



**Contribution of Orange France Telecom Group
to the Consultation
on the BEREC Report on relevant market
definition for business services**

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Link to the consultation: http://erg.ec.europa.eu/whatsnew/index_en.htm



Orange France Telecom Group (“OFTG”) welcomes the opportunity to comment on the BEREC’s report on relevant market definition for business services.

As stated during the ERG consultation of February 2010 on “the regulation of access products necessary to deliver business connectivity services“, OFTG considers that there is no case for identifying a high-end business market: its definition and scope would be unclear and its usefulness would be doubtful.

Considering the diversity of needs mentioned by the end-users and the fact that offers are very often tailor-made, the basis for defining such a market becomes blurred.

As was stated in the ERG Report, the majority of NRAs have not defined a separate market. OFTG supports this position.

The current BEREC consultation is related to relevant market definition for business services and, in particular, the question of high end business services. BEREC has recalled the Commission’s principles for market definition and set out what evidence and analysis these would imply for determining the extent to which high end business services may or may not be held to constitute a separate product and geographic market at both the retail and wholesale levels.

Even if OFTG does not see any case for a specific relevant market for high end business services, it is the duty of BEREC to provide process guidance to NRAs that would like to investigate this question. This report provides a comprehensive process, notably reminding the necessity to consider retail market first before defining the wholesale one and the necessity to assess the possible demand and supply substitution.

Regulated access products for business connectivity are still quite different from one European domestic market to another. In order to enhance market efficiency, harmonisation has been requested for a long time from the operators providing business services:

- A harmonization of the reference offers between the various countries would not only open the market, in countries where it is not as opened as it is in France, but would also foster competition as well as benefit the end customers.

- A homogeneous implementation of remedies and offers which takes the international nature of the business service offers into account, is also necessary to better serve the market, particularly Multinational Companies present in different countries of the European Union.

OFTG supports systematic publications of rigorously defined KPIs. KPIs should, as a priority, concern the quality of service of wholesale and retail products and their publication is an efficient means of deterring non-price forms of discrimination.

OFTG supports harmonisation as a relevant objective per se, because harmonised access products throughout Europe leads to streamlined access procurement and operations for operators providing seamless VPN products to multinational companies having activities all over Europe.

With this objective, the BEREC could play an important role by stimulating NRAs and stakeholders, in particular, through the process of market analysis.