

## **Article 11 Annex: Questionnaire to National Authorities**

### **Case n° 37.639 – Sector inquiry / Roaming**

Please note that, in the interest of facilitating the processing and analysis of the relevant data, you are kindly requested to provide:

- all relevant financial information in Ecus/Euros.
- the completed tables, where requested, in Excel spreadsheets
- the electronic version of your reply by e-mail and/or on diskette.

If you require further information on the contents of this questionnaire, please contact one of the case-handlers responsible for this inquiry:

Mr Wolf SAUTER tel: +32.2.2991184; fax: 2950624; e-mail: [wolf.sauter@cec.eu.int](mailto:wolf.sauter@cec.eu.int)

Mr Christian HOCEPIED tel: +32.2.2960427; fax: 2950624; e-mail: [hocepied@cec.eu.int](mailto:hocepied@cec.eu.int)

For any questions regarding the timing of your response, and the presentation of data, please refer to:  
Mrs Martine LANGEROCK tel: +32.2.2958316 ; fax: 2950624; e-mail: [martine.langerock@cec.eu.int](mailto:martine.langerock@cec.eu.int)

#### **0. Contact details for clarification**

Please indicate the name, title, telephone and fax numbers as well as the e-mail address of a the person responsible for drafting your reply, and for answering possible requests for clarification.

[please insert answer here]

#### **1. Market data on roaming/access services to mobile networks**

1.1. Please provide a short description of the evolution of your national mobile market over the last three years (1997 - 1999), covering the following elements:

- number of users
- penetration rate
- volume of traffic
- number and type of network operators
- number and types of service providers (e.g. tied, independent)
- evolution of prices and services offered
- provision of dual GSM/DCS 1800 services.

Please provide, in addition to your answer to question 1.1., any recent market study that you feel may be relevant to the present sector inquiry.

[please insert answer here]

1.2. Please provide a complete list of all mobile network operators and mobile service providers that are licensed and/or authorised to operate on your national territory, and provide for each of these:

- the award date(s) of relevant licenses/authorisations, as well as renewal dates and duration
- the launching date of the relevant service(s)
- a list of the services they are authorised to provide, and/or actually provide
- the geographic and population coverage of the network and/or services offered
- the time-table (mandatory or planned) for network roll out
- the (estimated) market share on the national market for digital mobile telephony services GSM/DCS 1800) in terms of (a) number of subscribers, and (b) volume of traffic handled, as well as (c) turnover.

[please insert answer here]

- 1.3. Please provide your general views on the market structure and development of your national mobile market, including the (types of) access/roaming services offered by the operators that are licensed and/or authorised to operate mobile networks and/or provide digital mobile telephony services on your territory.

[please insert answer here]

## **2. Relevant Market definition**

Below the provisional assumptions concerning relevant market definition for the purposes of this questionnaire are set out as background information to the questions on market definition themselves, which follow.

As general background, the following definition of roaming provided in the Mobile Green Paper may be useful:

“Facility, supported by commercial arrangements between operators and/or service providers, which enables a subscriber to use his/her radio telephone equipment on any other network which has entered into a roaming agreement in the same or another country for both outgoing and incoming calls.”<sup>1</sup>

### **Services involved**

For this questionnaire, the following types of services are considered relevant:

(i) *Retail services:*

- Provision of access and national mobile telecommunications services to end-users
- Provision of cross-border mobile telecommunications services to end-users
- Provision of roaming telecommunication services to end-users

(ii) *Wholesale services:*<sup>2</sup>

- Provision of wholesale capacity/airtime to service providers
- Provision of wholesale access to national roaming partners
- Provision of wholesale access to foreign roaming partners

(iii) *Interconnect services:*

- Provision of call termination on your mobile network to other operators
- Provision of call origination on your mobile network to other operators (indirect access).

### **Product markets**

In the context of this sector inquiry, the activities listed below may each be considered as constituting a separate product market. They may however, on the basis of the information received, also be considered to constitute part of the same product market.

(i) *Retail markets:*

- a) retail market for the provision of digital mobile telephony services to end-users
- possibly subdivided between residential/business customers
  - possibly subdivided between access/domestic/international calls

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<sup>1</sup> Green paper on a common approach in the field of mobile and personal communications in the EU, COM(94)145 final, p 225.

<sup>2</sup> “Wholesale” is used to describe the provision of any kind of service by a mobile network operator to another party who incorporates this wholesale service into its own retail services.

- b) retail market for the provision of digital mobile telephony services to national and international roaming customers/end-users
  - possibly subdivided between national/international roaming
  - international roaming subdivided by country-pairs

(ii) *Wholesale markets:*

- a) wholesale market for the provision of access to digital mobile networks to service providers<sup>3</sup> in the form of wholesale airtime/capacity on a mobile network
  - possibly subdivided by national/international wholesale access
- b) market for the provision of access to digital mobile networks to mobile network operators through roaming agreements
  - possibly subdivided by national/international wholesale access

(iii) *Interconnect markets*

- a) market for the provision of termination of domestic and cross-border calls
- b) market for the provision of origination of domestic calls (indirect access).

**Geographic markets**

The geographic market of the various product markets listed above appear likely to be national markets, with some exceptions (such as country pairs), to be established on a case by case basis. This is considered likely to be the case because in all EU Member States/EEA States, the operation of mobile networks is subject to national licensing obligations, as are mobile services in many EU Member States/EEA States. Moreover, it appears that tariffs for mobile retail calls placed from the network subscribed to are still too different from the tariffs applied to mobile calls placed from another network while using roaming facilities to define those markets on a wider geographic basis.

**Questions concerning market definition**

- 2.1. What factors do you consider relevant in determining the scope and definition of the market for roaming calls? Please discuss both these factors, and the assessment that you make of market or markets for roaming calls based on the factors that you have identified.

[please insert answer here]

- 2.2. Do you agree that the services listed above in paragraphs (i), (ii), (iii) at page two above belong to the product markets (i), (ii), (iii) listed there, as tentatively defined?

[please insert answer here]

If not, please explain your reasons, identifying in particular categories/services which should be grouped together, or which are too broad and need to be segmented further.

[please insert answer here]

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<sup>3</sup> “Service providers” is used here to describe organisations, either tied to or independent from mobile telecommunications network operators, that market and/or provide mobile telecommunications services, or services with a mobile telecommunications component, to third parties, whether these services are provided over their own mobile telecommunications network or otherwise.

- 2.3. If prices rose permanently for one category of services as listed in paragraphs (i), (ii) (iii) at page two above, or for the categories you have defined for question 2.1.2. above, relative to the others by 5-10%, could customers substitute products in any other category or would they have to accept the increase? Please provide any available evidence for your views on this.

[please insert answer here]

### **3. Regulatory framework**

- 3.1. Under your national regulatory framework (including applicable licensing conditions), are mobile network operators obliged to offer access to their network/access services to competitors, including other mobile operators and/or mobile service providers?

[please insert answer here]

- 3.2. If offering certain forms of such access to mobile networks/access services is barred, or is subject to restrictions under your national regulatory framework, please specify this.

[please insert answer here]

- 3.3. Please explain in detail the regulatory regime prevailing in your country with regard to (a) national roaming, and (b) international roaming, as well as (c) wholesale access to mobile networks by mobile service providers allowing them to offer services to their own customers/subscribers using (part of) another operator's network.

[please insert answer here]

- 3.4. Please set out the requirements (including in licenses), if any, relating to national and/or sub-national coverage obligations, points of presence.

[please insert answer here]

- 3.5. Please set out the requirements (if any) imposed on operators and service providers (including in licenses) concerning national/international roaming services (at both retail and wholesale level), wholesale access/airtime resale, carrier pre-selection, and any other forms of access to mobile networks:

- to publish publicly available data concerning tariffs for these services
- to communicate to the regulatory authorities the tariffs for these services
- to communicate to the regulatory authorities agreements entered into with other operators/service providers concerning these services
- to apply tariffs fixed by the regulator and/or obtain regulatory approval of tariffs (i.e.: are the relevant retail/wholesale tariffs subject to price control, and if so, of what type?).

[please insert answer here]

- 3.6. Which actual and potential barriers to entry and/or exit do you observe or foresee in the mobile telephony sector? Please cover in particular such barriers that may result from the applicable regulatory framework (e.g. lack of available spectrum, frequency and licensing fees, roll out obligations, investments required), as well as your assessment of the relative importance of the various barriers to entry and/or exit.

[please insert answer here]

3.7. What regulatory powers and instruments do you have, or do other competent national authorities have, to set conditions for, or to intervene in negotiations on, roaming agreements and/or agreements concerning other forms of access to mobile networks entered into by network operators and/or service providers?

[please insert answer here]

3.8. Do you, in your opinion, enjoy any such powers in particular also in regard to international roaming agreements? Please explain why, in your opinion, you do or do not.

[please insert answer here]

3.9. Have you ever intervened concerning the conditions (including prices and tariffs) of access to mobile networks applied by mobile operators and/or service providers with regard to roaming or any other form of access to mobile networks/facilities/services? Please give details about how and why you intervened, as well as about the results of your intervention(s).

[please insert answer here]

#### **4. Effects on competition**

4.1. Are you are aware of, or have you noted in the past, any (potential) distortions or restrictions of competition, or complaints concerning actual potential anti-competitive practices on your national digital mobile telephony market, with regard to access to mobile networks, and roaming in particular? Please detail.

[please insert answer here]

4.2. Do you have any information concerning (potential) distortions or restrictions of competition involving international roaming or access to mobile networks either in other Member States, or involving a number of Member States, and/or third countries? Please provide some detail.

[please insert answer here]

4.3. Could you provide an assessment of the likely effects on competition in mobile markets of the development of 'mobile virtual network operators' (MVNOs)? What regulatory approach, if any, is adopted to the developments of MVNOs in your Member State? In your answer, please specify whether, in your opinion, MVNOs are based on (a form of) roaming.

[please insert answer here]

4.4. Do you consider third generation digital mobile operators (UMTS) roaming rights on second generation networks to have positive effects on competition in mobile markets? To what extent, in your opinion, are second and third generation mobile networks and services substitutable?

[please insert answer here]

**5. Any other information**

5.1. Please feel free to make any other additional comment that you may wish to make in relation to the area covered by the present sector inquiry.

[please insert answer here]

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