

Public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test (ex-ante margin squeeze test)

Run from 29 September to 24 October 2014

In 2013 the Commission adopted [Recommendation 2013/466/EU on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment](#). The Recommendation requires NRAs, among others, to put in place obligations to ensure economic replicability of retail offers of undertakings with significant market power (SMP) and therefore preventing them from engaging in margin squeeze practices.

Based on the experience of NRAs in conducting ex-ante margin squeeze tests and taking into account Annex II of the Recommendation, which introduces the parameters of the economic replicability test, in compliance with its Work Programme 2014, BEREC has decided to develop a Guidance document to provide the NRAs with information on how to conduct the economic replicability test and more generally ex-ante margin squeeze tests in practice.

Therefore during the [20th BEREC plenary meeting \(25-26 September 2014, Rome\)](#) BEREC approved for a [public consultation](#) a [draft BEREC Guidance on the regulatory accounting approach to the economic replicability test \(ex-ante margin squeeze test\)](#). The public consultation ran from 29 September to 24 October 2014, with an oral hearing on 16 October 2014 during the [2nd BEREC Stakeholder Forum meeting](#).

During the public consultation BEREC received 11 contributions, which were examined and reflected in the revised Guidance paper where appropriate. All individual contributions have been published on the BEREC website subject to any confidentiality requirements introduced by the contributors.

An overview of the contributions received and explanation how they were reflected in the revised Guidance is presented in the Report on the outcome of the public consultation.

The final text of the Guidance as amended after the public consultation was approved by BEREC during the [21st plenary meeting of the Board of Regulators](#), held in Brussels on 5 and 6 December 2014.

List of all documents related to the consultation

Reg. №	Document Title or Name of Contributor
Document subject to consultation:	
BoR (14) 123	Draft BEREC Guidance on the regulatory accounting approach to the economic replicability test (ex-ante margin squeeze test)
List of all individual contribution received by BEREC:	
BoR PC05 (14) 01	Contribution by TDC to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test

BoR PC05 (14) 02	Contribution by FTTH Council Europe to the public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 03	Contribution by Wind to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 04	Contribution by Telefonica to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 05	Contribution by Deutsche Telekom to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 06	Contribution by KPN to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 07	Contribution by FASTWEB to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 08	Contribution by Vodafone to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 09	Contribution by ECTA to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 10	Contribution by ETNO to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
BoR PC05 (14) 11	Contribution by Telecom Italia to the BEREC public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test
Documents approved by BEREC after the public consultation:	
BoR (14)189	Report on the BEREC PC on document “Guidance on the RA approach to the economic replicability test (i.e. ex-ante/sector specific margin squeeze tests)”
BoR (14) 190	BEREC Guidance on the regulatory accounting approach to the economic replicability test (ex-ante margin squeeze test)
Other related documents:	
BoR PC05 (14) 12	History of the public consultation on the draft BEREC Guidance on the regulatory accounting approach to the economic replicability test (ex-ante margin squeeze test)