



## SUMMARY NOTIFICATION FORM

**MARKET 2:** Call origination on the public telephone network provided at a fixed location

*In accordance with the EFTA Surveillance Authority Recommendation of 2 December 2009 on notifications, time limits and consultations provided for in Article 7 of the Act referred to at point 5cl of Annex XI to the Agreement on the European Economic Area (Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services), as adapted by Protocol I thereto.*

### SECTION 1

#### Market definition

Please state where applicable:

1.1	The relevant product/service market. Is this market mentioned in the Recommendation on relevant markets?	Section / Paragraph
	<p>The relevant product market is the wholesale market for call origination on the public telephone network provided at a fixed location. Call origination comprises the transmission of voice and data traffic from subscribers to the first interconnection-capable local exchange of the source network.</p> <p>The relevant market covers voice as well as fax and modem dial up connections. Origination services by means of Voice over Broadband (VoB) are components of the market, while origination services by means of Voice over Internet (VoI) are not. The market includes the origination services of all subscriber network operators.</p> <p>The market notified corresponds to market 2 in the EFTA Surveillance Authority's (ESA) Recommendation on relevant markets.</p>	Chapter 2.2 – 2.4

1.2	<i>The relevant geographic market;</i>	
	The relevant geographic market is the entire State territory of Liechtenstein.	Chapter 2.5
1.3	<i>A brief summary of the opinion of the national competition authority, where provided;</i>	
	There is no national competition authority in Liechtenstein.	Chapter 1.8
1.4	<i>A brief overview of the results of the public consultation to date on the proposed market definition (e.g. how many comments were received, which respondents agreed with the proposed market definition, which respondents disagreed with it);</i>	
	<p>A national consultation was conducted between 27 April and 30 June 2009. Eight responses were received. None of the respondents disagreed with the proposed market definition.</p> <p>An additional limited consultation was conducted between 22 January and 19 February 2010.</p> <p>The responses and an assessment document are published in full on AK's website, to the extent they have not been labelled confidential by the originator.</p>	<p>Chapter 1.3</p> <p>Cf. published responses and assessment document on AK's website</p>
1.5	<i>Where the relevant market is different from those listed in the Recommendation on relevant markets, a summary of the main reasons justifying the proposed market definition by reference to Section 2 of the Authority's Guidelines of 14 July 2004 on market analysis and the assessment of significant market power under the regulatory framework for electronic communications networks and services, and the three main criteria mentioned in recitals 6 to 14 of the Recommendation on relevant markets and Section 2.2 of the Explanatory Note accompanying the corresponding Commission's Recommendation on relevant markets.</i>	
	Not applicable.	

## SECTION 2

**Designation of undertakings with significant market power**

Please state where applicable:

2.1	<i>The name of the undertakings designated as having, individually or jointly, significant market power.</i>  <i>Where applicable, the name of the undertakings considered no longer to have significant market power;</i>	<b>Section / Paragraph</b>
	AK designates Telecom Liechtenstein AG (TLI) as singly dominant undertaking on the relevant market.	Chapter 3.10
2.2	<i>The criteria used to designate an undertaking as having significant market power, individually or jointly, or not;</i>	
	AK relied chiefly on the following indicators for the SMP-designation of TLI in the market at hand: <ul style="list-style-type: none"> <li>- 100% Market share;</li> <li>- Considerable barriers to market entry;</li> <li>- Control over infrastructure that is not easily duplicated;</li> <li>- Lack of countervailing buying power.</li> </ul> A number of auxiliary criteria have been assessed in addition.	Chapter 3.2 to 3.9
2.3	<i>The name of the main undertakings (competitors) active in the relevant market;</i>	
	TLI is the sole undertaking currently providing call origination services on the public telephone network at fixed locations.	Chapters 2.6, 3.2.1 and 3.4
2.4	<i>The market shares of the undertakings mentioned above and the basis for calculation of market share (e.g. turnover, number of subscribers).</i>	
	TLI disposes of a 100% market share based on the number of call origination minutes.	Chapter 3.2
	<i>Please provide a brief summary of:</i>	
2.5	<i>The opinion of the national competition authority, where provided;</i>	
	Not applicable. Cf. point 1.3 above.	
2.6	<i>The results of the public consultation to date on the proposed</i>	

	<i>designation(s) as undertakings having significant market power (e.g. total number of comments received, numbers agreeing/disagreeing).</i>	
	None of the eight respondents disagreed with AK's finding of SMP in this market.	Publication of responses on AK's website

### SECTION 3

#### Regulatory obligations

Please state where applicable:

3.1	<i>The legal basis for the obligations to be imposed, maintained, amended or withdrawn (Articles 9 to 13 of Directive 2002/19/EC (Access Directive));</i>	<b>Section / Paragraph</b>
	Based on Art. 23 para. 1 KomG, AK intends to impose the following specific obligations on TLI: <ul style="list-style-type: none"> <li>– Access obligation (Art. 12 AD; Art. 37 VKND);</li> <li>– Price controls (Art. 13 AD; Art. 38 VKND) by means of cost-oriented prices, based on historical full cost accounting; Benchmarking (Art. 38 para. 2 VKND) as an ancillary measure;</li> <li>– Transparency obligation (Art. 9 para. 1 AD): the obligation to have a reference offer approved and published (Art. 9 para. 2 AD; Art. 34 para. 3 and Art. 35 VKND);</li> <li>– Internal and external non-discrimination obligation (Art. 10 AD; Art. 34 VKND);</li> <li>– Accounting separation (Art. 11 AD; Art. 36 VKND) as an ancillary measure.</li> </ul>	Chapter 5
3.2	<i>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).</i>  <i>Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found;</i>	
	See market analysis.	Chapter 5

3.3	<p><i>Where the remedies proposed are other than those set out in Articles 9 to 13 of Directive 2002/19/EC (Access Directive), please indicate what “exceptional circumstance” within the meaning of Article 8(3) of that Directive justify the imposition of such remedies.</i></p> <p><i>Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found.</i></p>	
	Not applicable.	

#### SECTION 4

##### Compliance with international obligations

In relation to the third indent of the first subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive), please state where applicable:

4.1	<p><i>Whether the proposed draft measure intends to impose, amend or withdraw obligations on market players as provided for in Article 8(5) of Directive 2002/19/EC (Access Directive);</i></p>	<b>Section / Paragraph</b>
	Not applicable.	
4.2	<p><i>The name of the undertakings concerned;</i></p>	
	Not applicable.	
4.3	<p><i>What international commitments entered into by the EFTA State are to be met.</i></p>	
	Not applicable.	