

Short form relating to notifications of draft measures pursuant to Article 7 of Directive 2002/21/EC (Framework Directive)

(Short notification form)

INTRODUCTION

The short notification form specifies the summary information to be provided by national regulatory authorities to the Authority when notifying draft measures under the short notification procedure in accordance with Article 7 of Directive 2002/21/EC (Framework Directive).

It is not necessary to provide a copy of the draft regulatory measure or to attach any other document to the short notification form. However, it is necessary to indicate the Internet reference through which the draft measure can be accessible in the short notification form.

This short notification form concerns the draft market review of the Office for Communications regarding the

Market for Call Origination on the Public Telephone Network Provided at a Fixed Location (Market no. 2 of EFTA Surveillance Authority Recommendation of 5 November 2008)

1. One or several markets which has/have been removed from or have not been previously listed in the Recommendation on relevant markets is/are found to be competitive or not to meet the three criteria

Please briefly describe the content of the notified draft measure. In particular, please refer to the relevant market concerned and the reasons why you consider that the market is effectively competitive or the three criteria are not met:

Market concerned: Call origination on the public telephone network provided at a fixed location (Market no. 2 of EFTA Surveillance Authority Recommendation of 5 November 2008).

The market in question is not listed in the Market Recommendation 2016 of EFTA Surveillance Authority (ESA) anymore, because it does not meet the three criteria of the test. NRAs could justify maintaining ex ante regulation in the fixed origination market, provided that the three-criteria test of retail markets related to the fixed origination market is met for the subsequent review period.

After conducting a market analysis for the market in question, the Office for Communications finds that the retail voice call market, which is related to the fixed origination market, is competitive, and the three criteria are not cumulatively fulfilled. There are no persistent and significant barriers to market entry of a structural, legal or regulatory nature. The absence of barriers is due to competition in the upstream market for wholesale voice over IP (VoIP) services and due to the non-discriminatory access to passive network infrastructure (local loops), which is regulated in the vertical separation model and ensures access to end customers. Also the high increase of providers proves the absence of barriers. The second criterion ("absence of a market structure tending towards effective competition") is not fulfilled, either. Reductions in fixed network tariffs testify to the positive development of competition. The alternative fixed network providers have already achieved a market share in the VoIP connection market of 30%, which is likely to grow further due to the competitive dynamics of the FTTB network expansion.

In purely practical terms, it can also be stated that there is no demand for the wholesale service of fixed network origination. The existing obligation has already not been used by alternative operators since 2014.

Based on these findings the regulatory obligations in the fixed origination market imposed on Telecom Liechtenstein since 24 August 2010 must therefore be lifted without a transitional period.

Please indicate the Article 7 notification reference of the previously notified draft measures:	ESA Case Number 66392, Event No 551835, 25 March 2010, https://www.eftasurv.int/cms/sites/default/files/documents/gopro/294-551835.PDF
Does the NCA agree with the proposed draft measure as regards the analysis of the relevant market?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please outline reasons: There is no national competition authority in Liechtenstein.
Internet reference to the draft measure:	https://www.llv.li/files/ak/marktanalyse_originierung_2021-final.pdf - Chapter 6
Comments:	

2. One or several markets which was/were found to be competitive in a previous market review is/are still competitive


Please briefly describe the content of the draft measure, indicating the relevant market concerned:	not applicable
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3. Changes to technical details of a previously imposed regulatory remedy

Please summarise the notified changes to the remedies indicating the relevant market concerned:	not applicable
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4. Imposition on further operators of remedies already analysed and notified in relation to other undertakings that are similar as regards their customer base or total turnover in telcoms markets, without changing the principles applied by the NRA in the previous notification

Please briefly summarise the content of the draft measure, indicating the relevant market concerned:	not applicable
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	Dieses Dokument wurde amtssigniert.
	Amt für Kommunikation Rainer Schnepfleitner
	2021-07-02 10:32:21 +02:00
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	Ein Ausdruck dieses Dokuments hat gemäss Art. 24a Abs. 3 des E-Government-Gesetzes die Vermutung der Echtheit.

