

**INVITATION TO MARKET PARTICIPANTS TO SUBMIT OBSERVATIONS REGARDING THE
COMMISSION'S SERIOUS DOUBTS LETTER UNDER ARTICLE 7A OF
DIRECTIVE 2002/21/EC¹**

Case DE/2013/1424: Wholesale voice call termination on individual mobile networks in Germany

- (1) On 31 January 2013, the Commission registered a notification from the German national regulator, (hereinafter, "BNetzA")², concerning the markets for wholesale voice call termination on individual mobile networks³ in Germany.
- (2) The Commission has examined the notification and concluded that the notified draft measures would affect trade between Member States and fall within Article 7a of the Framework Directive.
- (3) On 28 February 2013, pursuant to Article 7a(1) of the Framework Directive, the Commission has informed BNetzA and the Body of European Regulators for Electronic Communications (hereinafter, "BEREC") of its reasons for considering that the draft measures would create a barrier to the internal market and its serious doubts as to their compatibility with EU law (hereinafter, "serious doubts letter").
- (4) A non-confidential version of the Commission's serious doubts letter is available on the Commission's website⁴.
- (5) Pursuant to Article 7a(1) of the Framework Directive, the draft measures may not therefore be adopted for a further three months, i.e. until 28 May 2013.
- (6) Pursuant to Article 7a(2) of the Framework Directive, within the three month period mentioned in Article 7a(1), the Commission, BEREC, and the NRA concerned should closely cooperate to identify the most appropriate and effective remedies, in the light of the objective of the EU regulatory framework, whilst

¹ 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, OJ L 108, 24.4.2002, p. 33, as amended by Directive 2009/140/EC (Better Regulation Directive), OJ L 337, 18.12.2009, p. 37, and Regulation (EC) No 544/2009, OJ L 167, 29.6.2009, p. 12 (Framework Directive).

² 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.

³ Corresponding to market 7 in Commission Recommendation 2007/879/EC of 17 December 2007 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 344, 28.12.2007, p. 65.

⁴ <https://circabc.europa.eu/w/browse/0fc4cbf9-3412-45fe-84bb-e6d7ba2f010e>.

taking into account the views of market participants (hereinafter, "third parties") and the need to ensure the development of consistent regulatory practice.

- (7) Third parties can submit any observation(s), in writing, on the Commission's serious doubts letter. Please note that pursuant to Article 7a(2) of the Framework Directive, the third party observations submitted to the Commission will be put at the disposal of BEREC and/or BNetzA if requested by BEREC and/or BNetzA respectively.
- (8) To enable the fulfilment of the close cooperation obligation laid down in Article 7a(2) of the Framework Directive within the required time period, third party observations should reach the Commission no later than 10 working days following publication of this notice on the Commission's website, i.e. by 20 March 2013. Observations should be sent, quoting the appropriate case registration number, by email to: CNECT-ARTICLE7@ec.europa.eu

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