

ANNEX II
Short form relating to notifications of draft measures pursuant to Article 7 of
Directive 2002/21/EC (Framework Directive)
 (Short notification form)

INTRODUCTION

The short notification form specifies the summary information to be provided by national regulatory authorities to the Authority when notifying draft measures under the short notification procedure in accordance with Article 7 of Directive 2002/21/EC (Framework Directive).

It is not necessary to provide a copy of the draft regulatory measure or to attach any other document to the short notification form. However, it is necessary to indicate the Internet reference through which the draft measure can be accessible in the short notification form.

1. One or several markets which has/have been removed from or have not been previously listed in the Recommendation on relevant markets is/are found to be competitive or not to meet the three criteria		
Please briefly describe the content of the notified draft measure. In particular, please refer to the relevant market concerned and the reasons why you consider that the market is effectively competitive, or the three criteria are not met:		
Please indicate the Article 7 notification reference of the previously notified draft measures:		
Does the NCA agree with the proposed draft measure as regards the analysis of the relevant market?	Yes <input type="checkbox"/> If no, please outline reasons:	No <input type="checkbox"/>
Internet reference to the draft measure:		
Comments:		
2. One or several markets which was/were found to be competitive in a previous market review is/are still competitive:		
Please briefly describe the content of the draft measure, indicating the relevant market concerned:		
Please indicate the Article 7 notification reference of the previously notified draft measures:		
Are there changes: to the market definition, as compared with previously notified draft measures?	Yes <input type="checkbox"/> If yes, please describe briefly	No <input type="checkbox"/>

Does the NCA agree with the proposed draft measure as regards the analysis of the relevant market?	Yes <input type="checkbox"/> If no, please outline reasons:	No <input type="checkbox"/>
Internet reference to the draft measure:		
Comments:		
3. Changes to technical details of a previously imposed regulatory remedy.		
Please summarise the notified changes to the remedies indicating the relevant market concerned	<p>Nkoms decision on empty exchanges of 8 June 2023 requires Telenor to publish a complete list of exchanges that have become empty after 1 July 2022 on its website for wholesale products, and Telenor is also required to give notice of 3 months from the time the exchange was notified empty before it could be shut down. Nkoms decision regarding "sales freeze" of 25 November 2024 means that access buyers can no longer order copper access in Market 3a and 3b to exchanges that have become empty. Nkom therefore believes that it is not necessary to maintain this 3-month notice period before an empty exchange can be decommissioned. This means that Telenor can decommission an empty exchange immediately after it has become empty.</p> <p>Further, the Nkoms decision regarding "sales freeze" means that Telenor is no longer obliged to execute new orders for access to DSL and Operator Access, and thus that copper access that the access purchasers do not use, will not be able to be used in the time until the copper network's end date of 2 September 2025. Against this background, Nkom believes that it would be disproportionate to require Telenor to maintain the parts of the copper network that are no longer in use.</p>	
Please justify your conclusion that the measure consists of a change on a technical detail of a remedy and does not change the nature or the general scope of a remedy:	<p>Regarding notice period: The core obligation remains unchanged in the sense that the original remedy required Telenor to publish a list of empty exchanges and maintain a 3-month notice period before decommissioning these exchanges. The updated decision does not remove Telenor's obligation to provide information about empty exchanges; it only removes the 3-month waiting period for decommissioning.</p> <p>Regarding parts of the copper network that are no longer in use: The decision regarding "sales freeze" is what affects the access buyers' ability/right to request access to copper lines. The change made in this decision does not alter the access obligation itself but removes the formal barriers, allowing Telenor to decommission parts of the copper network that are not in use—and that will never be utilized due to the sales freeze. The only change is that Telenor is no longer required to maintain network components that are not in use. This adjustment is therefore a natural consequence of the "sales freeze" and not a fundamental change in the access obligation.</p>	
Please indicate the Article 7 notification reference of the previously notified draft measures:	<p>ESA's No Comments Letter Brussels, 18 November 2024 Case No: 93009 Document No: 1498097</p>	

Internet reference to the draft measure:	Draft Decision - Repeal of certain copper obligations.pdf	
Comments:	<p>Pursuant to Section 4-1 of the Electronic Communications Act and based on the decision on the "sales freeze" of November 25, 2025, Nkom issues a decision that entails the repeal of the following obligation in the decision on empty exchanges of June 8, 2023, point 7.2:</p> <p>"Telenor may decommission exchanges on this list no earlier than three months after the information mentioned in this section has been made available to access buyers in the prescribed manner."</p> <p>Pursuant to Section 4-1 of the Electronic Communications Act and based on the decision on the "sales freeze" of November 25, 2025, Nkom issues a decision that entails the following amendment to point 5.1 of the Copper Decision for Market 3a and Chapter 7.2.17 of the M3a Decision, and to point 5.2 of the Copper Decision for Market 3b and Chapter 7.2.15 of the M3b Decision, so that respectively point 463c and 298c shall now read as follows:</p> <p>"Telenor's obligation to maintain access to the copper-based access network pursuant to section 463b/298b includes the wholesale access services that are still in use in Telenor's copper-based access network."</p>	
4. Imposition on further operators of remedies already analysed and notified in relation to other undertakings that are similar as regards their customer base or total turnover in telecoms markets, without changing the principles applied by the NRA in the previous notification		
Please briefly summarise the content of the draft measure, indicating the relevant market concerned:		
Please indicate the Article 7 notification reference of the previously notified draft measures:		
Please list the operators on whom this draft measure imposes obligations:		
Does the NCA agree with the proposed draft measure as regards the analysis of the relevant market?	Yes <input type="checkbox"/> If no, please outline reasons:	No <input type="checkbox"/>
Internet reference to the draft measure:		
Comments:		