

Amendment of EETT Decision No. 268/1977 "Introduction of Part Circuits in the Greek Market" (Government Gazette 1604/B/30.12.2002).

THE HELLENIC TELECOMMUNICATIONS & POST COMMISSION (EETT)

Having regard to:

- a. the provisions of Law No. 2867/2000 "Organization and Operation of Telecommunications and Other Provisions" (Government Gazette 273/A/2000), *inter alia* article 3, par. 14 and 15, article 8, par. 2 and article 12 of same;
- b. Presidential Decree No. 165/1999 on adapting Greek law to Directive 97/33/EC of the European Parliament and of the Council on interconnection in telecommunications with regard to ensuring universal service and interoperability, through application of the principles of Open Network Provision (ONP) (Government Gazette 159/A/1999);
- c. Presidential Decree No. 40/1996 "On the Provision of Open Network to Leased Lines, in adapting to Directive 92/44/EEC, as amended by Decision 94/439/EC" (Government Gazette 27/A/1996);
- d. Presidential Decree No. 156/1999 "On adapting Law No. 2246/1994 and Presidential Decree No. 40/1996 in compliance with Directive 97/51/EC of the European Parliament and of the Council with regard to the amendment of Directives 90/387/EEC and 92/44/EEC of the Council, aimed at adapting the Telecommunications Sector to the Competitive Environment" (Government Gazette 153/A/1999);
- e. Directive 97/33/EC of the European Parliament and of the Council dated 30 June 1997 (Directive on Interconnection);
- f. Recommendation of the European Commission on the provision of leased lines in the European Union Part 2 – Pricing issues pertaining to part circuits of wholesale leased lines, C (2005) 951, 29.3.2005;
- g. OTE letter dated EETT ΕΜΠ.ΥΠΗΡ.370/Φ.960/26.7.2004 addressed to EETT, in which OTE submitted a sample Part Circuits Offer, as well as a Bottom-Up model for the calculation of relevant costs;
- h. EETT Decision No. 334/45/10.11.2004 "Results of the Cost Accounting Audit performed on the Hellenic Telecommunications Organization S.A. (OTE S.A.) for the year 2004 (with summary data for the year 2002) with regard to wholesale services being under regulation" (Government Gazette 1730/B/2004);

- i. the fact that the provisions of this present Decision do not create any cost for the State Budget; decides:
 - A. To amend EETT Decision No. 268/1977 "Introduction of Part Circuits in the Greek Market" (Government Gazette 1604/B/30.12.2002) as follows:
 1. Point 1 is replaced as follows:

"- a "part circuit of a leased line" or a "part circuit" means the exclusive connection between a customer's premises and the Beneficiary's interconnection point (as the Beneficiary is defined hereunder) at (or near) the network node of the party required to provide the part circuits service (as the said party is defined hereunder), and it shall be considered as a special type of wholesale leased line that can be used by the Beneficiary for the provision of services to retail users or other Beneficiaries, or for the Beneficiary's own use, including, but not limited to, leased lines, access lines to the switched telephone network, data services or broadband access. The length of a part circuit shall not exceed 5 kilometers;
- "part circuit length" means the radial distance between the two terminal points of the part circuit, namely between the interconnection point and the customer's premises;
- "customer" means the Beneficiary's customer".
 2. Point 5 is deleted.
 3. Point 6 is deleted.
 4. The last subparagraph of the third case of point 7 is deleted.
 5. The fourth case of point 7 is replaced as follows: "In the case where the cost accounting system of the party required to provide the part circuits service does not include the part circuits product, thus resulting in a failure to determine the part circuits fees in the said party's cost accounting system, EETT is entitled to make a decision determining the said prices based on an appropriate cost determination methodology based on cost accounting data of the party required to provide the part circuits service or based on the optimum current practice pursuant to the Recommendation of the European Commission on the provision of leased lines in the European Union Part 2 – Pricing issues pertaining to part circuits of wholesale leased lines, C (2005) 951, 29.3.2005.
 6. The fifth case of point 7 is deleted.
 - B.
 1. This present decision shall enter into force when it is published in the Government Gazette.
 2. This present decision shall be published in the Government Gazette.

Marousi, 17 August 2005

The Chairman
N. ALEXANDRIDIS

