

**ERG COMMON POSITION
ON THE COORDINATED ANALYSIS OF THE
MARKETS FOR
WHOLESALE INTERNATIONAL ROAMING**

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Preface

1. This document sets out the Common Position of the European Regulators Group (ERG) of National Regulatory Authorities (NRAs) on the preliminary analysis for the market definition and the assessment of Significant Market Power (SMP) for the national market of wholesale international roaming, based on a coordinated approach. It aims to provide a consistent and harmonised guidance to NRAs when defining and analysing the aforementioned relevant market in the respective countries.
2. This preliminary analysis is based on evidences gathered within the joint analysis project on Wholesale International Roaming (WIR) as set by ERG in its Working Program of 2005 and in this respect is agreed upon by ERG members.
3. This Common Position is without prejudice to any decision the national NRAs, including those that participated in the ERG joint project, may take following the market analyses they must carry out in accordance with the provisions of the new regulatory framework. In that sense the findings herewith are not to be considered either a legal, technical or an economic framework for the actual analysis NRAs are obliged to conduct.
4. The document is organised in five sections as follows:
 - an introductory note outlining the context,
 - a market definition,
 - an SMP assessment from a single dominance point of view,
 - an SMP assessment from a joint dominance point of view,
 - final considerations.

1. Introduction

The Regulatory Framework

5. Under the new European regulatory Framework Directive and the Commission Recommendation on relevant markets¹, NRAs are obliged to define and assess the conditions of effective competition in the “*national wholesale market for international roaming services on public mobile networks*” (market n. 17). In case NRAs should find operator(s) with SMP (dominant position), they have to impose regulatory obligations on such firms.
6. The WIR market was not subject to ex-ante regulation under the previous sector specific regulatory framework. It has a number of specific structural and technical characteristics that requires cooperation between NRAs and an in-depth and comprehensive analysis. As an example, a product sold in the WIR market by a domestic mobile network operator (MNO), is always bought by another MNO established in a foreign country, then used to package a retail product, finally sold and consumed by end users of the foreign MNOs.

¹ Recommendation on the relevant product and service markets within the electronic communications sector susceptible for ex-ante regulation in accordance with Directive n. 2002/21/EC, 11 February 2003.

7. The nature of this market, where competition problems that exist in one Member State has an impact on customers from other Member States, means that it is in the interest of NRAs to take a coordinated approach to any eventual regulation of the national WIR markets.

8. From a consumer perspective, there is also a perception of high retail tariffs paid when roaming abroad; where the term “high” should generally be viewed in the light of an implicit comparison made with tariffs on the domestic mobile market.

The European Regulators Group initiative on WIR

9. The WIR issue has been on the agenda of the Independent Regulators Group (IRG) over the last couple of years. At the European Regulators Group’s plenary meetings in September and December 2004, it was decided to intensify the work on the issue. The Group therefore started a co-ordinated initiative among its members.

10. Given the aforementioned characteristics of the national markets for wholesale international roaming and the structural and technological developments these markets have been recently experiencing, it was deemed necessary that the project foresaw the possibility for the NRAs to share the relevant data and information collected on national markets.

11. As a result of this initiative, officially launched on 10 December 2004, a joint analysis project was set up encompassing the NRAs of France, Hungary, Ireland, Italy, Lithuania, The Netherlands, Norway, Portugal, Sweden and UK, chaired by AGCOM. The joint project team analysed together the data of all the network operators in their 10 countries.

Commission’s Initiatives

12. It is worth mentioning that the Commission also launched over the recent years some initiatives on the issue of international roaming.

13. In July 1999 the Commission (DG Competition) launched a Sector Inquiry into mobile roaming charges. The investigation covered the period from 1997 until the beginning of 2000. In December 2000 the Commission published a “Working Document on the initial findings of the Sector Inquiry into Mobile Roaming Charges”.

14. Given the broad scope of the Sector Inquiry, coordination with the national competition authorities (NCAs) and regulatory authorities was deemed necessary. The inquiry revealed cross-border issues that could also require cooperation among NCAs and NRAs in the Member States.

15. On the basis of the preliminary findings of the Sector Inquiry, the Commission decided to carry out two separate antitrust investigations, in the UK and German WIR markets. These two investigations resulted into separate Statements of Objections, issued by the Commission and sent in July 2004 to Vodafone and O2 in UK, and in January 2005 to Vodafone and T-Mobile in Germany.

16. In the UK investigation the Commission has concluded that each individual UK network constituted, at least for the period specified (1997/1998 - Sept. 2003), a separate market, where both Vodafone and O2 enjoyed a dominant position (100% dominance) and that both companies have abused their dominant position by charging excessive prices within the meaning of art. 82 of the Treaty. In Germany two similar Statements of Objections were issued against T-Mobile for the period from 1997 to the end of 2003, and Vodafone for the period from 2000 to the end of 2003, for abuse of their respective single dominant position (excessive wholesale roaming prices).

17. The four proceedings opened by the Commission are currently on-going and are without prejudice to the market analysis that NRAs have to carry out pursuant to the provisions of the electronic communication sector regulatory framework, as described above.

2. Market Definition

18. Wholesale international roaming represents the services offered by a domestic public mobile network operator providing access and capacity (i.e. voice, SMS, data, etc.) to a foreign mobile network operator for the purpose of enabling the subscribers of the latter to make and receive calls as well as use other mobile services while being registered on its network. Wholesale international roaming services are thus provided by a domestic mobile network operator (visited network) to a foreign mobile network operator (home network).

19. In recent years, the market has seen a development of traffic direction technologies (i.e. the ability by a home MNO to direct its traffic onto a specific foreign network); traffic direction aided by such technologies needs then to be properly addressed for its impact both on the market definition and on the level of competition. Moreover the market has also recently experienced the development and consolidation of pan-European groups and alliances, and of an increasing discounting policy at wholesale level, whose effects on the competition level have to be considered as well.

20. The multinational context and the complex nature of this market increase the need for NRAs to take a coordinated approach in their market analysis and in the eventual regulation of the national WIR markets.

21. The aim of this section is to shed light on some of the most important issues that need to be addressed in order to arrive at a definition of the relevant product and geographical market, for the market of Wholesale International Roaming.

22. In analysing WIR services, at least the following elements should be assessed:

- inbound and outbound traffic;
- originating and terminating traffic;
- voice, SMS, and other data services;
- 2G and 3G networks.

Inbound and outbound traffic

23. From the perspective of a given MNO, inbound traffic represents the roaming traffic that the MNO handles on its network for end users of foreign MNOs, whereas outbound

traffic represents the roaming traffic that its own end users generate while roaming on the networks of other MNOs abroad. Thus when analysing wholesale roaming services, outbound roaming services should not be part of the market for WIR. Nevertheless, following the Commission's guidelines on the market analysis and SMP assessment² the NRAs can take into account any connected market and proceed to examine how the whole sector works.

Inbound originating and terminating roamed traffic

24. Originating traffic refers to traffic originated by roaming end-users (i.e. making calls or sending SMS messages whilst roaming abroad), whereas terminating traffic refers to traffic terminated to roaming end-users (e.g. receiving calls or SMS messages whilst roaming abroad). WIR services comprise both originating and terminating roamed traffic. However, only originated roamed calls are relevant since only these services generally attract wholesale roaming charges. Visited networks usually charge an Inter Operator Tariff (IOT) to home networks when end users of the latter generate originating traffic on their networks.

25. Terminating traffic is usually routed from the home network via an (international) transit operator to the visited network, for which the visited network charges the (international) transit operator the usual mobile termination tariff. As such, the visited network generally does not charge the home network any roaming tariffs for terminating traffic. As long as no roaming charges are levied, the inclusion of terminating roaming traffic is considered not relevant for a competition analysis of the WIR market.

Voice, SMS and other data services

26. Regardless of the extent of substitutability, it is possible to make an argument that consumers purchase a cluster of services from their MNOs, including the ability to make and receive SMS while roaming. At the wholesale level, all MNOs offer SMS roaming service, while none of them offer only SMS and no voice. MNOs always purchase voice and SMS together. Consequently SMS and voice could be regarded as a natural bundle that may be subject to common pricing constraints. Thus there are grounds to regard SMS as being in the same relevant market as voice calls. However, it should be noted that since NRAs have adopted different approaches in including originating SMS within wholesale (call) origination in their respective markets, they should consider national circumstances when analysing whether SMS should be included as part of the WIR market.

27. Mobile Multimedia Service (MMS) and other data services are not currently offered by all MNOs as WIR services, and they are not usually sold as a bundle at wholesale level, as it happens with voice and SMS. Further, from information gathered by the joint analysis project, GPRS and other data services are priced separately from voice and SMS, and where applicable, subject to different discount dynamics. At the retail level there is generally little or no demand-side substitutability between voice calls and SMS on one side and other mobile data services (including MMS) on the other. The ratio of revenues for these services, compared with the total, seems so far limited, yet there is a tendency for it

² Commission Guidelines for market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications product and services, n. 2002/C165/03 of 11 July 2002

to grow rapidly. Therefore, as of today, MMS and other data services have not been included in the relevant wholesale product market within the joint analysis project. However NRAs must consider if there are reasonable grounds for including these services in national market definitions.

Voice and SMS over 2G and 3G networks

28. Voice telephony over 2G and over 3G networks may be seen as good substitutes from the demand side since they are not functionally distinguishable. On the supply side, since 3G networks are already present on the market, they cannot constitute an additional constraint. Consistent with the principle of technology neutrality of the new regulatory framework, it may be reasonable to postulate that voice over both 2G and 3G networks are part of the same relevant product market.

29. The same considerations made for voice over 3G network apply for SMS, and hence the latter service could be included in the WIR market, as long as the corresponding service over 2G networks is included.

Substitution between operators in a given national market

30. Typically, MNOs requiring WIR services from a particular country enter into wholesale roaming agreements with the majority, if not with all of the roamed country's MNOs. Since these roaming agreements are not exclusive, the home networks have no obligation to use any one particular network when providing a roaming service to their end-users.

31. MNOs are increasingly adopting traffic direction techniques, which enable them to select onto which network their end-users register, typically on a preferred visited network. Reasons for the preference can be that the MNO offers the most attractive tariffs or discounts, or that it is member of the same group or alliance. When traffic direction is not used or not effectively used, end-users of the home network will be almost randomly distributed on all of the visited country's mobile networks.³

32. The combination of non-exclusive roaming agreements and the ability to direct traffic should enable MNOs to switch between networks supplying WIR services in response to changes in IOTs and associated discounts. Where such switching does or can effectively take place, then the networks of national MNOs might be considered to be substitutable to each other as far as the demand side is concerned.

33. The evidences gathered by the ERG joint project show that a number of MNOs direct more and more traffic to either group members or alliance members or other preferred networks. Although this trend is expected to continue as groups and alliances continue to consolidate their position in the market, it is not expected that MNOs will be able to direct 100% of their traffic to preferred networks in the short to medium term. Thus roaming agreements with other networks not preferred on the basis of price or alliances/groups should enable MNOs to provide international roaming services when redirection to other networks fails. Another reason for concluding and maintain roaming agreements with more

³ In that case, registration on a visited network depends to a large extent on the network coverage, especially in the ports of entry of the country.

than one MNO is that the agreements are usually bilateral, and as a result MNOs may have more incentives to receive than to send roaming traffic onto a foreign network.

34. Given this background it could be argued that today the relevant product market encompasses all MNOs in a given country.

Geographical market definition

35. Only nationally licensed MNOs can at present compete to provide wholesale roaming services in their own country.

36. For the present it is reasonable to postulate that the relevant geographical market for wholesale international roaming is a national market. However, the presence of regional differences in coverage might entail a different geographical market definition for certain countries.

3. Single Dominance Assessment

37. In order to establish the existence of a single dominant position NRAs are asked, in the Commission guidelines, to undertake a thorough and overall analysis of the economic characteristics of the relevant market before coming to a conclusion as to the existence of significant market power. According to Art. 14 of the Framework Directive *'an undertaking shall be deemed to have significant market power if, either individually or jointly with others, it enjoys a position equivalent to dominance, that is to say a position of economic strength affording it the power to behave to an appreciable extent independently of competitors customers and ultimately consumers'*.

38. This section outlines guidelines on the main criteria considered to be relevant when assessing single dominance in the WIR market. It is not intended to be a guide for the assessment of single dominance in other markets.

Market Shares

39. Market shares are often used as a proxy for market power. Although a high market share alone is not sufficient to establish the possession of significant market power (dominance), it is unlikely that a firm without a significant share on the relevant market would be in a dominant position. Market shares in the wholesale international roaming market characterised as above could be calculated in several ways. For example, market shares for voice and SMS traffic could be based on revenues or on volumes, as in the following:

- Inbound Originating Voice & SMS Revenue⁴
- Inbound Originating Voice Volumes
- Inbound Originating SMS Volumes⁵

Normally volumes are most commonly employed for wholesale markets.

⁴ Revenues should, where possible, comprise net revenues after discounts have been included. This would give a truer reflection of actual payments made in the market place.

⁵ Due to the different measurements used for voice and SMS volumes (i.e. voice minutes and SMS events/messages) it makes more sense to consider these market shares separately.

40. It does not evidently appear, from the evidences gathered by the joint analysis project, that, in general, there are high and persistent market shares in the surveyed markets for international roaming services. The data collected show that in a majority of cases there has been fluctuations in market shares especially in the most recent years. These fluctuations may be explained by a number of factors including, for example, the increased use of traffic direction technologies by MNOs. The absence of persistent high market share and/or fluctuations in market shares between providers of WIR services may be indicative of a lack of market power in the relevant market.

Countervailing buyer power

41. The existence of customers with a strong negotiating position, which is exercised to produce a significant impact on competition, will tend to restrict the ability of providers to act independently of their wholesale customers. Customers ability to exercise a significant countervailing buyer power might be found if, within a reasonable period of time they could find alternative sources of supply when faced with raising prices.

42. Among the most relevant aspects of this market to be considered when assessing the existence of countervailing buyer power are traffic direction and buyer characteristics.

Traffic Direction

43. When assessing the impact of traffic direction on the level of dominance enjoyed in this market, it is necessary to determine the ability of foreign MNOs to avail of such technology and whether there is sufficient use to make relative price increases unprofitable.

44. There appears to be incentives for mobile network operators to negotiate lower-priced wholesale agreements for roaming if they are able to generate more traffic on their networks or attract and retain end-users.

45. Where traffic direction is used successfully, home MNOs could be able to exert countervailing buyer power on the (visited) MNOs in a particular market. Once a home MNO has entered into roaming agreements with more than one MNO in a specific country, through traffic direction it has the ability to lower the level of market power that can be enjoyed by each MNO offering the service. The greater the ability of foreign MNOs to direct traffic onto preferred networks (perhaps based on membership of an alliance or the level of the IOT/discount) the less likely an MNO is capable of exercising market power.

Buyers

46. Number of buyers and buyers' concentration ratio could be used to evaluate countervailing buyer power in the WIR market. In addition, the size of an undertaking relative to its customer might also have an impact on the relative bargaining position.

Strategic alliances/groups - advantages over competitors

47. The relevant question is whether membership (or non-membership) of a strategic group or alliance will affect the ability of an MNO to behave to an appreciable extent independently of competitors, customers and ultimately consumers. For example, while a group member could act independently of competitors and consumers (in relation to its group traffic) it might, anyway, be reluctant to act to the detriment of an affiliate. Further, this MNO must compete like any other MNO for non-group/other alliances traffic. As a first indication it appears that membership of a group should hardly afford an MNO the ability to act independently of competitors in relation to non-group traffic. NRAs should in any case assess the effect of such membership on the level of competition in the market place.

Technological advantages

48. Where an MNO is in a position to offer a greater range of services to the subscribers of a roaming MNO when entering into negotiations, this could act to limit the ability of competitors and customers to exert pressure on the pricing actions of that MNO. All specific characteristics of the national markets should be assessed on a case by case basis; for example, some operators are not able to supply specific value added services such as a short-code for voice mail while roaming, but voicemail can still be reached by dialling a different number. However, most wholesaling MNOs offer homogeneous services at the wholesale level and therefore it appears that it is unlikely they are able to behave sufficiently independent from their national competitors.

Pricing and discounts

49. Relative levels and movements in pricing may be a useful tool for identifying single dominance in a market. For example, if an undertaking is able to price consistently above its competitors irrespective of their pricing behaviour, this might be indicative of a firm's market power (i.e. its ability to behave independently of its competitors). In this regard it may also be useful to analyse the relationship between a firm's wholesale costs and its pricing behaviour (although such an analysis might be more indicative of an abuse of a dominant position rather than a firm enjoying a position of dominance).

Summary

50. In relation to an assessment of single dominance in the WIR market, a number of relevant indicators can be used by MNOs in considering the ability of an MNO to act independently of its competitors. In this context market shares on their own may not be conducive to a finding of single dominance and the effects of increased use of traffic direction and discounting by MNOs will need to be examined in each case.

4. Joint Dominance Assessment

51. This section of the joint analysis focuses on the economic elements that could be considered in a competitive assessment of the WIR market and that are to be treated as indicative considerations. In this respect the data collected must be analysed in view of

assessing the conditions according to which a market would feature firms enjoying a position of economic strength indicating joint dominance.

52. According to article 14, paragraph 2, of the Framework Directive NRAs shall, when assessing whether two or more undertakings are in a joint dominant position, use criteria set out in Annex II of the Directive. Annex II states:

“Two or more undertakings can be found to be in a joint dominant position within the meaning of Article 14 if, even in the absence of structural or other links between them, they operate in a market the structure of which is considered to be conducive to coordinated effects. Without prejudice to the case law of the Court of Justice on joint dominance, this is likely to be the case where the market satisfies a number of appropriate characteristics, in particular in terms of market concentration, transparency and other characteristics mentioned below:

- *mature market,*
- *stagnant or moderate growth on the demand side,*
- *low elasticity of demand,*
- *homogeneous product,*
- *similar cost structures,*
- *similar market shares,*
- *lack of technical innovation, mature technology,*
- *absence of excess capacity,*
- *high barriers to entry,*
- *lack of countervailing buying power,*
- *lack of potential competition,*
- *various kinds of informal or other links between the undertakings concerned,*
- *retaliatory mechanisms,*
- *lack or reduced scope for price competition.*

The above is not an exhaustive list, nor are the criteria cumulative. Rather, the list is intended to illustrate only the sorts of evidence that could be used to support assertions concerning the existence of joint dominance.”

53. According to the Commission's guidelines, while these characteristics are often presented in the form of the above mentioned list, it is necessary to examine all of them and to make an overall assessment rather than mechanically applying a 'check list'. It should be examined whether, in particular, the market operators have a strong incentive to converge to a coordinated market outcome and refrain from reliance on competitive conduct. This will be the case where the long-term benefits of an anti-competitive conduct outweigh any short-term gains resulting from a resort to a competitive behaviour. A mere finding that a market is concentrated does not necessarily warrant a finding that its structure is conducive to collective dominance in the form of tacit coordination or collusion.

54. Tacit collusion relies on a retaliation mechanism, deviation transparency and overall stability of market conditions, in that it is an unstable outcome that can be challenged/undercut by any firm wishing to reap important short-term profits against a long term common strategic focal point.

55. For that reason, in keeping with the Airtours case-law (6 June 2002), there would be a case for a coordinated outcome (i.e. tacit collusion) if the market featured sufficient

transparency to enable firms to monitor the respect of this collective outcome, made it possible for operators to deter competitors from undercutting the collective interest, and finally made it possible for the collective interest not to be challenged by potential competition and demand conditions.

56. The following views regarding the assessment of joint dominance in the WIR market are based on a economical analysis of the data collected in the joint analysis project, and on the basis of the previously described assumptions for market definition.

Mature product

57. The wholesale international roaming market consists in offering voice and SMS services, which are mature products for which it could be argued that there may not be scope for any further significant product differentiation.

Homogeneous product

58. In general, product homogeneity can mean that customers are more willing to substitute suppliers if the case arises; therefore suppliers may be inclined to 'protect' their market shares through tacit collusion. Markets with homogenous products are therefore more conducive to tacit collusion. The vast majority of the wholesale international roaming services being provided by MNOs in the different national markets could be regarded as extremely homogeneous.

Stagnant or moderate growth on the demand side

59. The demand for wholesale international roaming services stems from the demand on the retail level, and is therefore linked to the travel pattern of the customers at the retail level. In terms of the level of traffic, retail level demand for international roaming services is significantly lower than the demand for national services. It is possible therefore that retail level demand may yet be in an early phase and witness a high level of growth in the future. However, the possibility of this to happen is also linked to the retail prices dynamic for international roaming services. As of today there is no substantial evidence to suggest that wholesale demand is dramatically growing.

Similar cost structure

60. Operators with similar cost structures are not likely to have an incentive to compete on the basis of lower costs and lower prices. It is unclear whether operators price their services on the basis of marginal or average costs, and this aspect requires further investigation. However, since most operators offer complete coverage, were the comparison to be undertaken on a marginal cost basis, it could be argued that the operators offering roaming services have a similar cost structure.

Low elasticity of demand

61. Concerning price elasticity, a first analysis of traffic direction effectiveness shows that traffic volumes from or towards alliance or group partners is gradually replacing the volumes directed before towards non-alliance or non-group operators even if in some cases a discount scheme has been set up with these independent operators. Thus it appears that, as of today, within groups and alliances, traffic direction may not be so far directly linked to a given pricing policy, which could be interpreted as a low sensitivity of wholesale demand to price. However NRAs need then to examine whether this form of traffic direction among groups or alliance members is the result of a wholesale roaming price policy or is due to other strategies pursued by groups/alliances.

High entry barriers

62. In the absence of entry barriers any attempt to maintain supra-competitive prices would lead to entry. In this respect, since access to wholesale roaming rights has so far been limited exclusively to licensed public mobile network operators and all of them are currently operating in the market, the wholesale roaming market could be considered to contain high entry barriers.

Lack of potential competition

63. Since the availability of the spectrum is limited, and there are high sunk costs associated with building a mobile network, this would limit the potential competition from supply side substitution.

Indicative views

64. As a first view and without prejudice for the actual market analyses findings by NRAs, the aforementioned features are expectedly conducive to a supra competitive market outcome, in the sense that they relate to the presence, in a tight, closed market, of very similar firms and outputs. In such a situation firms would have a strong incentive to adopt a common strategy of muted competition or even an overtly collusive policy. Any such strategy would result in prices higher than that resulting from the working of a perfectly competitive market.

65. In the light of the above views, it is very important for NRAs to analyse if the market affords the operators the economic strength to maintain a non-competitive outcome.

66. There would be a strong case for tacit collusion, as a coordinated outcome resulting from firms relying on another's respect of a collective interest, if the market features enable operators to deter competitors from undercutting the collective interest, and finally made it possible for the collective interest not to be challenged by potential competition and demand conditions.

67. Account will need to be taken of the recent development of wholesale discount agreements and the emergence of roaming alliances and it will need to be decided in each case whether there is sufficient transparency so as to enable firms to monitor the behaviour of their competitors in the relevant market.

5. Final Considerations

68. To give a broader picture of wholesale roaming market, the relationship between retail and wholesale services price could be also examined. It must be noted that the ERG joint project has not conducted an analysis at the retail level, so that only the following general and preliminary considerations could be drawn:

- discounts at wholesale level have begun to be generally implemented in the last couple of years between MNOs, but so far it has not been brought to evidence that savings are passed on to end users;
- with traffic directions techniques (i.e. the ability by a home MNO to direct its roaming traffic onto specific foreign networks) effectively working there is the possibility to start exerting competitive pressure at the wholesale level, but so far it is unclear whether this is actually happening in a meaningful manner.

69. It should be noted that in the context of the joint analysis project, no analysis and assessment regarding the appropriateness of possible remedies, was conducted. Should an NRA under national specific circumstances arrive at finding any dominant position in its domestic wholesale international roaming market, it must take decisions about eventual regulation, as prescribed in the regulatory framework. The eventual remedies to be imposed at wholesale level should be justified and proportionate in order to achieve the objective of ensuring effective competition.

70. This Common Position shares views with NRAs for their work of analysing and assessing the wholesale international roaming market. In summary, as indicative findings based on the data collected by the joint analysis project, and without prejudice to the market analysis NRAs have to carry out, there seem to be reasonable grounds, today, to suggest that the market should encompass all operators in a given country with a national geographic boundary, and comprise inbound originating roaming services over 2G and 3G networks, including at least voice and SMS services.

71. In respect of a competition assessment, and on the basis of the mentioned market definition, the increasing of wholesale discount agreements, the progressive implementation of more effective traffic direction techniques by a number of MNOs, and the emergence of pan-European groups/alliances, are some of the most relevant factors to be taken into consideration when assessing the existence of single or collective dominant positions, for which this Common Position, in analysing the data collected by the ERG joint project, has surveyed the possible implications.

72. A number of competition problems appear also to be present on the relevant market, and NRAs should address them with all the available instruments and applicable market assessment procedures, under the relevant legislative and regulatory frameworks.