

The Belgian Competition Authority has decided to dismiss Telenet's complaint against Proximus and Orange regarding their mobile infrastructure sharing agreement ("RAN-sharing")

In October 2019, Telenet Group NV and Telenet BVBA ("Telenet"), a provider of fixed and mobile telephony, internet and television services active in Belgium, filed a complaint with the Prosecutor General of the Belgian Competition Authority ("BCA"). This complaint was directed against Proximus NV ("Proximus") and Orange Belgium NV ("Orange"), both of which are also providers of fixed and mobile telephony, internet and television services in Belgium, and concerned the signature in July 2019 of a term sheet by Proximus and Orange providing for the sharing of certain parts of their respective mobile network access infrastructure. This agreement was subsequently concluded in November 2019, and covers the shared deployment of a new 5G mobile network as well as the merging of existing 2G, 3G and 4G infrastructure throughout Belgium.

Telenet's complaint concerned the impact of the cooperation between Proximus and Orange on the spectrum auction on the one hand, and on the other hand the impact of this cooperation on competition in the retail and wholesale mobile telecommunications markets.

On 23 December 2022, the Investigation and Prosecution Service has decided to dismiss Telenet's complaint against Orange and Proximus. The Investigation and Prosecution Service considered that its in-depth investigation did not reveal any (potential) restriction of competition resulting from this RAN-sharing agreement, both at the level of the spectrum auction and at the level of competition on the retail and wholesale mobile telecommunications markets.

A non-confidential version of the decision was published today on the BCA website under file number MEDE-P/K-19/0035.

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The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)