

# [IE] First SMP Designation under New Regulatory Framework

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Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (see IRIS 2002-3: 4) was transposed into Irish law by Statutory Instrument (S.I.) No. 307 of 2003. On 27 April 2004, ComReg (The Commission for Communications Regulation) made its first SMP (significant market power) designation in accordance with Regulation 27(4) of the Framework Regulations. It designated RTÉ Transmission Network Ltd (RTNL), the transmission operating arm of RTÉ, the national public service broadcaster, as having significant market power (SMP) in two wholesale markets. The two markets are those for radio and television broadcasting transmission services on national analogue terrestrial networks. The decision followed an extensive market review process using a wide range of criteria, including market share, countervailing buying power and barriers to entry. ComReg also conducted a prospective analysis of the relevant markets and then engaged in a national consultation. The Decision was notified to and accepted by the European Commission on 2 March 2004. ComReg is now required to impose appropriate ex ante regulatory obligations. It intends to consult on the matter and then notify the European Commission.

***Market Analysis - Wholesale Broadcasting Transmission Services, Decision No.D6/04, Document No.04/47***

<http://www.comreg.ie/fileupload/publications/ComReg0447.pdf>

