Antitrust: Commission closes investigation into internet connectivity services but will continue to monitor the sector

The European Commission has closed an investigation into practices by European telecoms operators in the internet connectivity markets. Inspections were carried out in July 2013 (see MEMO/13/681). Following a review of the evidence obtained during the investigation, the Commission has come to the provisional view that the observed practices do not appear to breach EU antitrust law with a view to shutting out competitors from either the internet transit market or internet content markets. The fact that the Commission carries out unannounced inspections, under its responsibility to ensure EU antitrust rules are complied with, never prejudges the outcome of an investigation. The Commission assesses the information collected through inspections impartially. This sometimes leads, as today, to the closure of a case for lack of evidence of anti-competitive conduct.

The European telecoms operators which were investigated all provide internet access services to end users and often have an in-house internet transit division. This allows them to charge for interconnection capacity and, in the absence of commercial agreement with certain third party transit operators, may also have the effect that traffic from certain routes becomes congested at the point of entry into domestic networks, causing a deterioration in service quality.

However, the Commission found no evidence of behaviour aimed at foreclosing transit services from the market or at providing an unfair advantage to the telecoms operators’ own proprietary content services, in breach of EU rules that prohibit the abuse of a dominant market position (Article 102 of the Treaty on the Functioning of the European Union).

Nevertheless, it is important that users are aware of the interconnection policies pursued by their internet access providers and the impact that this may have on the quality of service obtained from certain content providers, whose content requires a high bandwidth (e.g. video streaming). The Commission will therefore continue to monitor the sector closely.

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