

Summary Notification Form for Market 14/2004

“Review of the Míla wholesale tariff for trunk segments of leased lines”

Date of notification 16 April 2018.

This form specifies the summary information to be provided by national regulatory authorities to the EFTA Surveillance Authority (ESA) when notifying draft measures in accordance with Article 7 of Directive 2002/21/EC (Framework Directive) and annex to ESA Recommendation of 14 July 2004 on notifications, time limits and consultations.

Under the obligation in Articles 15 and 16 of the Directive 2002/21/EC (Framework Directive) and Electronic Communications Act No. 81/2003, Article 17, the Post and Telecommunications Authority of Iceland (PTA) has conducted review of wholesale tariffs for leased lines, Metropolitan Data Highway (MDH), Ethernet service (MPLS-TP) and Sync-Ethernet in relation to the wholesale market for trunk segments of leased lines as per PTA Decision no. 21/2015, dated 12 August 2015, on the designation of undertakings with significant market power and on the imposition of obligations on the wholesale market for trunk segments of leased lines.

The draft Decision was published for national consultation on 14 February 2018 and the consultation lasted until and including 14 March 2018. No comments were received from the stakeholders.

The draft Decision will, at the time of entry into force, replace PTA Decisions no. 22/2015, 23/2018 and 25/2015, dated 12 August 2015, (ESA Case No: 77597) as well as PTA Decision no. 32/2015, dated 22 December 2015 (ESA Case No. 78301).

Other notification related to PTA Decision no. 21/2015, are PTA Decision no. 33/2015 on Míla's Reference Offer for Ethernet services on the wholesale market for trunk segments of leased lines (ESA Case No: 78302) and PTA Decision no. 3/2017 on Míla's Reference Offer for wholesale leased lines (ESA Case No: 80034).

Comments to these draft measures may be sent to Ms. Hulda Ástþórsdóttir (hulda@pfs.is) and Mr. Óskar H. Ragnarsson (oskarh@pfs.is).

SECTION 1

Market definition

Please state where applicable, and give reference to the relevant section/paragraph:

1.1	The affected relevant product/service market. Is this market mentioned in the Recommendation on relevant markets?	Section/ paragraph
	Not applicable. See the PTA Decision no. 21/2015.	
1.2	The affected relevant geographic market	
	Not applicable. See the PTA Decision no. 21/2015.	
1.3	A brief summary of the opinion of the national competition authority where provided;	
	Not applicable. See the PTA Decision no. 21/2015.	
1.4	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 disagree with it	
	Not applicable. See the PTA Decision no. 21/2015.	
1.5	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 ¹ , and the three main criteria mentioned in recitals 12 to 19 of the Recommendation on relevant markets.	
	Not applicable. See the PTA Decision no. 21/2015.	

¹ Authority guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications and services.

SECTION 2

Designation of undertakings with significant market power

Please state where applicable, and give reference to the relevant section/paragraph:

2.1	the name(s) of the undertaking(s) designated as having individually or jointly significant market power. Where applicable, the name(s) of the undertaking(s) which is (are) considered to no longer have significant market power;	Section/ paragraph
	Not applicable. See the PTA Decision no. 21/2015.	
2.2	the criteria relied upon for deciding to designate or not an undertaking as having individually or jointly with others significant market power;	
	Not applicable. See the PTA Decision no. 21/2015.	
2.3	the name of the main undertakings (competitors) present/active in the relevant market;	
	Not applicable. See the PTA Decision no. 21/2015.	
2.4	the market shares of the undertakings mentioned above and the basis of their calculation (e.g., turnover, number of subscribers).	
	Not applicable. See the PTA Decision no. 21/2015.	
Please provide a brief summary of:		
2.5	the opinion of the national competition authority, where provided;	
	Not applicable. See the PTA Decision no. 21/2015.	
2.6	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).	
	Not applicable. See the PTA Decision no. 21/2015.	

SECTION 3

Regulatory obligations

Please state where applicable, and give reference to the relevant section/paragraph:

3.1	the legal basis for the obligations to be imposed, maintained, amended or withdrawn (Articles 9 to 13 of Directive 2002/19/EC (Access Directive)); The decision in question does not in PTA's view include imposition or amendments to the regulatory obligations set out in PTA's decisions no. 21/2015, but is merely a calculation of prices in accordance with the obligation for price control which was set forth in the said decisions. Regarding the legal basis for obligations the PTA refers to the above-mentioned decision from 2015.	Section/ paragraph
3.2	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). Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found; As stated above, the decision in question does not in PTA's view include imposition or amendments to the regulatory obligations set out in PTA's decision no. 21/2015.	
3.3	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. 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, and give reference to the relevant section/paragraph:

4.1	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);	Section/ paragraph
	Not applicable.	
4.2	the name(s) of the undertaking(s) concerned;	
	Not applicable.	
4.3	which are the international commitments entered into by the EFTA State that need to be respected;	
	Not applicable.	