

## Interconnection in the Netherlands

Note: this overview is a general overview, which is not meant to give a detailed outline about the interconnection regulations in the Netherlands.

In September 1995 guidelines were published in the Dutch Official Journal indicating how the Minister would deal with conflicts between mobile licensees and the incumbent operator with regard to interconnection.

The Minister has recently also published guidelines with regard to interconnection-conflicts between fixed infrastructure licensees and the incumbent operator. Before publishing these guidelines, the Minister asked all interested parties to give their comments on a consultation document relating to important aspects of interconnection.

During this consultation-period it was still the Minister who was responsible for settling interconnection disputes, however, recently the Law installing the independent agency (OPTA) was adopted. This means that from now on the OPTA is responsible for the resolution of disputes. This also means that the OPTA can issue new guidelines but it is expected that at present they will not make significant changes to the current interconnection guidelines which were issued by the Minister.

On the basis of these interconnection guidelines lays the principle of free negotiations between interested parties.

In case of a dispute, the OPTA will make a judgement according to the ONP-principles, which are determined in the European Union: non-discrimination, cost-based tariffs, transparency and unbundling of tariffs.

Furthermore, the party who asks for interconnection only pays for the services which have been delivered to him. The costs of interconnection will be determined along the lines of the principle of embedded direct costs (EDC). This is an approach on the basis of incremental, historical costs. In principle the tariffs have to be unbundled in order that different network-components will be available. Also it is required that the incumbent operator (KPN) gives access to its network at every place where it is technically feasible to interconnect. This also means on the level of the number-stations.

*At present there is a dispute going on between KPN and Telfort (another licensee with fixed infrastructure), where Telfort is of the opinion that the KPN interconnection rates are too high. Attached to this summary is the press release about this dispute. Telfort is not completely satisfied with the verdict which the Minister gave on the 26th of June 1997. The Minister decided that KPN was to reduce its terminating access rate, but the rate for originating access was not considered unreasonable. This again is disputed by Telfort. The current situation is that Telfort, KPN and Versatel (a company who considers itself as an interested party) have lodged an appeal against the verdict. OPTA will judge these appeals and if parties are then still not satisfied with the outcome of the dispute, they can go to the regular court which deals with company disputes. Since the complaint of Telfort came at the time that the OPTA was not yet officially independent, it was the Minister who judged the case at first instance.*

*OPTA now is officially installed by law which means that the next disputes will go directly to this agency and that the Minister is not any more involved.*