

30th ERG Plenary Meeting Hosted by COMCOM / BAKOM

Timing and location

8 Oct. 2009 2.30pm to 5.00pm
9 Oct. 2009 9.00am to 12.30pm
Lucerne, Switzerland

Conclusions

1. Opening of the meeting and adoption of the agenda

Submitted documents

Draft ERG Plenary Agenda

ERG (09) 33 rev 1

Conclusion

The agenda was adopted

2. Information by the Chair and the Chair's Secretariat

Background

The Chair provided an oral report of the ERG Chair's communication activities.

Conclusion

The plenary took note.

3. NGN PT (OPTA/BNetzA)

a) Draft CP NGN Future Charging Mechanisms/Long term termination issues

Submitted documents

Draft CP on NGN Future Charging Mechanisms / Long term termination issues. **ERG (09) 34**

Background

OPTA presented the draft CP on NGN Future Charging Mechanisms / Long term termination issues.

Conclusion

The draft common position was approved for public consultation for a period of 2 months and a workshop will be held at the beginning of the consultation period (4th of November, in Brussels).

b) NGA Wholesale products Status Report

Background

BNetzA provided an oral update on NGA wholesale products for information. An interim report will be submitted for information at the Warsaw Plenary and the final adoption is foreseen for Plenary 2 in 2010.

Conclusions

The Plenary took note.

4. SMP PT (ARCEP)

Submitted documents

Draft Report on the transition from sector-specific regulation to competition law **ERG (09) 40**

Background

ARCEP presented the draft Report on the transition from sector-specific regulation to competition law.

Conclusion

The report was approved for publication.

5. Benchmarking PT (CMT)

Submitted documents

MTR and SMS benchmark reports **ERG (09) 35**

Background

CMT presented the draft MTR and SMS benchmark reports including the methodological improvements of the MTR benchmark.

Conclusion

The benchmarks reports were adopted including the MTR snapshot for publication.

6. Remedies PT (Ofcom)

a) ERG Report on the effectiveness of regulation towards harmonisation in a rapidly changing market

Submitted documents

ERG Report on the effectiveness of regulation towards harmonisation in a rapidly changing market (internal document) **ERG (09) 36**

Background

Ofcom presented the document on "Effectiveness of regulation towards harmonisation in a rapidly changing market, improving the elaboration and monitoring of common positions". A short version of the above document, titled "ERG Report on the elaboration and monitoring of common positions", was submitted for adoption and subsequent publication.

Conclusion

The Report on effectiveness of regulation was adopted as well as the report on the elaboration and monitoring of common positions which was adopted for publication.

b) Update on business services work stream

Background

Ofcom presented the current status of work regarding the business services market.

Conclusion

The Plenary took note.

7. International Roaming (Ofcom)

Submitted documents

Draft project plan (internal document)

ERG (09) 37

Background

Ofcom presented a draft project plan on the work regarding alternatives to regulation.

Conclusion

The Plenary took note.

8. Customer empowerment (ANCOM/ANACOM)

a) Draft Report Part I – Current status of the universal service system in I/ERG member countries (internal document)

Submitted documents

Draft Report Part I – Current status of the universal service system in I/ERG member countries (internal document)

ERG (09) 38

Background

ANCOM presented the draft report – part I on the status of the work on the Universal Service System in I/ERG member countries for information.

Conclusion

The Plenary took note.

b) Cross-border enforcement – Draft discussion paper (internal document)

Submitted documents

Draft internal discussion paper on cross-border enforcement

ERG (09) 39

Background

OFCOM presented the draft discussion paper regarding the work on cross-border enforcement.

Conclusion

The Plenary took note.

9. RA PT (AGCOM)

Submitted documents

Draft Regulatory accounting in practice report 2009

ERG (09) 41

Background

AGCOM presented the draft Regulatory accounting in practice report 2009.

Conclusion

The report was adopted for publication.

10. Convergence PT (CMT)

Background

CMT provided an oral update of the status of the work of the Convergence PT on the replicability of bundles.

Conclusion

The Plenary took note.

11. Draft Work Programme 2010 (ComReg)

Submitted documents

Draft WP 2010

ERG (09) 42

Background

ComReg provided a draft WP 2010 and presented the priorities.

Conclusion

The draft work programme was approved for public consultation.

12. Information from the Commission

Independence of regulators

The European Commission informed the ERG about a number of cases where it had to intervene to ensure the independence of NRAs.

Most cases concerned the dismissal of the President and/or members of the Boards under conditions that did not appear justified.

In this context, the Commission expressed the concern that reorganisations of the NRAs, per se totally legitimate, might constitute disguised attempts to replace the serving regulators. To avoid this danger it appeared necessary to make sure that the reorganisation of one or more NRA would normally only come into effect at the expiry of the mandates of the serving president/Boards.

Several NRAs shared the concern and supported the views expressed by the Commission. One NRA recalled however that some positive experiences of reorganisation exist also in the context of convergent Regulators.

Other information from the Commission

The Commission informed the Plenary about some article 7 cases, in particular two cases where the NRAs proposed to exclude fibre networks from market 4 (Czech republic and Slovakia) and finally withdrew their notification. The Commission reported also on the opening of a phase 2 investigation on the notification by the Austrian regulator of its analysis of market 5.

The Commission informed the Plenary about the outcome of the public consultation on the draft NGA recommendation and proposed an additional exchange of views with ERG.

The Commission presented the Guidelines on the application of state aid rules to the public funding of broadband networks.

Conclusion

The Plenary took note.

13. AOB

a) Information from the Chair about the cooperation with the Florence School of Regulation

The Chair informed the Plenary about the cooperation with the Florence School of Regulation.

b) Information from PTS regarding some upcoming conferences

PTS informed the Plenary about two upcoming conferences :

- the Conference organized by the Swedish presidency on 9/10 November in Visby "Creating impact for an eUnion 2015"
- the conference organized by PTS on the 5th of November in Stockholm "Resilient Electronic Communications – a Multistakeholder Challenge"

c) 2010 Meetings

The Chair provided some information on the Plenary meetings of 2010

d) Next ERG Plenary meeting (BNetzA/UKE)

The next Plenary meeting will take place in Warsaw on 3-4 December 2009.