

Commission launches public consultation on the review of the Significant Market Power Guidelines

The European Commission has just launched a public consultation to prepare the review of the Significant Market Power (SMP) Guidelines, dating from 2002. The goal is to update the guidelines in time for the implementation of the new European Electronic Communications Code. The update of the guidelines shall take into account changes in the telecoms markets and recent developments in regulatory and competition law.

The scope of the SMP Guidelines is to set out principles for use by the national telecoms regulators under the European Regulatory Framework for electronic communications in relation to market-based analysis and assessment of SMP. The Guidelines help national telecoms regulators to decide when to intervene in markets and take into account the recent developments in regulatory and competition law.

Vice President for Digital Single Market Andrus **Ansip** said: "*Telecommunications are the backbone of the Digital Single Market, which is why we have to check thoroughly how best to regulate markets in this fast-paced environment and how to ensure a level playing field for all operators, whether big or small. The consultation will support us in making our Guidelines fit for the future.*"

The assessment of SMP has to be in line with competition law principles as set out in the jurisprudence of the Court of Justice of the EU. The policy objective of this review is to ensure that the Guidelines are fully up to date and can provide the best possible guidance to national regulatory authorities on how to best address remaining competition problems on the retail telecommunications markets.

Member States, national regulatory authorities, national competition authorities, electronic communications providers, academics in law and economics, and consumers are invited to express their opinion in particular on the theoretical concepts underpinning the relevant markets definition, as well as on single and collective dominance in the electronic communications sector for the purpose of the ex-ante regulation.

The results of this public consultation will provide guidance to the Commission in the review process of the 2002 SMP Guidelines in time for the implementation of the new European Electronic Communications Code.

Respond to consultation (questionnaire available in English, French and German) by 26 June 2017.

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