

**TECHNICAL NOTEBOOK ON “COLLECTING CASES OF ANTI-COMPETITIVE PRACTICES AND UNFAIR COMPETITION IN TELECOMMUNICATION SERVICES”**

The XXVI Meeting of Permanent Consultative Committee I: Telecommunications/Information and Communication Technologies (PCC.I),

**RECOGNIZING:**

- a) That the work of the Rapporteurship on Economic Aspects of Telecommunications/Information and Communication Technologies (ICTs) Services aims to study economic aspects of telecommunication services such as tariff issues and promoting competition intensity in order to make recommendations on best regulatory practices;
- b) That promoting competition intensity includes investigating practices that are allegedly contrary to fair, free competition in telecommunications markets;
- c) That punishing such practices discourages them in the market and promotes an environment of free, fair competition;
- d) That joint efforts among Member States are needed to collect experience in investigating cases where the rules of free, fair competition have been violated, in order to share views on how to deal with certain practices and adjust the penalties imposed on offending companies, so as to help Member States resolve such cases for telecommunication services,

**CONSIDERING:**

- a) That the Terms of Reference for the Rapporteurship on Economic Aspects of Telecommunications/ICTs Services envision, among other things, designing a mechanism to facilitate the sharing of jurisprudence developed in cases of unfair competition and non-competitive practices in the provision of telecommunication services;
- b) That Member States need information to assess the anti-competitive and unfair practices of their peers, and access to criteria used by other authorities to similar cases, in order to facilitate their resolution and gain greater understanding of potentially anti-competitive or unfair practices used by companies providing telecommunication services,

**TAKING INTO ACCOUNT:**

- a) That Member States would benefit from having centralized information on how different institutions or organizations have dealt with anti-competitive and unfair competition practices in the telecommunication markets;
- b) That one of the goals of the Rapporteurship on the Economic Aspects of Telecommunications/ICTs Services is for Member States to share jurisprudence on free competition and unfair competition;

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<sup>1</sup> CCP.I-TIC/doc. 3456/15

c) That disseminating information on anti-competitive and unfair competition practices in the telecommunications industry is one part of the Work Plan of the Rapporteurship on the Economic Aspects of Telecommunications/ICTs Services,

**RESOLVES:**

1. To approve the creation of a Technical Notebook on “Collecting Cases of Anti-competitive and Unfair Competition Practices in Telecommunication Services,” in order to provide updated, detailed information on the experience, criteria and conclusions developed by OAS/CITEL Member States in that regard.
2. To appoint the Peruvian Administration as the Coordinator for this Technical Notebook, represented by Mr. Sergio Cifuentes Castaneda, as the Rapporteur of the Rapporteurship on the Economic Aspects of Telecommunications/ICTs Services, whose task will be to collect information from Member States and Associate Members, and to keep it updated.
3. To approve the Contents of the Technical Notebook, as shown in Annex.
4. To request that the Secretariat of CITEL distribute this resolution among the Administrations, in order to begin the information collection process.
5. To request that the CITEL Member States include information in that Notebook.

**ANNEX TO RESOLUTION PCC.I/RES. 237 (XXVI-15)**

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