during the consultation procedures of the model. Therefore, EETT is now notifying the wholesale access prices for the following access products:

- Bitstream access product used only for data traffic and which has to be combined with another product for voice service;
- Additional interconnection services for capacities of 100 Mbit/s, 200 Mbit/s, 500 Mbit/s and 1500 Mbit/s and;
- VLU/FTTH type B services (BRAS) as a central access wholesale product with interconnection point located in the BRAS (Broadband Remote Access Server).

The notified prices are derived from the bottom up LRIC+ model developed by EETT which was notified to the Commission under the case EL/2020/2237.

Additionally, EETT approves one-off charges for the activities related to certain fault repair case scenarios and one-off idle charges for the years 2021-2028. EETT further accepts a proposal which resulted from the public consultation of the currently notified draft measure, to integrate the one-off idle charges into the bottom-up model.

In its reply to the RFI, EETT confirms that all other prices notified under case EL/2020/2237 will not change as a consequence of the current notification.

3. NO COMMENTS

The Commission has examined the notification and the additional information provided by EETT and has no comments.⁹

Under Article 32(9) of the Code, EETT may adopt the draft measure and, where it does so, shall communicate it to the Commission.

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

Pursuant to Point 15 of Recommendation 2008/850/EC¹⁰ the Commission will publish this document on its website. If EETT considers that, in accordance with EU and national

⁸ OTE, VODAFONE, WIND

⁹ In accordance with Article 32(3) of the Code.

rules on business confidentiality, this document contains confidential information that you wish to have deleted prior to publication, please inform the Commission¹¹ within three working days of receipt¹². Please give reasons for any such request.

Yours sincerely,

For the Commission
Roberto Viola
Director-General

¹⁰ Commission Recommendation 2008/850/EC of 15 October 2008 on notifications, time limits and 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.

¹¹ By email: CNECT-markets-notifications@ec.europa.eu

¹² The Commission may inform the public of the result of its assessment before the end of this three-day period.