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Český telekomunikační úřad (CTU)
Sokolovská 219
225 02 Praha 025
Czech Republic

For the attention of
Mr Jaromír Novák
Chairman of the Council

Fax: +420 224 004 811

Subject: Commission Decision concerning Case CZ/2019/2189: Wholesale access and call origination on public mobile telephone networks in the Czech Republic

Comments pursuant to Article 7(3) of Directive 2002/21/EC

Dear Mr Novák,

1. PROCEDURE

On 21 June 2019, the Commission registered a notification from the Czech regulatory authority, Český telekomunikační úřad (CTU)¹, concerning the wholesale market for access to mobile services² in the Czech Republic.

¹ Under Article 7 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), OJ L 108, 24.4.2002, p. 33, as amended by Directive 2009/140/EC, OJ L 337, 18.12.2009, p. 37, and Regulation (EC) No 544/2009, OJ L 167, 29.6.2009, p. 12

² Corresponding to market 15 of Commission Recommendation 2003/311/EC of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with the Framework Directive, OJ L 114, 8.05.2003, p. 45. This market has been removed from the list of the relevant markets that may warrant *ex ante* regulation which is contained in the currently applicable Commission Recommendation 2014/710/EU of 9 October 2014

The national consultation³ ran from 17 August 2017 to 17 October 2017.

On 1 July 2019, a request for information⁴ was sent to CTU and a response was received on 4 July. The Commission sent an additional RFI on 8 July and received the response of CTU on 9 July.

Pursuant to Article 7(3) of the Framework Directive, national regulatory authorities (NRAs), the Body of European Regulators for Electronic Communications (BEREC) and the Commission may make comments on notified draft measures to the NRA concerned.

2. DESCRIPTION OF THE DRAFT MEASURE

2.1. Background

The previous review of this market was notified to and assessed by the Commission under case CZ/2016/1835.⁵

The market defined by CTU included mobile telephone network services regardless of the technology used and analysed if the market was susceptible to ex-ante regulation, by carrying out the three-criteria-test⁶.

CTU did not find high and non-transitory structural, legal or regulatory barriers to entry into the market and stressed that under the terms of the frequency auction in 2014, the three national mobile network operators (MNOs) were obliged to publish a reference offer for mobile virtual network operators' (MVNO) access and provide national roaming. CTU further explained that a frequency auction for the 1800 MHz and for 2600 MHz bands planned for February 2016 would also include a requirement to provide national roaming and MVNO's access. In addition, all MVNOs active in the market benefited from wholesale access based on commercial arrangements.

CTU further concluded that the market was tending towards effective competition, based among other things on a continuously growing number of MVNOs in the market and an observed decrease of retail prices.

Finally, CTU concluded that competition law would be sufficient to adequately address potential market failures.

on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (Recommendation on Relevant Markets), OJ L 295, 11.10.2014, p. 79.

³ In accordance with Article 6 of the Framework Directive.

⁴ In accordance with Article 5(2) of the Framework Directive.

⁵ C(2016)1167 final.

⁶ In accordance with Point 2 of Commission Recommendation 2014/710/EU of 9 October 2014 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (Recommendation on Relevant Markets), OJ L 295, 11.10.2014, p. 79

Consequently, CTU concluded that, as the three criteria test was not met, the relevant market was not susceptible to ex-ante regulation.

2.2. Market definition

2.2.1. Retail market

In its current draft measure, CTU finds 4 separate retail markets, namely “segment A” consisting of (i) mobile tariffs including voice, SMS and data) for residential customers (A1) and (ii) mobile tariffs including voice, SMS and data for business customers (A2) and segment B, consisting of (iii) standalone mobile internet for residential customers (B1) and (iv) standalone mobile internet for business customers (B2).

There are 3 MNOs present in the Czech market. Moreover, in 2018 there were 149 MVNOs present in the market, 121 of which were active in market segment A and 19 in segment B.⁷ 3 largest MVNOs are structurally linked to the MNOs.⁸

CTU analyses the existing retail offers in the market, including their technical parameters and their prices, as well as the structure and the development of demand. CTU finds that data only services constitute complements to voice and SMS services rather than being functional substitutes from a demand side perspective. Moreover, CTU recognises the growing importance of OTT services to the detriment of traditional voice and SMS services, but does not expect that within the time frame of this market review a significant number of users would switch from traditional voice-SMS-data bundles to data only plans to the extent to justify inclusion of OTT services in the relevant market.

The market differentiation between business and residential customers is based on the observed significantly lower prices for business customers.

The possibility of supply-side substitution was not considered.

The Czech retail market is characterised by a relatively high price level of the advertised offers. However, based on the estimates provided by CTU, approximately 31 % of retail offers are provided at discounted prices. The median discount for retention offers is approx. ■■■.⁹

⁷ The largest provider of mobile services in segment A is T-Mobile with 38.7%, followed by O2 with 27.7% and Vodafone with 25.9%. The combined market share of MVNO's in that segment is 7.7% as of mid-2018. As of mid-2017, the largest MVNO in terms of market share operating on the market is the company O2 Family with 4.1%, followed by the company Tesco Mobile ČR s.r.o. with 0.93% and SAZKA a.s. with 0.91%. The remaining 9 MVNOs only provide voice and SMS services. The combined market share of the MVNOs that are not structurally linked to the MNOs is at 2.4%.

⁸ O2 Family s.r.o. (100% owned by O2), Tesco Mobile CZ s.r.o. (50% owned by O2) and COOP Mobil s.r.o. (33% owned by Vodafone).

⁹ Based on the CTU response to the first RFI. In the same response, CTU further clarified that even after the discount the price level remains above the EU average.

2.2.2. Wholesale market

At wholesale level, CTU finds a single market for access to mobile services, which includes access to mobile call origination, SMS and data services, in GSM & UMTS and LTE public mobile telephone networks. All services which are relevant for the distinct retail markets can be provided from all MNOs as well as from the MVNOs based on the commercially agreed contracts.

The geographic scope of all defined markets is national.

2.3. The three criteria test

As the market is no longer listed in the Recommendation on Relevant Markets CTU carries out the three criteria test¹⁰ with regard to the notified market.

2.3.1. The first criterion: high and non-transitory barriers to entry

In order to assess if the barriers to entry into the market are high and non-transitory, CTU looked at the following criteria: (i) control over infrastructure not easily duplicated, (ii) sunk costs required to enter the market, (iii) the importance of scale and scope to enter the market, (iv) legal barriers to entry, (v) the availability and conditions of commercial access and regulated access.

CTU identifies entry barriers due to control over infrastructure that cannot easily be duplicated and high sunk costs associated with the acquisition of spectrum and infrastructure roll out for new MNOs. However, CTU considers that MVNOs would not face such barriers to market entry. To the contrary, MVNOs' access is possible on the basis of both commercial wholesale offers and regulated reference offers.¹¹ In addition, CTU does not identify restrictions on MVNOs' access due to insufficient scale and scope. Legal barriers to market entry were not identified. CTU also finds that MVNOs are able to negotiate the terms of commercial access contracts without the need for a formal involvement of the NRA.¹² MVNOs were able to slightly improve the terms of their commercial wholesale contracts in recent years¹³,

¹⁰ In accordance with Point 2 in conjunction with Recital 5 of the Recommendation on Relevant Markets, when identifying markets other than those mentioned in the Annex, national regulatory authorities should ensure that the following three criteria are cumulatively met: (1) there must be high and non-transitory entry barriers, (2) the structure of the market must not tend towards effective competition within the relevant time horizon and (3) the application of competition law alone would not adequately address the market failure(s) concerned.

¹¹ CTU explains that the obligation on MNOs' to grant regulated access on the basis of a reference offer was imposed in the context of the 4G spectrum allocation and is limited to 4G networks. There is practically no uptake of the regulated reference offer, as commercial terms for access are more favourable to MVNOs and cover all existing networks. However, CTU argues that the terms of commercial access agreements are still insufficient to allow MVNOs to compete effectively and sustainably in the market.

¹² In its response to the Commission's RFI, CTU attributes this to the fact that CTU has no power to issue a binding decision which could have discourage operators from seeking CTU's assistance in the negotiations.

¹³ CTU argues that this is not sufficient in itself, because the conditions should be such that would prevail in effectively competitive market. CTU believes that this is not yet the case.

while large corporate retail clients were able to negotiate favourable retail conditions from MNOs.

Nevertheless, CTU concludes that there might be potential obstacles for MVNOs to grow in the market¹⁴ and concludes that the first criterion is met.

2.3.2. *The second criterion: no tendency towards effective competition*

CTU assesses the developments in the relevant market. The first MVNOs entered the market in 2013 and increased their retail market share¹⁵ to 7.7 %. The market shares of MNOs have fluctuated, most notably O2 has lost approx. 20% of market share¹⁶, while T-Mobile gained approx. 11% since 2011.¹⁷

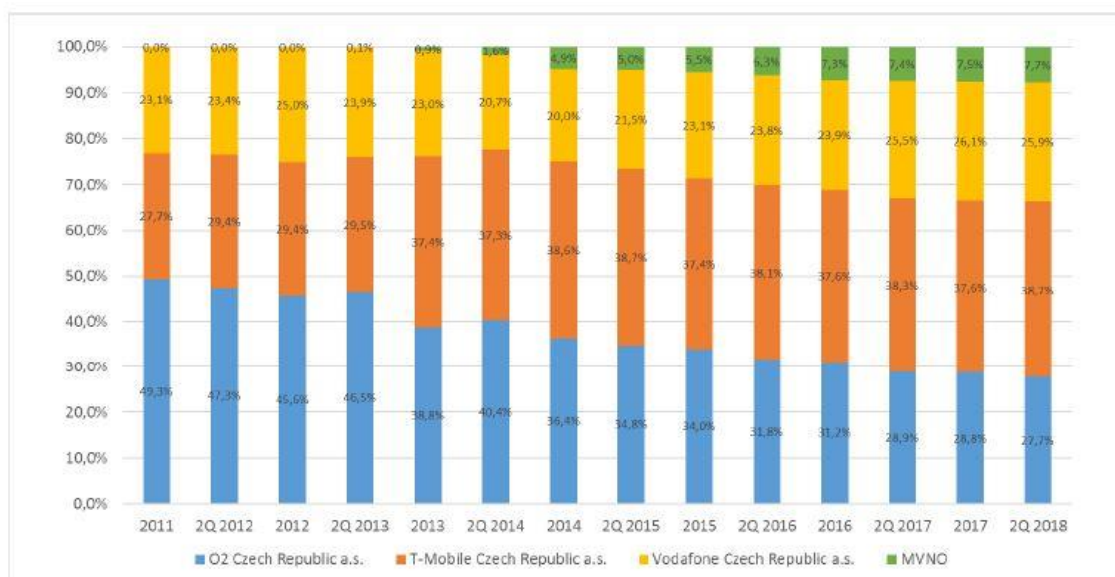
CTU observes an overall significant decrease of the price level on the mobile services market.¹⁸ MNOs' and MVNOs' prices of particular services are close to the market average.¹⁹ A comparison of the monthly ARPU for individual sub-segments showed that the ARPU in the Czech Republic is slightly below

¹⁴ In its response to the Commission's RFI, CTU clarified that the obstacles for MVNOs to grow in the market are not merely potential and that in many instances the wholesale conditions do not allow MVNOs to replicate offers with higher data allowances and therefore inhibit the MVNOs' ability to grow and enhance the level of competition in the market.

¹⁵ In terms of sim card number in segment A.

¹⁶ The largest MVNO (with a 4.1% market share) is a fully owned subsidiary of O2.

¹⁷ CTU provided updated figures to Graph 10, chapter 5.2. of the notified draft measure:



Source: CTU

¹⁸ Average prices have dropped by 66% in the last 6 years for calls, by 33% for a sent SMS and by 62% in the last 5 years for a 1 MB of data transmitted in a mobile network, respectively.

¹⁹ Average price for call (min) of MNOs and MVNOs is equal to the market average, while the average MVNOs' price for SMS and data is below the market average. The situation changes after excluding O2 Family, with the average price per call (min) dropping below the average market price and the price per SMS and data (MB) rising above the average.

the EEA average.²⁰ In terms of actual consumption of individual mobile services, average consumption in the Czech Republic in comparison to the EEA average is lower with regard to calls, higher in terms of sent SMS and again lower as regards data transmission.²¹ CTU considers the long-term decrease in average prices for mobile services in the retail market, in both segments A and B, as a sign of a functioning competitive environment.

A similar tendency of decreasing prices is observed at the wholesale level. The evolution of average wholesale prices shows a gradual decrease in all examined individual mobile services: calls/min, SMS and data/MB, since 2014.²²

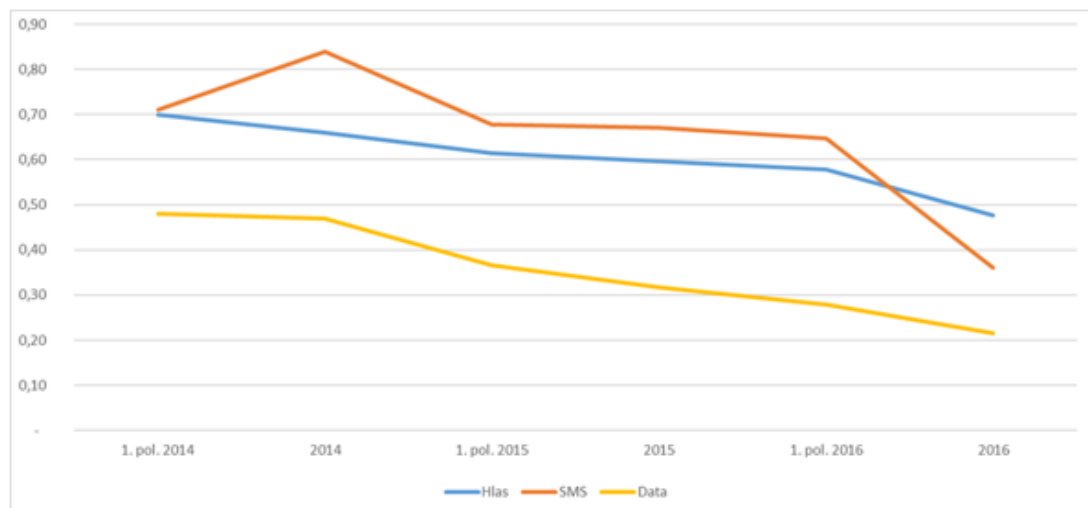
With respect to market developments, the first agreement to establish a MVNO occurred in 2013 and the market has further developed since. Current market conditions ensure a stable environment.²³ The process of establishing a new entrant on both the retail and the wholesale markets is ongoing and there are no demonstrated concerns that MVNOs would have to exit the market. All current and expected developments in the market are assessed by CTU as

²⁰ Monthly ARPU for Czech Republic fluctuates below the EEA average; in 2015, it was at the level of EUR 9.0 whereas the simple EEA average was EUR 14.9, while in Q4 2016 and Q1 2017 it reached EUR 8.3 and EUR 8.2 against the EEA average of EUR 9.5 and EUR 9.4, respectively.

²¹ In terms of consumption of particular services, in Q4 2017 the average for the Czech Republic in comparison to the EEA average was lower with respect to the amount of originated minutes per customer (124 vs 129), higher for the numbers of sent SMS (51 vs 46) and again lower for data consumption (0.7 GB vs 1.98 GB).

²² See chapter 5.2, graph no. 37 of the notified draft measure:

Chart no. 37: Development of the average wholesale price (in CZK, VAT exclusive) for individual mobile services in CZK/minute, SMS or MB



Source: CTU

²³ Possible efforts by the MNOs to slow down the MVNOs' development or squeeze them out of the market are counteracted by the existing obligations imposed on the MNOs, such as the obligation to negotiate with all parties interested in using the wholesale offer based on obligations from the auction.

positive for end-users in terms of both expanding the offer and decrease in prices.²⁴

CTU considers that the retail market development is influenced by a growing importance of OTT services and service packages. OTT services rely on data transmission but can compete to a certain extent with traditional voice and SMS services.

With respect to the mobile infrastructure developments, CTU assesses the network sharing agreements between the two largest operators in the Czech Republic (O2 and T-Mobile). According to the description provided by the regulator, the network sharing agreements cover all mobile technologies (i.e. 2G, 3G and 4G) which are currently deployed in the market. Subject of the sharing are passive network elements (towers, roof areas – so-called rooftops) as well as active technologies (radios, antennas).

Overall, the CTU assesses the sharing agreements positively. Specifically, according to CTU the sharing of networks between the two largest mobile network operators in the Czech Republic may bring a new dynamic to the development of services on the retail market. This is *i.a.* because, according to CTU, one of the effects of network sharing may be the increasing intensity of competition on the retail market. According to CTU, a fact that demonstrates this is the extensive 4G coverage of the territory of the Czech Republic (96.3%) and the associated coverage in terms of population (99.8%), which was achieved faster than the relevant obligatory development criteria.

Furthermore, CTU notes that this network sharing agreement has the potential to bring savings for both operators on investment and operating costs, which may then be reflected into higher quality services or lower costs for users. On this basis, CTU concludes that the network sharing agreement may be beneficial for end users.

In relation to the operator not involved in the sharing agreements (Vodafone), CTU mentions that network sharing may also create pressure on Vodafone, and force it to greater efficiency or faster innovations when offering its services to the benefit of users.

Until now, CTU has not identified any negative impact of the sharing arrangements. Vodafone's market share (in terms of number of SIM cards) is growing slightly, O2 and T-Mobile have differing offers on both the retail and the wholesale markets, and they are all introducing new services and technologies into their networks at different paces. CTU expects a similar development also in the short to medium term and will continue to monitor the sharing arrangements.

CTU does not identify serious barriers to migration of subscribers among service providers on the retail level.²⁵ Although there is no known case of a

²⁴ CTU underlines that the number of MVNOs on the market in itself does not describe the nature of competition. Despite the high number of MVNOs present on the market, the total market share of the independent MVNOs is very limited (2.5% in segment A and 0.8% in segment B) and stable in time, which according to CTU shows their limited possibility to influence the market conditions.

MVNO migration on the wholesale market, no obstacles to switching were found that would substantially burden the development of competition or make it impossible.

Growth in the number of service providers in all segments of the retail market has been observed since 2013. CTU expects that new market entries will occur also in the future. Moreover, it expects the development of potential competition on both the retail and wholesale markets, directing the market towards effective competition.

CTU concludes that further and more effective development of the competitive environment is prevented. CTU indicates that there are some market problems, which hamper the development of effective competition in the market. CTU mainly points to the identified difficulties for MVNOs to grow in the market and replicate MNOs' retail offers. Moreover CTU refers to a perceived stagnation of the development of conditions of commercial wholesale agreements in spite of the developments on the retail market.²⁶ Consequently, CTU concludes that the market does not tend towards effective competition and therefore the second criterion is met.

2.3.3. The third criterion: insufficiency of competition law alone

CTU concludes that competition law alone is not sufficient to remedy the observed market problems, as it would not provide the ability to set the necessary obligations to remedy market failures (such as detailed access obligations, price control and cost accounting requirements), could only react to a possible abuse of a dominant position ex post and would be less suitable to react swiftly to potential or actual market problems. In addition, CTU considers that ex-ante regulation could provide the necessary regulatory predictability, encourage the conclusion or improvement of access agreements, and ultimately direct the market towards effective competition.

2.3.4. Conclusion

CTU concludes that the three criteria are cumulatively met, in particular in the market segment of residential customers, and the wholesale market for access to mobile services is therefore a market susceptible to ex-ante regulation,

3. COMMENTS

The Commission has examined the notification and the additional information provided by the CTU and has the following comment:²⁷

²⁵ The number portability reached a peak in 2014 with a total of 5.3% of SIM cards. It decreased in 2015 and 2016 (to 3%) and grew again to 3.4% in 2017. In total, 27% of numbers, i.e. every 4th (assuming each was ported only once), were ported between 2009-2017.

²⁶ CTU considers that obligatory reference offer based on the previous spectrum auction (LTE) has removed the market entry barriers to MVNO only theoretically and in fact, MVNOs' ability to compete effectively is limited.

²⁷ In accordance with Article 7(3) of the Framework Directive.

Cumulative presence of three-criteria not sufficiently demonstrated

Pursuant to Articles 15(3) and 16(1) of the Framework Directive, NRAs should define and analyse markets taking into account the markets identified in the Commission Recommendation on Relevant Markets. Pursuant to Article 16(2), where an NRA is required to determine whether to impose, maintain, amend or withdraw obligations on undertakings, it shall determine whether the market is effectively competitive. Further, according to point 2 in the current Recommendation on Relevant Markets, when identifying markets other than those recommended for ex-ante regulation by the Commission, “*national regulatory authorities should demonstrate, and the Commission will verify*” that the defined market meets the three cumulative criteria already specified above.

In the case at hand, the Commission takes note of CTU’s description of perceived problems in the market, which might lead to difficulties for MVNOs to compete and ultimately result in supra-competitive retail prices. However, in the Commission’s view, the analysis as presented in the draft measure does not sufficiently support, in particular, the finding of high barriers to entry into the market and the lack of a tendency towards effective competition.

As regards high barriers to entry into the market (first criterion), it is striking that CTU concludes under most sub-criteria that, while new entry is clearly difficult for an MNO due to – among other things – the need for spectrum allocation, the barriers to entry are actually not high and non-transitory for MVNOs. Based on the information provided by CTU, there is clear evidence of the MVNOs’ presence in the market and the fact that entry is still possible, even though there might be a limited potential for growth. Moreover, both regulated and commercial access options are available to MVNOs and the terms of commercial access are apparently better and have improved over time. These quoted above factors are not indicative of high and non-transitory barriers to entry in particular for MVNOs. Therefore, the evidence presented in the measure does not support the conclusion that the first criterion is met.

Also, the finding of CTU that the market does not display a tendency towards effective competition (second criterion) is not sufficiently supported by the evidence presented in the measure. MVNOs have increased their market share within 5 years (between 2013 and 2018) from 0% to 7.7%. The fact that the leading MVNOs are fully or partly owned by the MNOs is not uncommon in other national markets and is not, in itself, a sign of a dysfunctional market, as it shows that MNOs have to react to customer demand for alternative offers.

As regards the CTU’s conclusion concerning the insufficiency of competition law alone to address the identified market failure (third criterion), the Commission considers that the relevant analysis by CTU is not very well motivated. This applies particularly in view of the fact that in the previous market review (in 2016) CTU concluded that this specific criterion was met.

With respect to the mobile network sharing agreements, the Commission notes that CTU’s analysis seems to be rather general and based on (positive) assumptions on cost savings and higher quality services. On the basis of the CTU’s notification, no factual assessment appears to have been carried out to verify the assumed positive effects. Further, CTU did not assess the various parameters recommended by

several regulatory and competition authorities,²⁸ nor the Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements.²⁹ Moreover, it does not seem to have taken into account BEREC's recent common position on mobile infrastructure sharing.³⁰

In this context CTU did not take into account the specific circumstances of the network sharing in the Czech Republic, such as the high market shares of the sharing parties, the fact that the sharing involves the numbers 1 and 2 in the market, that it covers all existing technologies (2G, 3G and 4G) and the whole territory of the Czech Republic excluding Prague and Brno and that it has a long duration (20 years).

In this respect, the Commission notes that in October 2016, it opened a formal investigation, which is still ongoing, in relation to the network sharing agreements in the Czech Republic to examine whether the cooperation restricts competition and thereby harms innovation by breaching the EU antitrust rules.

The Commission therefore invites CTU, in case it wishes to assess the network sharing agreements in the framework of the market review, to carry out a more detailed assessment of their effects on competition by taking into consideration all of the relevant parameters, in particular those that are referred to in the common position of BEREC.

Moreover, irrespective of the position finally taken on the competitive effects of the network sharing agreement as regards retail competition between MNOs on quality, capacity and price, CTU has not demonstrated how its own conclusions to date would point towards higher entry barriers for MVNOs or a weaker tendency towards effective competition on the wholesale market to which the three-criteria assessment relates.

The Commission also observes that, according to Article 8 (5) of the Framework Directive, NRAs have to apply transparent regulatory principles, inter alia, by promoting regulatory predictability. Transparency and regulatory predictability are best served by ensuring that all elements of a regulatory approach for a given competition problem identified are consulted upon (both at national and EU level) holistically and as part of one notification, in order to allow all stakeholders to assess the overall approach in a transparent and appropriate manner.

In the present case, CTU should have preferably included the market definition, three criteria test and SMP analysis (as well as any remedies, in the event of an SMP finding) in the same notification. However, the Commission acknowledges CTU's arguments in the reply to the Commission's request for information explaining that,

²⁸ Such as the guidelines issued by the Austrian Telecoms Commission on 4 April 2011 and on 28 May 2018, the guidelines issued by the Belgian Telecoms Regulator BIPT on 17 January 2012 and on 26 July 2018, the opinion issued by the French Autorité de la Concurrence on 11 March 2013, the guidelines issued by the Romanian Competition Council on 11 June 2014 and the guidelines on mobile network sharing issued by the French Telecoms Regulator ARCEP in May 2016

²⁹ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011XC0114\(04\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011XC0114(04)&from=EN)

³⁰ https://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/8605-berec-common-position-on-infrastructure-_0.pdf

according to procedural requirements in national Czech law, CTU would not be able to conduct an SMP analysis without having first established that the relevant market is susceptible to ex-ante regulation and included it in a measure of general nature.

Finally, the Commission notes that the period between the end of the public consultation (October 2017) and the notification is very long. This may have an impact on the validity of the analysis since the data sets which formed the basis for the public consultation may no longer reflect the current competition environment.

While the analysis of the three criteria test does not fall in the scope of Article 7 (4) of the Framework Directive under the current regulatory framework and hence the Commission is not empowered to raise serious doubts in this regard³¹, the Commission considers that the notified draft measure does not provide sufficient evidence that the three criteria are cumulatively met and that the market is susceptible to ex-ante regulation.

Without prejudice to the Commission's position on a potential future notification concerning the SMP analysis, the Commission is at this stage concerned that CTU's assessment of the three criteria in its current form would not be sufficient to support a finding of SMP on the market at a subsequent stage. The Commission therefore urges CTU to reconsider its conclusions on the need to regulate this market based on the findings of this draft measure and adoption of the draft measure in its current form.

Pursuant to Article 7(7) of the Framework Directive, CTU shall take the utmost account of the comments of other NRAs, BEREC and the Commission and may adopt the resulting draft measure; where it does so, shall communicate it to the Commission.

The Commission's position on this particular notification is without prejudice to any position it may take *vis-à-vis* other notified draft measures.

³¹ Under Article 67(1) and (3) of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code, OJ L 321, 17.12.2018, p. 36 (the Code), the three criteria test is an integral part of the market analysis procedure, which falls within the Commission's powers under Article 32(4).

Pursuant to Point 15 of Recommendation 2008/850/EC³² the Commission will publish this document on its website. The Commission does not consider the information contained herein to be confidential. You are invited to inform the Commission³³ within three working days following receipt whether you consider that, in accordance with EU and national rules on business confidentiality, this document contains confidential information which you wish to have deleted prior to such publication.³⁴ You should give reasons for any such request.

Yours sincerely,

For the Commission,
Roberto Viola
Director-General

³² Commission Recommendation 2008/850/EC of 15 October 2008 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 L 301, 12.11.2008, p. 23.

³³ Your request should be sent either by email: CNECT-ARTICLE7@ec.europa.eu or by fax: +32 2 298 87 82.

³⁴ The Commission may inform the public of the result of its assessment before the end of this three-day period.