

Mrs. Arianna Podestà
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European Union
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Rome 11 February, 2021

Object: *The answer of European Vice President Margrethe Vestager to the written question submitted by MEP Antonius Manders (EPP)*

Dear Mrs. Podestà,

Major Italian newspapers have interpreted the answer of European Vice President Margrethe Vestager to the written question submitted by MEP Antonius Manders (EPP) on possible anti-competitive developments in the Italian telecom market in case of a merger between the national incumbent TIM and its main infrastructural competitor, the wholesale-only Open Fiber, as a confirmation that such merger would not be against the EU law.

While in her answer EVP Margrethe Vestager reiterated that a potential merger would have to be notified to the European Commission and assessed under the EU Merger Regulation, should it have a European dimension, she added that Art.

80 EECC would not prevent a vertical integration as such, without specifically referring to the case at stake.

However, on 18 September 2020 she declared that it would be possible to imagine a single wholesaler at national level, but the Commission would have to assess whether such wholesaler is independent, having no vertical ties with retailers.

Considering that it appears that TIM wishes to maintain a majority stake in the new single entity and that its creation would mean the merger between the two largest infrastructural operators in Italy by far, would you confirm that the interpretation made by some of the main Italian newspapers of EVP Margrethe Vestager's answer is correct?

Moreover, could you clarify the reference to Art. 80 EECC, an article dedicated to the regulatory relief granted to wholesale-only operators, since MEP Antonius Manders did not mention such provision in his question, nor does it seem to be central in this context?

Yours Faithfully



Raffaele Barberio, Editor in Chief, Key4biz.it