

- **Spain: The National Competition Commission (CNC) opens formal Proceedings against Telefónica Móviles, Vodafone and Orange**

After a confidential probe carried out of its own motion, the Investigations Division of the CNC opened formal proceedings on 17 January 2011 against Telefónica Móviles de España, S.A.U., Vodafone España, S.A.U. and France Telecom España, S.A. for a possible abuse of a dominant position, prohibited by Article 2 of the Spanish Competition Act and Article 102 TFEU.

The information on the case file provides prima facie evidence that the operators concerned may have engaged in a practice consisting of applying excessive prices for wholesale origination and termination services for short SMS and MMS messages in the national territory on their mobile telephony networks.

Wholesale origination services are interconnection services that mobile operators with their own access network (OMR) provide to virtual mobile operators (OMV) to which they offer host operator services. Through these services the OMV are sent the short messages generated by their clients' terminals on the access network of the host operator.

The wholesale short messages termination service is an interconnection service offered by each of the mobile operators that allows the termination of short messages sent to their clients which originated on the networks of other operators.

The opening of proceedings does not prejudice the final outcome of the investigation. There is now a maximum period of 18 months for the investigation of the case and its resolution by the Council of the CNC.

See further: <http://www.cncompetencia.es/Default.aspx?TabId=105&ContentId=291068&Pag=1>