



PRESS RELEASE

## **The Market Court dismisses the actions against the regulation of the broadband Internet and broadcasting markets**

**Brussels, 6 September 2019 - In a ruling of 4 September 2019 the Market Court considered unfounded the appeals of Telenet, Brutélé and Nethys against the decisions of the CRC of 29 June 2018 obliging them to open their networks to competitors.**

On 29 June 2018, the Conference of regulators in the electronic communications sector (CRC) adopted several decisions aiming at enhancing competition on the broadband Internet and broadcasting markets. These decisions impose a series of obligations upon Proximus and the cable operators Telenet, Brutélé and Nethys, who, in particular, have to open their networks to competitors and apply fair tariffs for the services they provide to these competitors. Since their entry into force, the CRC decisions of 29 June 2019 have already triggered more competition, for instance, with the launch of “Internet only” offers that are more attractive in terms of price.

Following these decisions, Telenet, Brutélé and Nethys (the latter two operating under the brand name “Voo”) lodged several appeals with the Market Court. These companies were contesting the findings of the CRC according to which they hold significant market power on the relevant markets, as well as the remedies imposed upon them.

In a judgement of 4 September 2019, the Market Court rejected all the grounds put forward by the cable operators, both as regards the procedure (notably a plea based on an alleged lack of appropriate consultation) and substantive aspects of the decisions (the definition of the markets, the competitive analysis and the imposed remedies). The Court found that the decisions adopted by the regulators were not vitiated by procedural irregularities or defects in its motivation as alleged by the applicants.

As to the substance, the Court found that an annulment can only be justified by manifest errors of assessment and that the cable operators produced no evidence of such errors. The Court considered that the retail market was properly defined and that the competitive analysis was thorough and appropriate. The Court also ruled that no materiel error was made by the regulators when imposing remedies (among which the new obligation to provide access to an “Internet only” wholesale access service, the right for an alternative operator to carry out themselves customer installations and the definition of a provisional access price in the absence of a commercial access agreement).

By confirming the validity of the decisions of the CRC, the judgement of the Market Court allows to maintain a stable and predictable regulatory framework that is necessary for the development of competition in the long term. The regulators making up the CRC (BIPT, the CSA, the Medienrat and the VRM) will continue the implementation of these decisions. One of the next steps will be to determine new wholesale tariffs to access the cable networks and to Proximus' FTTH network.

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