

Dear Raffaele,

With respect to your question below, please see our statement.

On the record:

- In her reply to the MEP's question with respect to a possible merger of TIM and Open Fiber, EVP Vestager clarifies that there are two elements to look at when assessing the possible transaction: (a) the competition aspects and (b) the regulatory aspects.
- From the competition aspect, the Commission is following the developments closely. More specifically, this transaction has not been notified to the Commission and it is always up to the companies to notify a transaction to the Commission, if it has an EU dimension. At this stage, we cannot make any comment on the substantive assessment of the potential transaction, including the impact of the possible elimination of competition and vertical integration between the parties.
- Separately, and from a regulatory perspective, a possible transaction would have to respect the principles laid out in the regulatory framework for electronic communications, in particular the European Electronic Communications Code (EECC) that Member States had to transpose into national law by 21 December 2020. The EU regulatory framework is aimed at ensuring that EU telecoms markets give consumers and businesses the benefits of competition, increased choice, affordable prices, and access to very high capacity networks and innovative services. The EECC includes specific provisions for genuine 'wholesale only' network operators.
- EVP Vestager's reference to Article 80 of the EECC was not specific to the this possible transaction, as is it not possible at this stage to determine whether this provision may have a relevance. In general, as she pointed out, under Article 80 of the Code, National Regulatory Authorities may impose lighter regulation on undertakings with significant market power if these are active only on the wholesale market and the strict conditions provided for in the article are met. The Commission verify the assessment of the National Regulatory Authorities under the procedure laid down in article 32 of the CODE.

Best, Maria

Maria TSONI

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European Commission

Spokesperson's Service