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Case No: 85020
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EFTA SURVEILLANCE
AUTHORITY

Norwegian Communications Authority (NKOM)
Postbox 93
4791 Lillesand
Norway

Subject: Market 15/2004 – Access and call origination on public mobile telephone networks in Norway
Request for information pursuant to Article 5(2) of Directive 2002/21/EC¹

On 26 March 2020, the EFTA Surveillance Authority (“the Authority”) received and registered your notification of the above-mentioned draft measure (“the Draft Decision”). This letter is a request for information, pursuant to Article 5(2) of the Framework Directive and Point 13 of the Authority’s Procedural Recommendation.²

I. Information Required

The purpose of this request is to provide the Authority with information that will allow it to make its assessment of the notified draft measure in full knowledge of the facts and the economic context.

Please submit to the Authority the information requested in the Annex, which forms an integral part of this letter.

The Authority invites you to submit the said information as soon as possible, but no later than 8 April 2020.³

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 Regulation (EC) No 717/2007, OJ L 171, 29.6.2007, p. 32 and Regulation (EC) No 544/2009, OJ L 167, 29.6.2009, p. 12), as referred to at point 5cl of Annex XI to the EEA Agreement and as adapted to the Agreement by Protocol 1 (the “Framework Directive”).

² EFTA Surveillance Authority Recommendation of 2 December 2009 on notifications, time limits and consultations provided for in Article 7 of the Act referred to at point 5cl of Annex XI to the Agreement on the European Economic Area (Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services), as adapted by Protocol 1 thereto, OJ C 302, 13.10.2011, p.12, and available on the Authority’s website at <http://www.eftasurv.int/media/internal-market/recommendation.pdf> (“the Procedural Recommendation”).

³ In accordance with Point 13 of the Procedural Recommendation, the reply to a request for information should be submitted within three working days.

II. Confidential Information

Provided that you substantiate in writing that your submissions are confidential in accordance with EEA and national law on business confidentiality, the Authority will ensure such confidentiality.⁴

Should you have any queries related to the information requested, please do not hesitate to contact us.

Yours sincerely,

Kristin Saether Bangsund
Deputy Director
Internal Market Affairs Directorate

This document has been electronically authenticated by Kristin Saether Bangsund.

⁴ See Article 5(3) of the Framework Directive.

ANNEX

Requested information concerning Case No. 85020 – Market 15/2004 – Access and call origination on public mobile telephone networks in Norway

1. In relation to exclusivity of negotiation and delivery (Section 7.1.7.3 of the draft remedies decision):
 - i. Nkom allows Telenor to prohibit the access buyer from having a simultaneous access agreement with another host operator only if the aim of the simultaneous access agreements is to achieve better network coverage (§197-198). In practice, how will Telenor be able to distinguish better network coverage from other potential objectives of the access buyer?
 - ii. Similarly, how will Telenor be able to assess whether or not the access buyer is providing coverage from Telenor's mobile network and other host network operators on the same SIM (§200)?
2. Please explain the meaning of paragraph 217 of the draft remedies decision. Does Nkom mean that the access buyer will have to comply with minimum purchase conditions? If so, and if the migration period is shorter than the period considered in the minimum purchase conditions, will the access buyer still be obliged to comply with these conditions?
3. Please provide the basis for your calculations in paragraph 499 of the draft remedies decision regarding the likely decline in wholesale prices for national roaming.