

SUMMARY NOTIFICATION FORM

MARKET 1: Access to the public telephone network at a fixed location

In accordance with Recommendation No 193/04/COL of the EFTA Surveillance Authority of 14 July 2004 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 L113, 27.4.2006, p.10.

SECTION 1

Market definition

Please state where applicable:

1.1	<i>The affected relevant product/service market. Is this market mentioned in the Recommendation on relevant markets?</i>	Section / Paragraph
	The relevant product market is the retail market for access to the public telephone network at a fixed location for residential and non-residential customers. This narrowband access provides the possibility to make and receive telephone calls and related services at fixed locations. The market encompasses analog and digital access to the public telephone network via self-operated twisted pair copper and fibre optic networks, unbundled local loops, leased lines and CATV networks. Access provided using voice over broadband (VoB) forms also part of the market. The market notified corresponds to market 1 in the EFTA Surveillance Authority's (ESA) Recommendation on relevant markets.	Chapter 2.4
1.2	<i>The affected relevant geographic market;</i>	
	The relevant geographic market is the territory of Liechtenstein.	Chapter 2.9
1.3	<i>A brief summary of the opinion of the national competition</i>	

	<i>authority where provided;</i>	
	There is no national competition authority in Liechtenstein.	Chapter 1.7
1.4	<i>A brief overview of the results of the public consultation to date on the proposed market definition (for example, how many comments were received, which respondents agreed with the proposed market definition, which respondents disagreed with it);</i>	
	A national consultation was conducted between 7 April and 29 May 2009. Eight responses were received. Telecom Liechtenstein AG disagreed with the inclusion of VoB into the proposed market definition. An additional limited consultation on the issue of inclusion of VoB into the relevant product market and the non-imposition of a CPS-requirement for VoB access was conducted between 3 and 13 November 2009. The responses are published in full on AK's website, to the extent they have not been labelled confidential by the originator.	Chapter 1.3 Publication of responses on AK's website
1.5	<i>Where 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 by reference to Section 2 of the Authority's Guidelines on the definition of the relevant market and the assessment of significant market power, and the three main criteria mentioned in recitals 12 to 19 of the 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(s) of the undertaking(s) designated as having individually or jointly significant market power.</i> <i>Where applicable, the name(s) of the undertaking(s) which is (are) considered to no longer have significant market power;</i>	Section / Paragraph
	AK designates Telecom Liechtenstein AG (TLI) as singly dominant undertaking on the relevant market.	Chapter 3.5

2.2	<i>The criteria relied upon for deciding to designate or not an undertaking as having individually or jointly with others significant market power;</i>	
	AK relied chiefly on the following indicators for SMP: - Market shares; - Barriers to market entry; - Control over infrastructure that is not easily duplicated. A number of auxiliary criteria have been assessed in addition.	Chapter 3.2 to 3.4
2.3	<i>The name of the main undertakings (competitors) present/active in the relevant market;</i>	
	TLI is the sole undertaking providing narrowband access to the public telephone network at fixed locations.	Chapter 2.6 and 3.2.2
2.4	<i>The market shares of the undertakings mentioned above and the basis of their calculation (e.g., turnover, number of subscribers).</i>	
	TLI disposes of a 100% market share based on the number of fixed access connections.	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 designation(s) as undertaking(s) having significant market power (e.g., total number of comments received, numbers agreeing/disagreeing).</i>	
	None of the respondents disagreed with AK's finding on 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>	Section / Paragraph
	Based on Art. 23 para. 1 KomG, AK intends to impose the following specific obligations on TLI: – Retail price controls (art. 17 para. 2 USD; art. 23 para. 1 lit. a no. 1 and 2 KomG and art. 39 para. 2 lit. a and para. 3 lit. b no. 1 VKND); – Accounting separation and cost accounting (art. 17 para. 4 USD; art. 23 para. 1 lit. a no. 1 KomG and art. 39 para. 4 VKND); – Cost-oriented carrier selection and pre-selection access (art. 19 USD; art. 23 para. 1 lit. c KomG and art. 42 para. 1 VKND); – Provision of wholesale line rental (WLR) product based on retail-minus cost basis (art. 12 para. 1 lit. d AD and art. 13 AD; art. 23 para. 1 lit. d KomG and art. 37 para. 1 lit. b VKND).	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
3.3	<i>If the remedies proposed are other than those set out in Articles 9 to 13 of Directive 2002/19/EC (Access Directive), please indicate which are the ‘exceptional circumstances’ within the meaning of Article 8(3) thereof which justify the imposition of such remedies. Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found.</i>	
	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	<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>	Section / Paragraph
	Not applicable.	
4.2	<i>The name(s) of the undertaking(s) concerned;</i>	
	Not applicable.	
4.3	<i>Which are the international commitments entered into by the EFTA State that need to be respected.</i>	
	Not applicable.	