

CLEC

Competition Law
And
Electronic
Communications

The test for economic regulation in telecoms: Three criteria and Significant Market Power

Brussels, December 9, 2008, 16:00 – 20:00



The test for economic regulation: three criteria and single or collective SMP

The European regulatory framework provides for a sophisticated test to impose economic regulation in the electronic communications sector. First, the operators should be active on a market fulfilling three cumulative criteria: (i) high and non-transitory entry barriers of a structural, legal or regulatory nature, (ii) market structure which, behind the entry barriers, does not tend towards effective competition within the relevant time horizon, (iii) and insufficiency of competition law alone to adequately address the market failure(s) concerned. Second the operators should enjoy a individual or collective dominant position (SMP) on those markets.

The first part of the test (three criteria) may play a significant role in the future given removal of several markets from the Commission Recommendation of December 2007, but it has been severely downplayed by the recent ERG Guidance of June 2008. The second part of the test (dominance) may be revised by the European Parliament and the Council in the context of the Telecom Review. The seminar will explore the application of the test with experts of the ERG, the European Commission, the industry and the academics.

16:00 Registration and coffee

16:30 The test as the key instrument in defining the scope of regulation

> **Prof. Alexandre de Stree**

(CRID, University of Namur)

17:15 The view of the European Commission

> **Reinold Krüger**

(DG Information Society, Head of Unit B5)

17:45 Coffee break

18:15 The view of the regulators and the ERG Guidance of June 2008

> **Jim Niblett**

(Ofcom, United-Kingdom)

> **Catherine Rutten**

(BIPT, Belgium)

19:00 How to get the test right?

> **Henning Never**

(Deutsche Telekom)

19:30 Conclusions from the Chair

> **Prof. Andrea Renda**

(CEPS and LUISS University)

19:45 Cocktail reception

Venue:

Fondation Universitaire Stichting
rue d'Egmont 11, 1000 Brussels

www.fondationuniversitaire.be

Fee* and registration:

Participation fee: €100 (drinks and sandwiches included).

If more than two persons participate from the same organisation, the additional participants will benefit from a 25 % reduction.

Former DTIC-students and doctoral students are also entitled to a 25 % reduction.

Registration: <http://www.juritic.be/pages/inscription.html> - Sarah Fievet: +32 81 72 52 04

*Any profit will be used for supporting academic research in ICT regulation.