EN
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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(10.2.2021)

1. The Commission understands that the negotiations concerning a possible merger of TIM and Open Fiber are still ongoing. If the transaction is a concentration within the meaning of the EU Merger Regulation and meets the requisite turnover thresholds set therein, the parties are obliged to notify that transaction to the Commission, which will then carefully assess its effects on competition. The Commission is closely following developments, however it has not, to date, received any such notification. In line with the European Electronic Communications Code (EECC), the Commission attaches great importance to competition in the electronic communications sector, and recognises the role of competition in the deployment of advanced fixed and wireless networks, as well as in the provision of affordable and high quality services using these networks.

2. Article 80 of the EECC provides certain forms of regulatory relief for undertakings with significant market power active only on the wholesale market, but it does not preclude vertical integration as such. If such integration were the result of a merger with Union dimension, it would need to be assessed under the EU Merger Regulation.

3. As guardian of the Treaties, the Commission is committed to ensuring the respect of Union law throughout the Union in an even-handed and impartial manner. Therefore, any concentration with a Union dimension has to be assessed in full compliance with EU competition rules and on its own merits. In parallel, the EECC, while promoting connectivity and competition, assigns to the National regulatory authorities, in cooperation with the Commission and BEREC[1], the role to identify the types of instruments and remedies best suited to address particular types of situations in the market and to contribute to the development of the internal market.

[1] The Body of European Regulators for Electronic Communications