Question for written answer E-006918/2020
to the Commission
Rule 138
Antonius Manders (PPE)

Subject: European Electronic Communications Code (EECC): possible anti-competitive developments

One of the main objectives of the European Electronic Communications Code (EECC), as stated in its Article 1, is to ‘implement an internal market in electronic communications networks and services’, while at the same time ‘ensuring the provision throughout the Union of good quality, affordable, publicly available services through effective competition and choice’.

However, while the EECC aims to promote infrastructure competition, there are signs of a return to a monopoly in some EU telecoms markets. For example in Italy, where a merger of the incumbent operator’s fixed broadband network with that of its main challenger, Open Fiber, is being considered. This would mean an effective re-monopolisation of the broadband market there.

1. Could the Commission confirm whether the re-monopolisation of the fixed access market would be consistent with EU antitrust rules and EU telecoms policy, and if so, under what conditions?

2. Could it also say whether it would be lawful, according to EU rules, for the incumbent operator to maintain some form of control over the new merged entity, thereby remaining a vertically integrated operator with full control of the wholesale market?

3. If not, how could it be ensured that such a precedent does not spill over to other EU markets, thereby hampering the EECC’s objective of implementing an internal market in electronic communications?