

PosteMobile
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Body of European
Regulators for Electronic
Communications (BEREC)

E-mail sent to the address pm@berec.europa.eu

Subject: Response to the draft report for public consultation on “Work Programme 2015 – BEREC Board of Regulators”

PosteMobile is pleased to provide its response to the public consultation on draft report related to “Work Programme 2015 – BEREC Board Of Regulators”.

You can find herein-below PosteMobile’s contribution on the public consultation (Annex 1).

Best regards.

PosteMobile S.p.A.
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Responsabile

ANNEX 1

PosteMobile supports BEREC' s work and the actions as defined in the BEREC Work Programme for 2015 to pursuit Strategic Priorites as promoting competition and investment, promoting the internal market and empowering and protecting end-users.

In this context, PosteMobile believes it is necessary to analyze the overall trend in the European mobile market towards consolidation, with the aim to assess changes and effects in the markets and to make sure that competition is preserved, and also considering the role of MVNOs in this context.

Therefore, in PosteMobile's opinion, in order to address potential anticompetitive practices and scenarios, which could lead to the exclusion of MVNOs from the market, BEREC should start an extended review about the competitiveness of the mobile access market in light of the following trends which are now persistent and may be clearly observed throughout the EU:

- **domestic consolidation of mobile access market:** European mobile markets are currently facing a reduction of players from 4 to 3 MNOs. Such a consolidation just happened in Austria, Germany and Ireland, while similar developments are discussed and expected in Spain, France, Italy and nordic countries (in Norway a consolidation from 3 to 2 players is already in process). Because of this changing scenario one should analyze whether the competitive landscape in the mobile market is still adequate for consumers, businesses and MVNOs. Should trend in pricing, innovation and competitive conditions reflect a market failure, Berec should report the European Commission and make suitable proposals.
- **MVNO as a remedy:** Mergers operations have been cleared by the European Commission in the above mentioned cases in Austria, Germany and Ireland. The authorization has been granted subject to voluntarily commitments by the resulting mobile entity to offer MVNO access at given conditions. Berec should investigate, in all market (not only the ones subject to consolidation) whether the MVNO remedy is working properly or, to the contrary, competition is affected. In case the MVNO remedy did not work properly, Berec should investigate the reason for that. Regard this point PosteMobile requires that the BEREC considers in this area also the possibility for MVNOs to replicate MNO's offers in order to ensure competition.

- **LTE:** in all Europe, LTE networks are rolling-out but corresponding mobile access is delayed for MVNO, which are therefore struggling to replicate MNOs' data mobile offers. Berec should investigate whether such behaviors are common and what will be the impact on the mobile market for MVNOs and consumers.

With reference to the BEREC's 2015 WP PosteMobile suggests to consider the following:

- **3.2.6 advanced connectivity of devices, systems and services:** PosteMobile requires BEREC to analyze also the situation of MVNOs in such a way that there are no conditions of unequal treatment that prevents MVNOs access to the alliances related to m2m. For dominant mobile operators, which are part of established alliances at the international level, access to wide coverage is not problematic. Such operators can consequently participate in international tenders involving M2M service by leveraging the benefits of such alliances. Therefore, specific international data roaming measures are necessary in order to enable new entrants and small players, including MVNOs, to compete in the M2M market, including the access to international alliances.