



Press release

THE BRUSSELS COURT OF APPEAL ANNULS A CRC DECISION ON THE ANALYSIS OF THE BROADBAND INTERNET MARKETS

Brussels, 6 July 2016 - On 29 June 2016 the Brussels Court of Appeal annulled the decision of the Conference of Regulators of the electronic communications sector (CRC) renewing the analysis of the broadband Internet markets aiming to allow the alternative operators access to Proximus's fixed broadband network.

On 18 December 2014 the CRC had adopted a renewal decision regarding the analysis of the broadband Internet markets of 2011 aiming to allow the alternative operators the possibility to access Proximus's fixed broadband network. That renewal decision's goal was to repair the lack of motivation in the decision of 1 July 2011 which the Brussels Court of Appeal had established in an annulment decision of 3 December 2014. This CRC decision of 1 July 2011 intends to enable alternative operators to offer Internet access and television services to their clients through Proximus's network.

An arrest of the Brussels Court of Appeal of 29 June 2016 annulled that renewal decision of 18 December 2014. The Court states that, even though the renewal decision correcting a 2011 decision was notified to the Belgian competition authority and to the European Commission in advance, the CRC should have submitted a new notification to these bodies before adopting its decision. Furthermore, the Court of Appeal notes that, when a period of 3 years has expired since the previous market analysis, a sufficiently updated draft decision should be submitted to the European Commission. The Court of Appeal did not judge on the merits.

The Brussels Court of Appeal also specified that, because of this annulment, the previous market analysis decision, of 2 September 2009, enters into force again, which means that the regulated access to Proximus's broadband network as imposed in 2009, remains in force.

At the moment BIPT, together with the other CRC members, is working on a new market analysis. That market analysis shall take into account as much as possible the arrest of 29 June 2016.

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