

WRITTEN QUESTION E-4789/07  
by Aldo Patriciello (PPE-DE)  
to the Commission

Subject: Effects of AGCOM's failure to analyse the applications for exemption submitted by alternative operators

The current situation on the Italian telecommunications market is characterised by profound regulatory uncertainty because of the relevant national authority's slowness in defining the most important subjects of inquiry, such as the assessment of call termination rates on the basis of investments made by operators.

In decision 417/06/CONS the authority responsible for competition and the market (AGCOM), acknowledged that an alternative operator may charge call termination rates based on its own accounts, setting three months as the final deadline for the authority to close the investigation procedure.

The main Italian alternative operators have submitted an application to this effect, attaching the figures concerning the costs actually incurred in setting up their own networks and the investments made.

The Italian Parliament has adopted a law enabling AGCOM to identify instruments that allow operators equal recognition of investments already made in new-generation networks and to define investment incentive plans for operators via tariff remuneration plans.

AGCOM has stressed the need to allow alternative operators to justify their own call termination rates on the basis of decisions to develop their respective networks, in view of the differences between the traditional operator network and the networks of the new operators coming onto the market.

The European Commission itself has recognised, in all its communications, the possibility of assessing differentiated termination rates with reference to objective factors such as different network architectures.

1. Does not the Commission consider that the aim of promoting investment in innovation, in order to stimulate growth and employment in the single market and to harmonise the legislative framework for electronic communications, requires that the national authorities eliminate uncertainty regarding regulations, not least in consideration of the principle of non-discrimination compared with the treatment given to other operators on the market?

2. Does not the Commission consider that, also in the sector of fixed telephony, the national authorities should recognise the applications for exemption submitted by alternative operators in accordance with the principle set out in Article 13 of Directive 2002/19/EC<sup>1</sup> on access, taking account of the investments made by operators and the attendant risks, and adopting cost models designed to benefit efficient operators and a level of competition to the advantage of consumers, so that a common European approach for cost-oriented termination rates may be defined in the sector of fixed telephony too?

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<sup>1</sup> OJ L 108, 24.4.2002, p.7.