

Brussels 30 September 2026
Case No: 96479
Document No: 1627156

Norwegian Communications Authority
Postboks 93
4791 Lillesand
Norway

For the attention of:
Mr. John-Eivind Velure
Director General

Dear Mr. Velure,

Subject: NOR – Market 2/2016 – Market analysis

**Article 32(3) of Directive (EU) 2018/1972 ('the Code')¹:
No comments**

1 PROCEDURE

1. On 4 September 2026, the EFTA Surveillance Authority ('**ESA**') received a notification of a draft national measure in the field of electronic communications pursuant to Article 32(3) of the Code from the Norwegian national regulatory authority ('**NRA**'), Nasjonal Kommunikasjonsmyndighet ('**Nkom**'), concerning the market for wholesale voice call termination on individual mobile networks in Norway.²
2. The notification became effective on the same day.

¹ 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), as referred to at point 5c of Annex XI to the EEA Agreement and as adapted by Protocol 1 to that Agreement and by the sectoral adaptations contained in Annex XI to that Agreement.

² Corresponding to market 2 of the EFTA Surveillance Authority Decision No 93/16/COL of 11 May 2016 – EFTA Surveillance Authority Recommendation on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with the Act referred to at point 5c of Annex XI to the EEA Agreement (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 and by the sectoral adaptations contained in Annex XI to that Agreement [2017/608] (OJ L 84, 30.3.2017, p. 7 and EEA Supplement No 20, 30.3.2017, p. 1) ('**the 2016 Recommendation**').

3. National consultation was carried out, pursuant to Article 23 of the Code, during the period 2 June to 23 June 2026.³
4. The period for consultation with ESA, BEREC and other NRAs pursuant to Article 32(3) of the Code expires on 5 October 2026.

2 DESCRIPTION OF THE DRAFT MEASURE

2.1 BACKGROUND

5. Nkom last reviewed the mobile termination market in 2017.⁴
6. At the time, Nkom defined the relevant product market as encompassing voice call termination on each of the individual mobile networks⁵ of COM4, Get, ICE, Lycamobile, Phonero, TDC, Telenor and Telia. The geographic scope coincided with the coverage of each of those networks (within Norway).
7. Nkom designated all eight abovementioned operators as having significant market power (SMP) in their respective markets.
8. The remedies imposed on those operators included the obligations to provide access/interconnection, to comply with transparency⁶ and non-discrimination, as well as price control (based on a BU-LRIC methodology⁷).
9. ESA made one comment on that market analysis, inviting Nkom to reconsider the inclusion of relevant technological developments, such as 4G, in the BU-LRIC model as soon as possible.

2.2 LEGAL DEVELOPMENTS

10. Commission Delegated Regulation (EU) 2021/654⁸ supplemented the Code, specifically article 75 and Annex III thereof, by introducing a single maximum

³ By email of 4 September 2026, ESA asked Nkom to clarify why the national consultation was shorter than the ordinary period of minimum 30 days laid down in Article 23(1) of the Code. By email of 7 September 2026, Nkom indicated the following grounds to justify a shorter duration: (i) a three-week period made it possible for Nkom to complete the consultation before the main holiday season rather than delaying the process until after the summer; (ii) the measure concerns the withdrawal of existing obligations in the relevant market rather than the introduction of new regulatory requirements and was therefore considered relatively uncontroversial; and (iii) no stakeholders requested an extension of the consultation period, and no concerns were raised regarding its duration (Doc. No 1624207).

⁴ Assessed by ESA in Case No [81251](#).

⁵ Including GSM, UMTS and LTE technologies.

⁶ While Telenor and Telia were required to publish a reference offer, the other six operators were subject to an obligation to publish their termination prices and to give advance notices to other providers of any unfavourable changes to existing interconnection services.

⁷ Bottom-up Long-run Incremental Costs, reflecting the costs of an efficient operator, in accordance with the [Termination Rates Recommendation](#) applicable at the time.

⁸ Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate, OJ L 137, 22.4.2021, pp. 1, as referred to at point 5czsc of Annex XI

EU-wide (now EEA-wide) mobile voice termination rate – as well as a single fixed voice termination rate. That act was incorporated into the EEA agreement⁹ and has been in force in the EFTA pillar since 1 February 2025.¹⁰

11. Furthermore, in 2025 ESA adopted a new Recommendation on Relevant Markets¹¹, which no longer includes the market for wholesale voice call termination on individual mobile networks in the list of markets susceptible to *ex ante* regulation.

2.3 MARKET DEFINITION

12. As summarised by Nkom in its notification, voice call termination is always provided on the network serving the called end user. Each operator therefore controls the termination of calls to its own mobile numbers. No alternative provider can terminate calls to the same number. Mobile voice call termination consequently constitutes a clearly distinct service within the electronic communications sector.¹²
13. According to Nkom, the market and technical conditions have not materially changed since the last market analysis.¹³ On that basis, Nkom maintains a technology-neutral definition of the product market for voice call termination on public individual mobile communications networks.
14. The operators currently providing mobile termination services in Norway are: (a) Telenor, Telia and Lyse Tele, each operating their own network (MNOs or mobile network operators); and (b) Telavox and Lycamobile, which are both mobile virtual network operators (MVNOs), i.e. they control their own core network and obtain access to the network capacity of MNOs through contractual arrangements.

to the EEA Agreement and as adapted by Protocol 1 to that Agreement and by the sectoral adaptations contained in Annex XI to that Agreement.

⁹ See the previous footnote.

¹⁰ <https://www.efta.int/eea-lex/32021r0654#anchor-eu>.

¹¹ EFTA Surveillance Authority Decision No 061/25/COL of 9 April 2025 – EFTA Surveillance Authority Recommendation on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with the Act referred to at point 5c of Annex XI to the EEA Agreement (*Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code*), as adapted by Protocol 1 to the EEA Agreement and by the sectoral adaptations contained in Annex XI to that Agreement [2025/1754] (OJ L 2025/1754, 21.8.2025 and EEA Supplement No 51, 21.8.2025, p.1) (**‘the 2025 Recommendation’**).

¹² See also p. 72 of the [Commission Staff Working Document - Explanatory Note](#) accompanying Commission Recommendation (EU) 2020/2245 of 18 December 2020 (Commission Recommendation on Relevant Markets) (**‘the Explanatory Note’**).

¹³ Nkom clarifies, however, that while it previously included machine-to-machine (M2M) services in the product market as it could not rule out that such solutions involved termination, it now considers M2M to fall outside the market definition. This is in line with the position expressed by the Commission at p. 74 of the Explanatory Note.

15. As in the previous market analyses, the geographic market is national in scope (excluding Svalbard), albeit limited to the extent of each provider's network.

2.4 THREE-CRITERIA TEST

16. As mentioned in paragraph 11 above, the mobile termination market is no longer included in the list of markets susceptible to *ex ante* regulation pursuant to the current Recommendation on Relevant Markets. That is because the Commission and ESA consider that the market in question no longer fulfils the three-criteria test¹⁴ at EEA level.
17. In addition, Nkom conducts its own three-criteria test considering national circumstances, which reflects the Commission's considerations in the Explanatory Note.
18. Regarding the first criterion – barriers to entry – Nkom observes that the nature of termination markets is such that insurmountable structural barriers exist.¹⁵ Indeed, only the operator of the called party can terminate calls on its own network and it is thus impossible for third parties to provide termination services on that particular network. Therefore, the first criterion is met.
19. In relation to the second criterion – (no) tendency towards effective competition – the main competition problem on all termination markets has historically been the lack of incentives for the relevant monopolist (single supplier on each network) to set competitive termination rates. Nkom takes note in that regard that the introduction of the single maximum termination rate referred to in paragraph 10 above has essentially removed that excessive pricing concern.
20. Regarding the possibility of other competition problems, Nkom likewise concurs with the general assessment in the Explanatory Note¹⁶ that the risk is very limited, especially in light of the threat of re-regulation and general competition law enforcement.
21. Specifically, Nkom argues the following.
 - a. The scope for price and non-price discrimination is significantly reduced, as today voice call termination is largely a standardised wholesale input with limited significance for competition in adjacent markets.
 - b. Any remaining concerns about refusal of access/interconnection are limited (as rejecting calls from other providers would make an operator

¹⁴ The three-criteria test, which has its basis in art. 67(1) of the Code, posits that a market may be considered to justify the imposition of regulatory obligations if the following cumulative criteria are met: (a) high and non-transitory structural, legal or regulatory barriers to entry are present; (b) there is a market structure which does not tend towards effective competition within the relevant time horizon, having regard to the state of infrastructure-based competition and other sources of competition behind the barriers to entry; (c) competition law alone is insufficient to adequately address the identified market failure(s).

¹⁵ This essentially reflects the Commission's considerations at p. 76 of the Explanatory Note.

¹⁶ See pp. 76-79.

less attractive to its end users) and can appropriately be addressed through the general provisions of the electronic communications framework¹⁷.

- c. No other issues, such as potentially the lack of transparency or a cross-subsidisation risk, can be identified in practice.
- 22. In the light of the above, Nkom finds that the Norwegian mobile termination market tends towards effective competition and therefore no longer fulfils the second criterion.
- 23. Since all three criteria need to be fulfilled to justify regulation, Nkom sees no need to analyse the third criterion – i.e. whether competition law might be sufficient to address any concerns.
- 24. As the market fails the three-criteria test, Nkom concludes that *ex ante* regulation is no longer justified and all regulatory obligations are to be lifted.

3 NO COMMENTS

- 25. ESA has examined the notified draft measure and has no comments.

4 FINAL REMARKS

- 26. On a procedural note, ESA recalls that any future amendments to, or more detailed implementation of, the draft measure consulted on in the current notification will require re-notification pursuant to Article 32(3) of the Code.
- 27. Pursuant to Article 32(8) of the Code, Nkom shall take the utmost account of comments of other NRAs, BEREC and ESA. It may adopt the resulting draft measure and, where it does so, shall communicate it to ESA. Pursuant to Article 32(9) of the Code, Nkom shall communicate to ESA and to BEREC all adopted final measures which fall under points (a) and (b) of Article 32(3).
- 28. ESA's position on the current notification is without prejudice to any position ESA may take in respect of other notified draft measures.
- 29. Pursuant to Point 6 of the Procedural Recommendation,¹⁸ ESA will publish this document on its eCom Registry. You are invited to inform ESA within three working days following receipt of this letter if you consider, in accordance with

¹⁷ Notably, the national law provisions implementing art. 15(2), art. 60(1) and art. 61(2) of the Code, concerning the rights and obligations – as well as the powers of NRAs and other competent authorities – in terms of access and interconnection.

¹⁸ EFTA Surveillance Authority Decision No 102/25/COL of 2 July 2025 – EFTA Surveillance Authority Recommendation on the form, content, time limits and level of detail to be given in notifications under the procedures set in Article 32 of the Act referred to at point 5c of Annex XI to the EEA Agreement (Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code), as adapted by Protocol 1 to the EEA Agreement and by the sectoral adaptations contained in Annex XI to that Agreement [2025/2407] (OJ L 2025/2407, 27.11.2025 and EEA Supplement No 74, 27.11.2025, p. 1) ('the Procedural Recommendation').

EEA and national rules on confidentiality, that this letter contains confidential information which you wish to have deleted prior to publication.¹⁹ You should give reasons for any such request. In the absence of confidentiality claims received within the above deadline, ESA will publish this document in full.

Yours sincerely,

Filip Ragolle

Deputy Director for Competition and Regulation

Competition and State Aid Directorate

This document has been electronically authenticated by Filip Ragolle.

¹⁹ The request should be submitted through the eCom Registry, marked for the attention of the eCom Task Force.