



Expectations participants for the market analysis workshop.

- Presentation & discussion of ONP and NRF approaches
- Learning & interactive exchange of experiences
- Providing practical examples/best practices to the benefit of NRAs with no in-depth experiences
- Cover transition issues & legal gap between ONP & NRF regime
- Cover implementation issues e.g. steps from ONP to NRF
- Networking

Relevant legal issues and identification of priority markets

Dr. Stefan Köhler

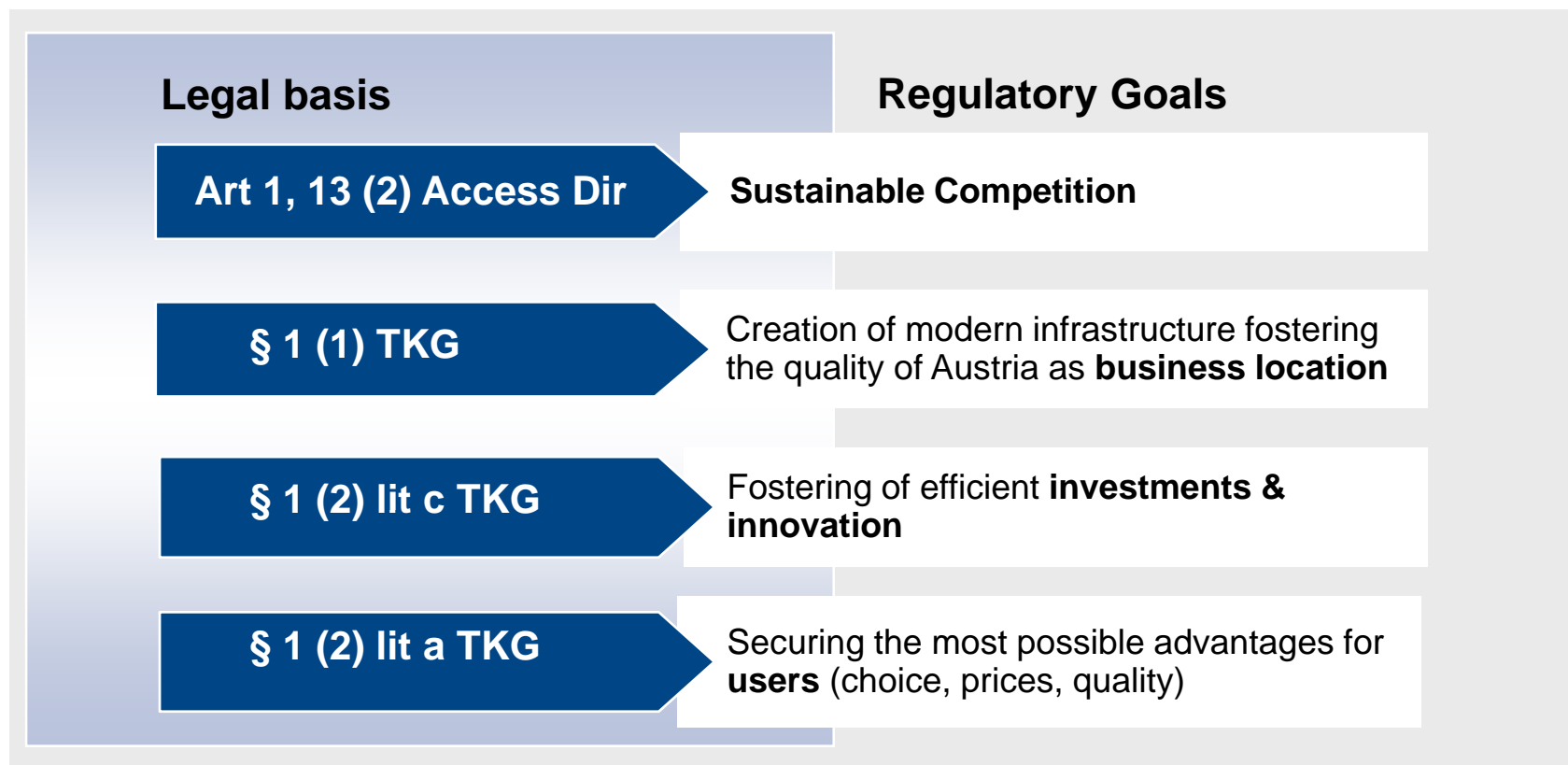
Director International Relations



- Chapter 1 – Relevant legal issues

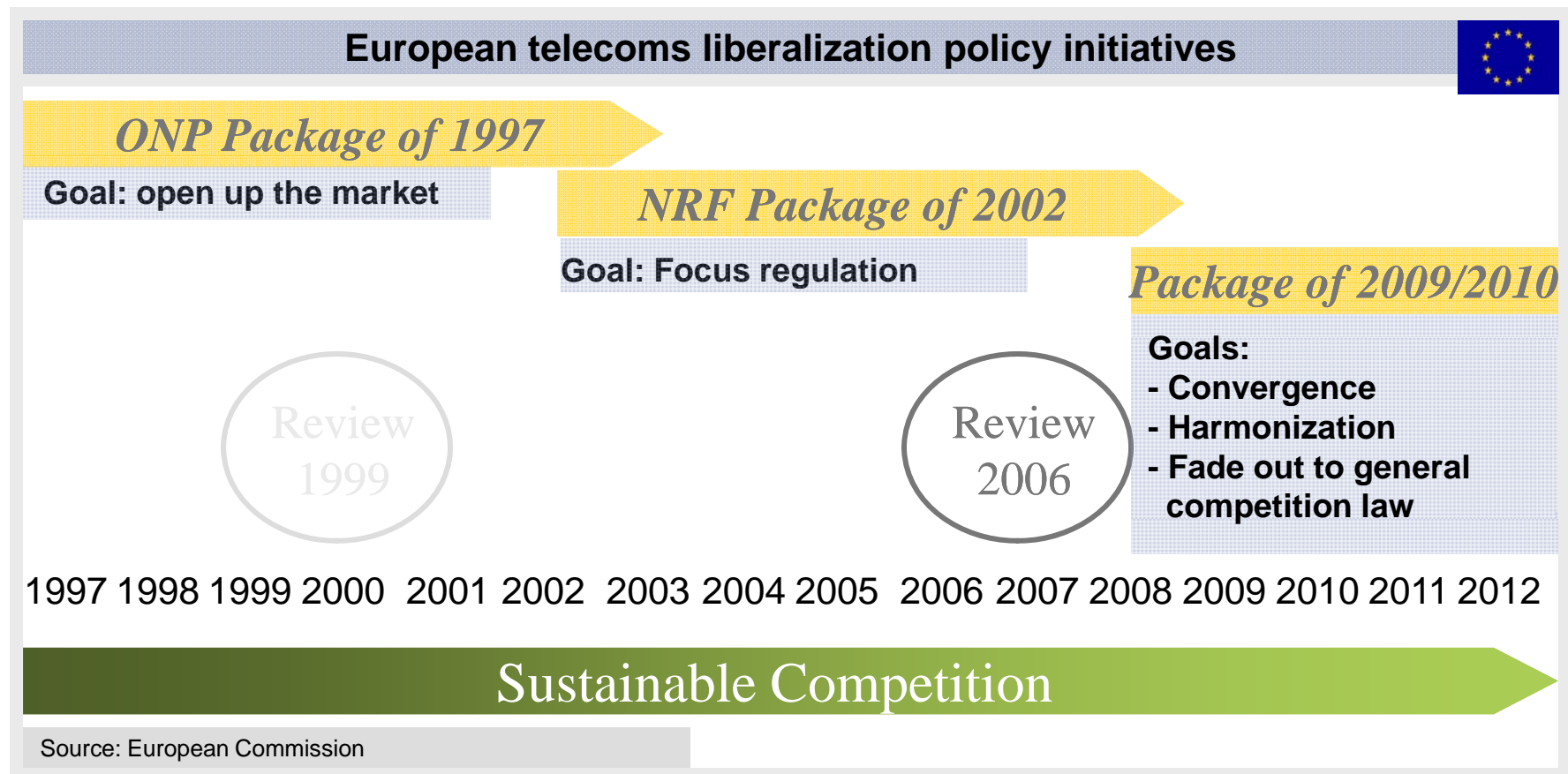


The European legal framework and its provision are the basis for the national Telecom Acts enabling competition.



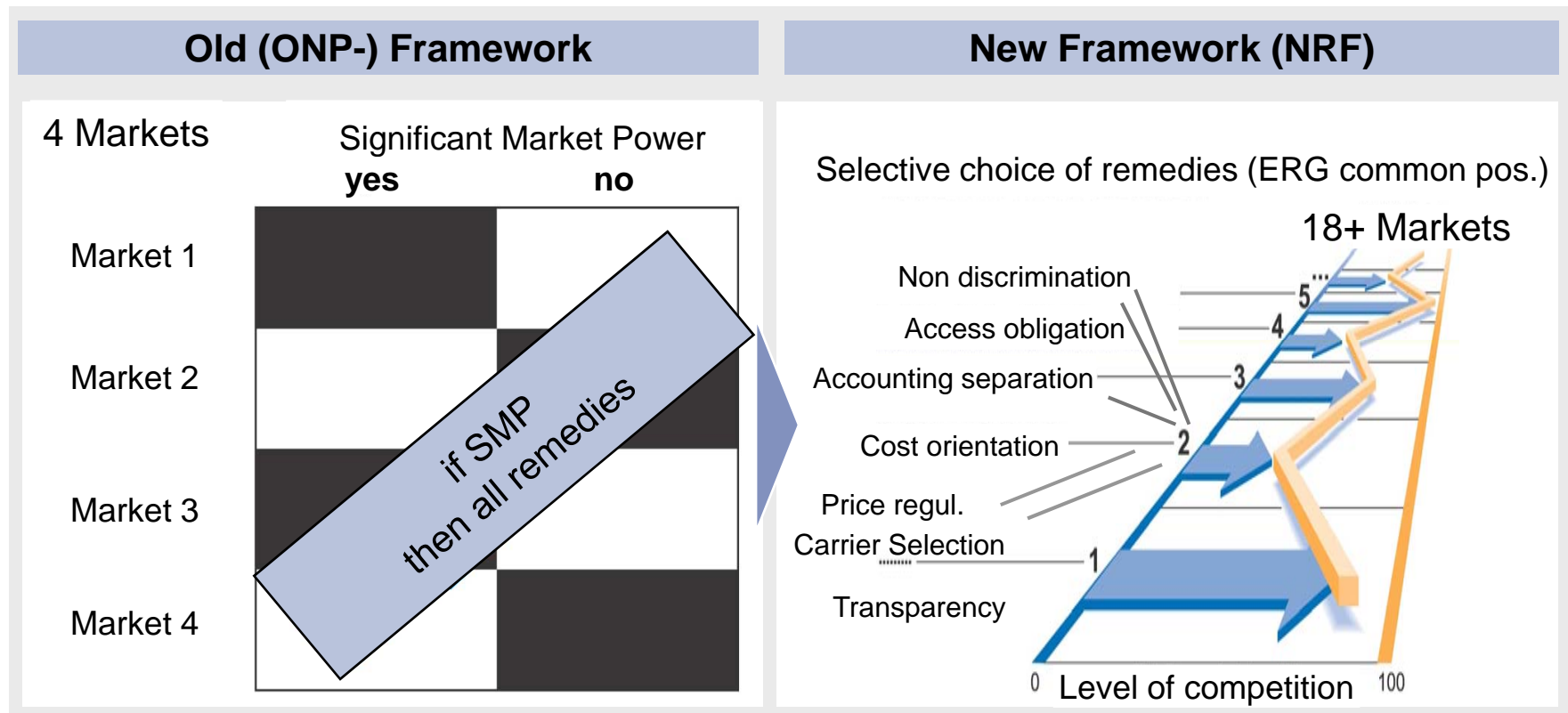


The European liberalization process of telecom markets is based on several legal frameworks.



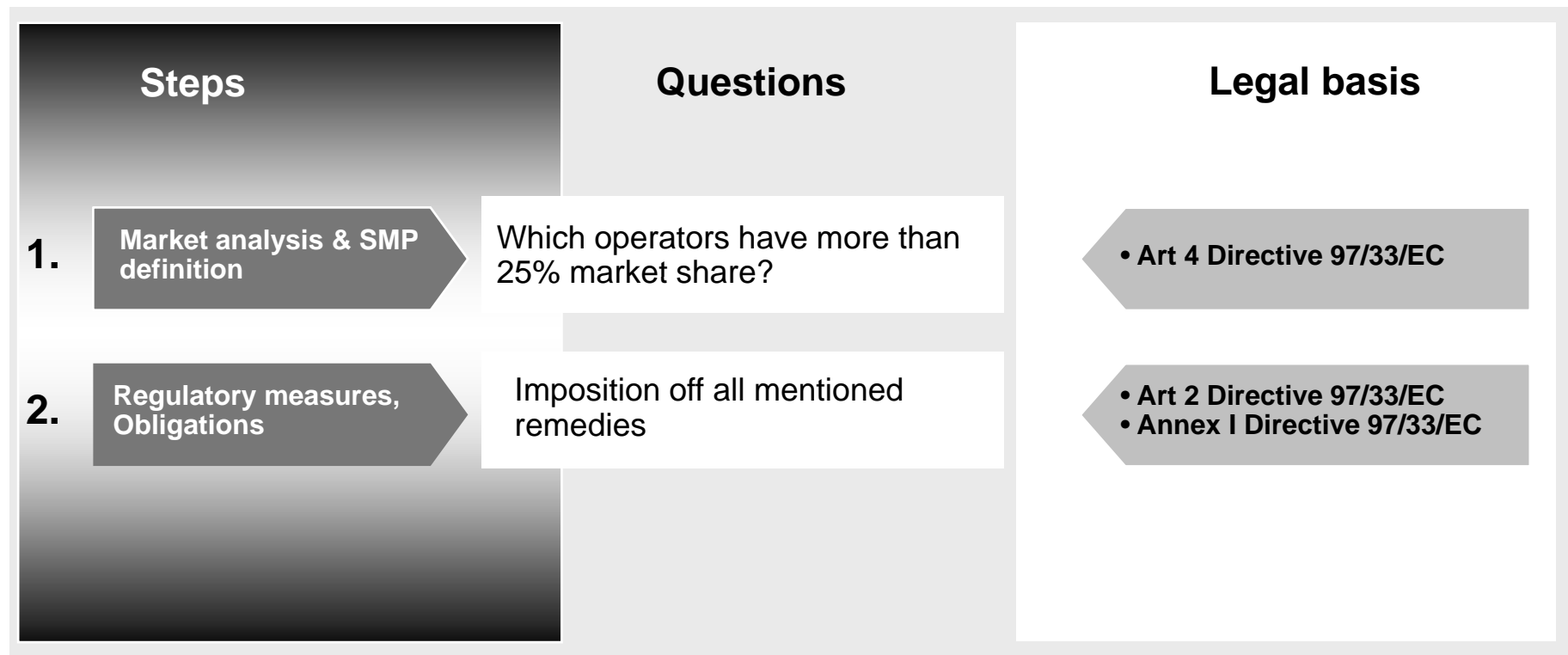


With the New Regulatory Framework, regulation becomes more precise and effective...



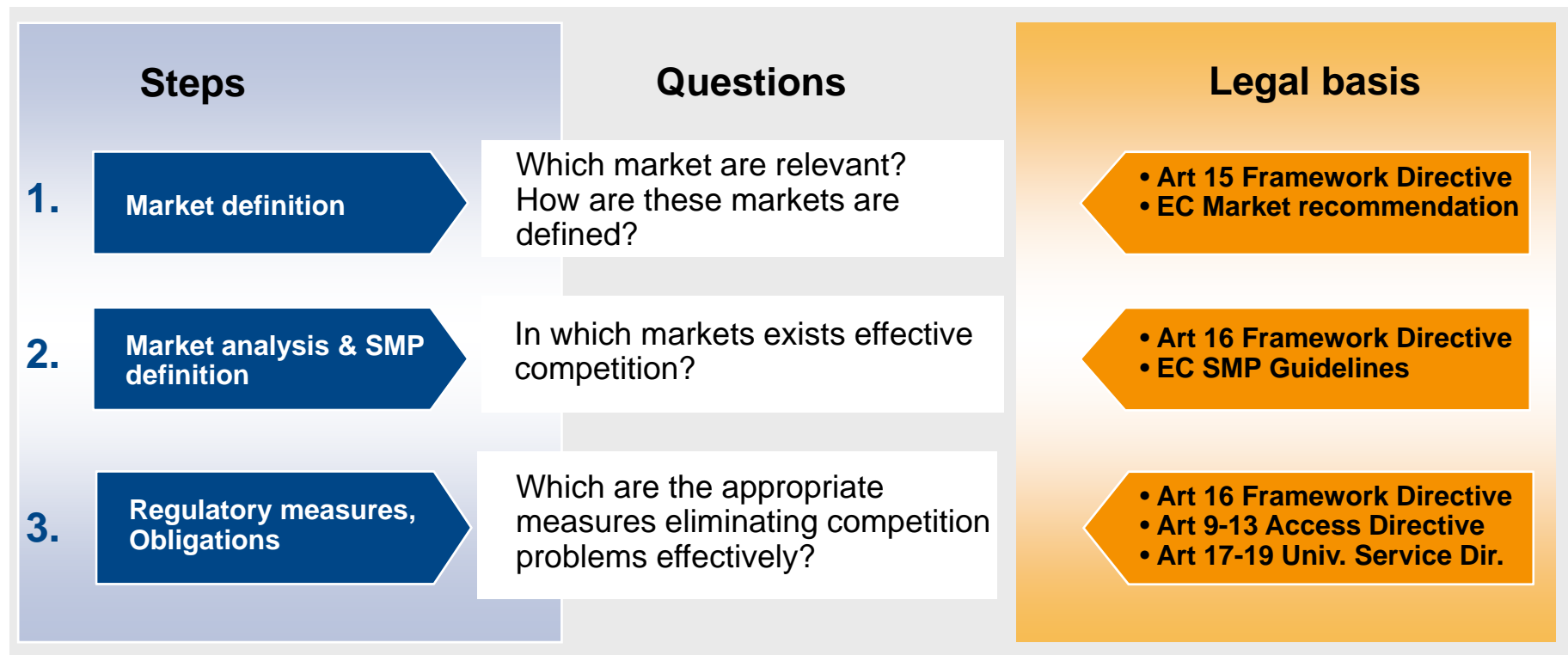


The ONP concept of regulating competition was based 2 steps.



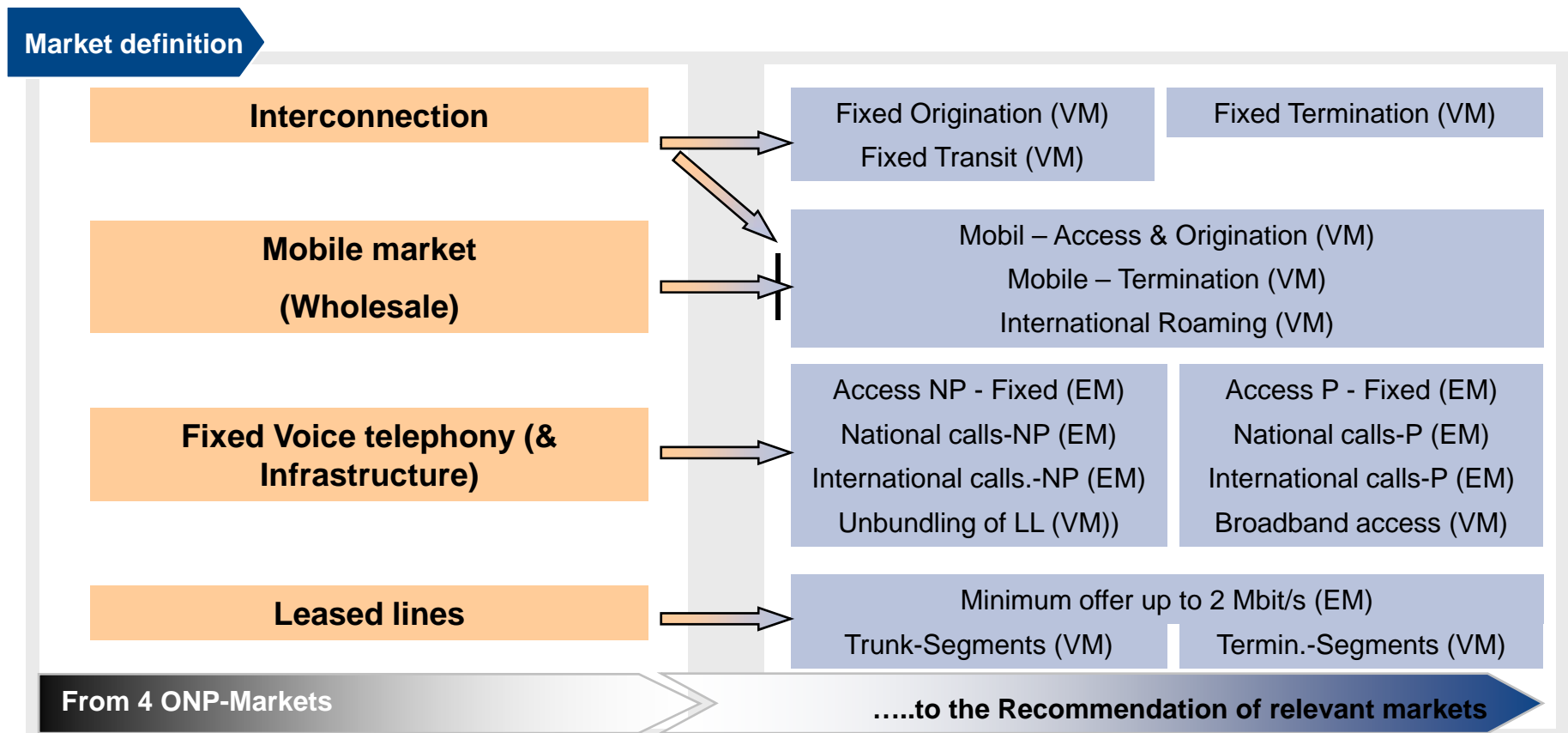


The New Regulatory Framework concept of regulating competition bases 3 steps of enquiry.





1. step: From ONP markets (not defined on competition law principles) to the harmonised approach.





2. step: Examination of SMP criteria.

Market analysis & SMP definition

Market structure

- Number & disposition of operators
- Development of market shares & concentration
- Market entry & exit barriers
- Horizontal & vertical integration of wholesale & retail markets

Market behavior

- Price policy
- (Price) collusion
- Quality competition
- Investments
- Advertising & Marketing – product differences
- Distribution policy
- R & D – Innovation

Market outcome

- (Primarily) from consumer perspective
 - International benchmarks
 - Demand side barriers
 - Innovation & product diversity
- (Primarily) from undertakings perspective
 - Performance discussion
 - New developments



3. step: In case of SMP imposition of appropriate remedies.

Remedies

Retail Remedies

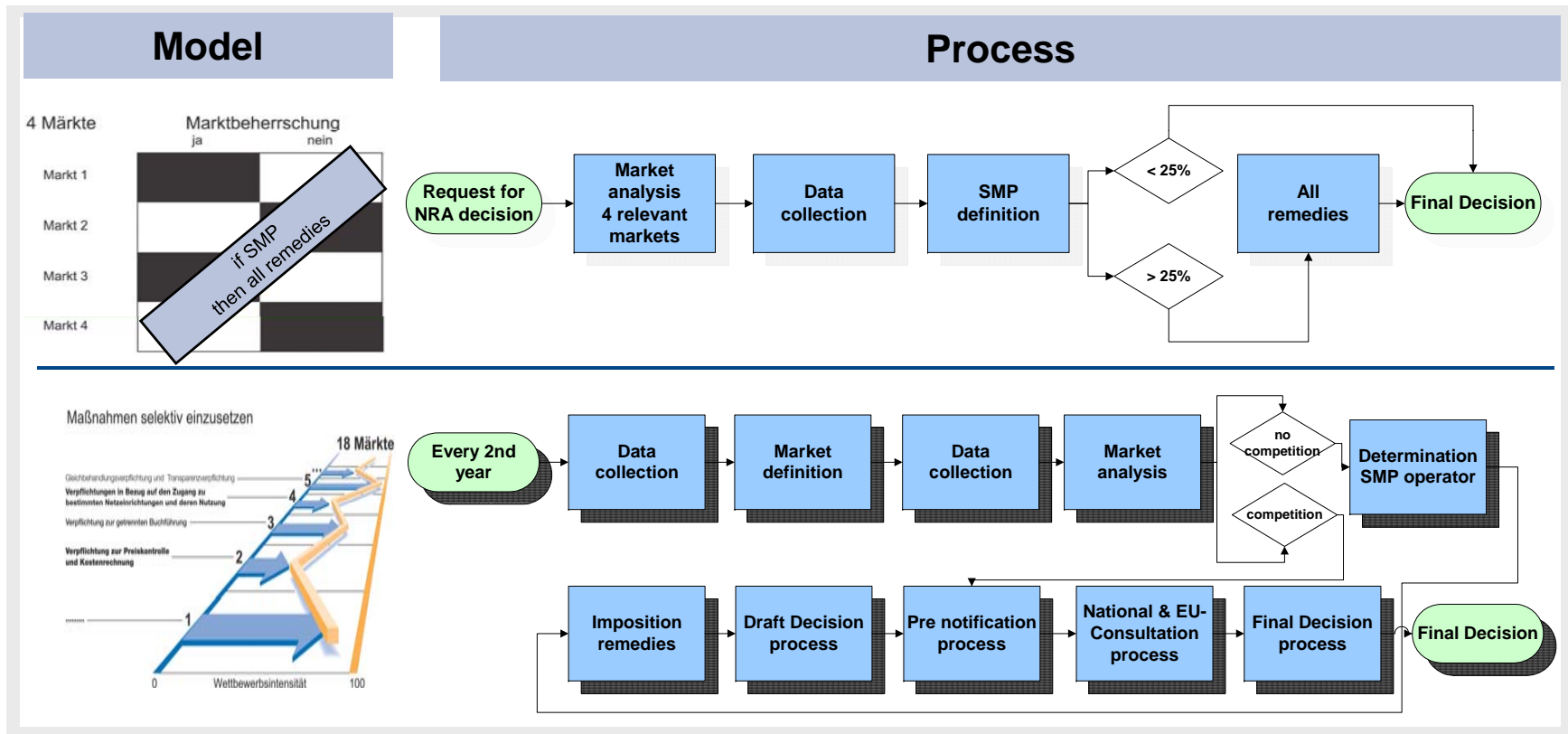
- Regulatory controls on retail services
- Regulatory controls on the minimum set of leased lines
- Carrier selection & Carrier pre-selection

Wholesale Remedies

- Non-discrimination
- Transparency
- Accounting separation
- Access to, and use of, specific network facilities
- Price control & cost accounting



In contrary to the ONP the NRF requires national & international consultation process in different steps.









- Chapter 2 – Conclusions



The national legal framework is the necessary basis for the liberalization of the telecommunication market.

	Legal Framework		Operational Implementation related to market analysis			
Milestone	New EU Framework	New Act TKG 2003	Market-definition	Data-collection Market analysis	Results Consultation	Decisions
	April 2002	20.8.2003	17.10.2003	February 2004	2004	End of 2005
Content	<ul style="list-style-type: none"> Framework-D Access-D Authorisation-D Universal-service-D 	<ul style="list-style-type: none"> Transposition of the directives Market definition: RTR SMP and remedies: TKK 	<ul style="list-style-type: none"> Ordinance (TKMVO 2003) 17 Telecom-markets Basis for market analysis 	<ul style="list-style-type: none"> Data collection approx. 390 companies contributed 	<ul style="list-style-type: none"> Draft decisions SMP-status Draft decisions remedies National and international consultation 	<ul style="list-style-type: none"> SMP status Remedies
Status			 17 markets Broadband (2005)		Finished for most markets	Finished for most markets



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