

vj-080_2004_tab_a.doc

Case number:	Vj-80/2004
Short title (party, conduct, type of case):	Vodafone – mobile phone service – abuse of dominance
Type of case:	Abuse of dominance Restrictive
Description:	<p>The Competition Council of the Gazdasági Versenyhivatal on trial of 12 May 2005 qualified the Vodafone's practice concerning binding employment of voice mail service in case of unsuccessful calls as abuse of economic dominance. In the course of the competition supervision proceeding forming the basis of the decision it has been established that Vodafone terminated the unsuccessful calls for its subscribers into voice mail in such a way that the callers had not been previously informed of the unavailability of the person called, and they were informed only when the answering machine voice mail started to speak simultaneously with their payment obligation equivalent to completed calls was triggered to arise. Due to this illegal practice those callers who otherwise did not intend to use the voice mail service i.e. to leave a message, also had to pay the time-related fee of voice mail service.</p>
Decision:	<p>According to the assessment of the Competition Council the practice described above yields an unfair surplus revenue to Vodafone and at the same time burdens subscribers initiating calls from any other networks with an unjustified additional charge. Therefore the Competition Council prohibited the continuation of the illegal conduct, but allowed a 90 days' extension for Vodafone to implement the decision. In this case the Council imposed no fine. The three months ensured by the Competition Council for the elimination of the unlawful situation must be long enough for Vodafone to eliminate the unlawful situation in a way it considers the most favourable.</p>
Date:	May 12, 2005