[DE] Networks Office Opens Consultation on Market No. 18

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On 22 February 2006, the *Bundesnetzagentur* (Federal Networks Office - BNetzA) published a draft market definition and analysis for broadcasting transmission services (Market no. 18 in the Commission Recommendation). The BNetzA is responsible for regulating the electricity, gas, telecommunications, postal and railway networks. In Recommendation 2003/311/EC on relevant product and service markets within the electronic communications sector liable for *ex ante* regulation, the European Commission had recommended that the national regulatory authorities analyse the identification of various markets, including a relevant market for broadcasting transmission services to deliver broadcast content to end users (market no. 18).

The BNetzA published the results of this analysis in the aforementioned draft consultation document. It stated that, in Germany, 33 major wholesale markets (as defined in the European regulations) were relevant to the distribution of broadcast signals via cable, satellite and terrestrial means or functionally comparable media. This number comprised 10 cable markets and 23 markets in the terrestrial sector, distinguished according to practical and spatial criteria. In the satellite sector, no markets were identified, since the BNetzA concluded that this was an international market for which the European Commission was responsible. The BNetzA considered that only 11 of the wholesale markets defined were liable for regulation, i.e. the cable markets and one terrestrial market. The latter was the market for analogue terrestrial FM radio broadcasting, in which T-Systems had considerable market power.

The cable markets are subdivided into cable input markets and signal delivery markets, the latter being a specifically German concept since it arises from the existence of a level 4 network, whose operators are dependent on the signals delivered by level 3 providers.

Comments on the draft could be made as part of the consultation process within one month of its publication.

Konsultationsentwurf der Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen: Rundfunk-Übertragungsdienste zur Bereitstellung von Sendeinhalten für

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Endnutzer, Markt Nr. 18 der Empfehlung 2003/311/EG

http://www.bundesnetzagentur.de/media/archive/5146.pdf

Draft consultation document of the Federal Networks Office for electricity, gas, telecommunications, post and railways: broadcasting transmission services delivering broadcast content to end users, market no. 18 of Recommendation 2003/311/EC

Empfehlung der Kommission vom 11. Februar 2003 über relevante Produkt- und Dienstmärkte des elektronischen Kommunikationssektors, die aufgrund der Richtlinie 2002/21/EG des Europäischen Parlaments und des Rates über einen gemeinsamen Rechtsrahmen für elektronische Kommunikationsnetze und -dienste für eine Vorabregulierung in Betracht kommen (2003/311/EG)

http://europa.eu.int/eur-lex/pri/de/oj/dat/2003/l_114/l_11420030508de00450049.pdf

Commission Recommendation of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (2003/311/EC)

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