

**(Re)Notification of Draft Measures Pursuant to Article 7(3)
of Directive 2002/21/EC (Framework Directive)
for the market of**

**Wholesale Mobile Voice Call Termination
following the Commission's Relevant Comments (EL/2004/0078)**

The EETT has conducted an analysis of the market for wholesale mobile voice call termination in Greece in accordance with the obligations listed in Article 16 of Directive 2002/21/EC (Framework Directive), and proceeded in the 1st July 2004 to the notification to the Commission and to the National Regulatory Authorities of other Member States of its Draft Measures in relation to the aforementioned market.

In the context of its Market Definition and Analysis procedures with regard to market No 16, the EETT initially carried out:

- a national consultation on market definition & analysis and SMP designation, which commenced on September 3rd, 2003 and ended on October 3rd, 2003, and
- a national consultation on the proposed remedies which commenced on February 11th, 2004 and ended on March 18th, 2004

EETT reached its preliminary conclusions on the Wholesale Mobile Voice Call Termination market taking into account the responses to the national consultations.

Following, case EL/2004/0078, the EETT proceeds to the (re)notification to the Commission and to the National Regulatory Authorities of other Member States, of the 'New Version' of its Draft Decision relating to the market of Wholesale Mobile Voice Call Termination. Notification of EETT's abovementioned 'New' Draft Decision is deemed necessary pursuant to the terms of the Commission's response in case EL/2004/0078. It is noted that EETT has conducted an 'additional' national consultation with respect to its 'New' Version of Draft Measures for Market no 16, which took place between the 15th of December, 2004 and the 15th of February, 2005. EETT received in total 4 responses. The respondents abided by their original views as stated at the first two conducted national consultations. For comments received see Appendix E.

EETT's 'New' Draft Decision for the Market of Wholesale Mobile Voice Call Termination, takes the utmost account of the Commission's comments in relation to the said market. More specifically, it is noted, that in accordance to the Commission's submitted remarks, EETT's 'New Draft Decision' with respect to market 16, is amended as to the following points (in comparison with the Draft Decision notified to the Commission on the 1st of July, 2004):

- a) The glide path duration has been altered from three (3) years to eighteen (18) months,
- b) The proposed regulatory obligation (remedy) of 'Non- Discrimination in respect of GSM gws has been withdrawn,

EETT hereby notifies the Commission of its proposed measures in accordance with Article 7(3) of Directive 2002/21/EC. The proposed findings are set out in the attached Summary Notification form.

Responses are to be sent to the following address:

60 , Kifissias Avenue

Maroussi, Athens

PC 151 25

Greece

Email address: mct@eett.gr

Summary Notification Form

SECTION 1 - Market definition

1.1 Affected relevant product/ service market.

Voice call termination on individual public mobile networks.

This market is included in the Commission's Recommendation as market number 16.

See chapter 1 (paragraphs 1.1 to 1.3.3), and chapter 7 (paragraph 7.2)

1.2 Affected relevant geographic market.

The relevant geographic market for voice call termination is Greece.

See chapter 1 (paragraph 1.4) and chapter 7 (paragraph 7.2)

1.3 Brief summary of the opinion of the National Competition Authority where provided.

Not applicable. By power of Law 2867/2000 [National Gazette No273/19.12.2000, Issue A] and more specifically Art.3 paragr.14(ιδ), competence on Competition law matters with regard to the Telecommunications sector lies with the EETT and not with the Hellenic National Competition Authority (NCA).

1.4 Overview of the results of the public consultation on market definition & analysis.

EETT received in total 6 responses concerning the market definition and analysis.

Three of the respondents agreed with EETT's proposed market definition and analysis. One of them argued that a more in depth analysis is required in terms of identifying alternative ways to terminate calls to mobile networks. Three of the respondents disagreed with EETT's market definition and analysis. One of them disagreed with the methodology that was used for the market definition & analysis.

For comments received see Appendix B. All responses are also published on EETT's website (www.eett.gr).

1.5 If the defined relevant market is different from those listed in the Recommendation on relevant markets, a summary of the main reasons, which justified the proposed market definition.

Not applicable

SECTION 2 – Designation of Undertakings with Significant Market Power

2.1 Names of undertakings designated as having individually or jointly SMP

Each MNO in Greece, namely Cosmote, Vodafone, Tim & Q-Telecom have been designated as having SMP in the relevant market for the termination of voice calls on their respective mobile networks.

See chapter 2 (paragraphs 2.1 to 2.5) and chapter 7 (paragraph 7.3)

2.2 Criteria for SMP designation

- Market shares
- Potential Competition (i.e. barriers to entry/ technological alternatives/structural changes in the market)
- Countervailing Buying Power
- Historical Market Conduct / Anti-competitive practices of MNOs

See chapter 2 (paragraphs 2.1 to 2.5) and chapter 7 (paragraph 7.3)

2.3 Main undertakings in the relevant market

Cosmote, Vodafone, Tim & Q-Telecom

2.4 Market shares of undertakings mentioned above & basis of their calculation

Each operator has a 100% share of its own termination market.

See chapter 2 (paragraph 2.1)

2.5 Summary of the opinion of the National Competition Authority

Not applicable. By power of Law 2867/2000 [National Gazette No273/19.12.2000, Issue A) and more specifically Art.3 paragr.14(ιδ), competence on Competition law matters with regard to the Telecommunications sector lies with the EETT and not with the Hellenic Competition Authority.

2.6 Results of the public consultation on SMP designation and proposed remedies

EETT received in total 6 responses concerning **SMP designation**. Three respondents agreed with EETT's conclusion on SMP designation while three of them disagreed. For comments received see Appendix B. All responses are also published on EETT's website (www.eett.gr). EETT received in total 13 responses concerning the **proposed remedies**. Ten respondents agreed with EETT's conclusion on remedies while three of them disagreed. For comments received see Appendix C. All responses are also published on EETT's website (www.eett.gr)

SECTION 3 – Regulatory Obligations

3.1 Legal basis for the obligations

Articles 9 to 13 of the Access Directive

3.2 Criteria for the obligations

The following obligations are proposed:

- Obligations of access to, and use of, specific network facilities
- Obligation of transparency
- Obligation of non-discrimination
- Requirement to publish a reference interconnection offer
- Price control obligations
 - Obligation for cost-orientation for Cosmote, Vodafone, Tim

- Obligation for Reasonable prices for Q-Telecom (the new-entrant mobile operator)

The reasons for which the imposition, maintenance or amendment of obligations on undertakings is considered proportional and justified in the light of the objectives laid down in Article 8 of Directive 2002/21/EC (Framework Directive) are exposed analytically in chapter 7 of the draft measure

3.3 “Exceptional circumstances” for remedies proposed other than those set out in Articles 9 to 13 of Directive 2002/19/ EC

Not applicable.

SECTION 4 – Compliance with International Obligations

4.1 Obligations to be imposed, amended or withdrawn as provided for in Article 8(5) of Directive 2002/19/EC

Not applicable

4.2 Undertakings concerned

Not applicable

4.3 International commitments entered by the Community & its Member States that need to be respected

Not applicable