

Regional German mobile group Airdata goes against the European Council's approval of the €8.6 billion acquisition of the E-Plus by Telefónica, accusing the EC of failing to protect competition in the marketplace.



The takeover reduces the number of national carriers in Germany from 3 to 4-- namely Telefónica Deutschland, Deutsche Telekom and Vodafone.

According to Airdata any commitments from Telefónica to ensure competition are “totally inadequate to a vibrant competition in the interest of consumers,” and only the 3 biggest companies the power to “dictate” pricing. As such the company is prepared to take the case to the second-highest European court, the Luxembourg-based General Court.

One can also argue the decision gives precedent for similar deals in other European countries, such as the proposed Three-O2 merger in the UK.

In its turn, the European Commission is ready to defend the decision in court, while Telefónica says it will look into the details of the Airdata complaint.

Airdata has a history of taking to the courts-- this year it challenged the German telecoms regulator over the conditions set for the current frequencies auctions. It also challenged the 2010 spectrum auction.

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