



Press Release ERG

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Regulators prepared for challenges in 2010

At their plenary session in Warsaw on 3-4 December 2009 hosted by Polish regulator UKE, National Regulators declared themselves prepared for the challenges ahead in 2010 by adopting an ambitious Work Programme. Meanwhile despite the economic downturn, market developments are advancing, with changes in services offered to users arising from technological progress and convergence, changes in the state of competition in individual markets and the need for investment in high-speed broadband networks. The Work Programme 2010 aims to deal with these challenges and is therefore organised around the following priority areas:

- Harmonisation and benchmarking,
- Forward-looking challenges,
- Revised regulatory framework.

The ERG finalised a number of documents. Among others, it dealt with “Replicability of bundles” an issue becoming more important as a result of convergence. The adopted Report looks at the technical aspects of replicability and the regulatory instruments used by national regulators to ensure bundles benefit consumers without, harming competition. The Report is the second part of the work published in March 2009 dealing with the economic issues of bundling.

The ERG will launch in the coming days a Public Consultation on the Draft Report on “Business Connectivity – Regulation of Wholesale Access Services” asking stakeholders for their input to develop further the topic.

The ERG also had an interesting discussion on “Net neutrality” – a topic that will be looked at in more depth in 2010.

Mr. Matthias Kurth, president of the German regulator BNetzA handed over the I/ERG Chairmanship for 2010 to Mr. John Doherty, Chairperson of the Irish Regulator ComReg. Mr. Nicolas Curien from the French regulator ARCEP and Mr. Reinaldo Rodriguez from the Spanish regulator CMT were elected IRG Board members together with the Troika (Chair, outgoing and incoming Chair) in 2010.

The year 2010 will see a number of institutional changes, among them the creation of the new advisory body BEREC fully under the control of independent National



Regulators, which will hold its inaugural meeting on 28 January 2010 in Brussels. The ERG look forward to continuing the successful cooperation in the new institutionalized form of the revised European framework to develop the internal market for electronic communications networks and services further for the benefit of the European citizens and the European economy.

Independence of National Regulators in carrying out their functions

The independence of National Regulatory Authorities [NRAs] in the carrying out their functions is a fundamental requirement for effective, impartial and transparent regulation. The importance attached to these issues has been further underpinned by the European Parliament in their recent decisions on the New Telecommunications Package and the establishment of the Body of European Regulators [BEREC] which re-emphasised the necessity to protect NRAs against unwarranted external interventions which might jeopardise their ability to carry out their roles in an independent and professional manner.

At recent Plenaries, the members of the European Regulators Group were informed of, and discussed a number of cases where the independence of NRAs has been under threat including most recently in Bulgaria. Concern was expressed about these apparent developments and their increasing frequency.

In these discussions the Commission, for its part emphasises the critical importance it attaches to the need for regulators to be able to act independently and in accordance with the Regulatory Framework.

While national courts should have the power to review decisions taken by Regulators, the fact that a decision may have been overturned cannot and should not be used to justify the dismissal of a Regulator.

The Commission further emphasises that, once appointed, Regulators should in normal circumstances serve their full term of office, and may be dismissed only in circumstances laid down in advance by national laws, such as the committing of a criminal offence, rendering the regulator unable to fulfil the conditions for occupying the post.

Furthermore, the regulator's tasks should not be capable of being redefined or changed in scope in such a way as to divert from the fulfilment of the regulator's original terms of tenure – this without in any way implying that the addition of functions which complement the NRAs role should not be entertained.

Finally, the Commission stresses, in accordance with the regulatory framework, that regulators must have the financial and human resources necessary to regulate markets effectively available to them.



In conclusion, the European Regulators Group and the Commission expressed their full support for ERG members implementing their regulatory activities in line with the European Regulatory Framework refute any action that might seek to undermine or harm the reputation and independence of the relevant regulators.

All documents will be available on the ERG website: <http://erg.ec.europa.eu> and <http://www.irg.eu>.

NOTES FOR EDITORS

The European Regulators Group (ERG) was created to act as an advisory group to help the European Commission develop the internal market for electronic communications and services and ensure the consistent application of the regulatory Framework.

The ERG takes into account in its work the objectives given to NRAs in Article 8 of the Framework Directive (2002/21/EC) to promote competition, contribute to the development of the internal market and promote the interests of EU citizens.

The ERG consists of European National Regulatory Authorities (NRAs). Its full members are the twenty-seven EU Member States whilst the four EFTA States (Switzerland, Norway, Iceland and Liechtenstein) and three EU Candidate States (Turkey, Croatia and Former Yugoslavian Republic of Macedonia) participate as observers.

For more information please contact the ERG secretariat at erg-secretariat@ec.europa.eu or visit our website at <http://erg.ec.europa.eu>

Contact:

erg-secretariat@ec.europa.eu Tel: +32 (0)2 29 56462

irg@irg.eu Tel +32 (0)2 210 60 70