

**Priority question for written answer P-006835/2020  
to the Commission**  
Rule 138  
**Ralf Seekatz (PPE)**

**Subject:** Fulfilment of the requirements governing the Telefónica/E-Plus merger

In 2014, Telefónica Deutschland took over the mobile network operator E-Plus. Approval was made conditional on fulfilment of certain requirements. In particular, it was stipulated that operators should be able to share the Telefónica network, in order to offset the reduction in the level of competition stemming from the cut in the number of network operators from four to three. Mobile virtual network operators (MVNOs) must have non-discriminatory access to the network. In addition, a new fourth network operator must be allowed to enter the mobile telephony market, in particular through the granting of national roaming rights.

The Commission opened a procedure in February 2019, because Telefónica may have failed to meet the requirement to offer 4G wholesale services to all interested market players in accordance with the terms of the merger.

In June 2019, at the German frequency auction, 1&1 Drillisch was awarded the 5G frequencies that will make the deployment of a dedicated mobile telephony network possible. As a condition for approval of the Telefónica/E-Plus merger, 1&1 Drillisch has had a cooperation agreement (known as the MBA-MVNO agreement) with Telefónica since 2014. In line with the requirements agreed to at the time of the merger, this contract can be converted into a national roaming agreement. The two companies have already been conducting negotiations to clear the way for such a step for two years.

1. What stage has been reached in the procedure opened by the Commission in February 2019? What steps has the Commission taken since it forwarded the statement of objections, and what steps are still planned?
2. What stage has been reached in the conversion of the MBA-MVNO contract into a national roaming agreement? What steps has the Commission taken to resolve the dispute and speed up fulfilment of the agreed requirements, and what steps are still planned?