

RTR ordinance identifying the relevant national markets susceptible to sector-specific regulation in the telecommunications sector (Telekommunikationsmärkteverordnung 2008 – TKMV 2008)

The following ordinance has been issued on the basis of Art. 36 Par. 1 and 2 of the Austrian Telecommunications Act 2003 (TKG 2003, Federal Law Gazette I No. 70/2003 as amended by Federal Law Gazette I No. 133/2005):

Art. 1. The following markets are defined as factually relevant:

1. Access to the public telephone network at a fixed location for residential customers (retail market);
2. Access to the public telephone network at a fixed location for non-residential customers (retail market);
3. Physical access to network infrastructure (wholesale market);
4. Call origination on the public telephone network provided at a fixed location (wholesale market);
5. Call termination on individual public telephone networks provided at a fixed location (wholesale market);
6. Retail leased lines up to and including 2.048 Mbit/s (retail market);
7. Terminating segments of leased lines with low bandwidths up to and including 2.048 Mbit/s (wholesale market);
8. Terminating segments of leased lines with high bandwidths over 2.048 Mbit/s up to and including 155.52 Mbit/s (wholesale market);
9. Termination on individual public mobile telephone networks (wholesale market).

Art. 2. (1) The relevant geographical area covered by the factually relevant markets under Art. 1, with the exception of the market pursuant to Art. 1 No. 8, is the entire territory of the Federal Republic of Austria.

(2) The market pursuant to Art. 1 No. 8 includes all (sub-)products belonging to the market except for those where both ends of the leased line are located within one of the following Austrian municipalities: Bregenz, Dornbirn, Feldkirch, Graz, Hallein, Innsbruck, Klagenfurt, Linz, Salzburg, Steyr, Wels and Vienna.

Art. 3. This ordinance will go into effect on December 30, 2008.

Art. 4. Art. 1 Nos. 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the Telecommunications Markets Ordinance 2003 (TKMVO 2003 as amended by Federal Law Gazette II No. 117/2005) will be abrogated as of December 30, 2008.

Austrian Regulatory Authority for Broadcasting and Telecommunications
Vienna, December 23, 2008

Managing Director
Serentschy