

NMHH Conference on the new European e-comm Regulatory Framework

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Body of European Regulators
for Electronic Communications

BEREC

The logo for BEREC (Body of European Regulators for Electronic Communications) features the word "BEREC" in a bold, sans-serif font. The letters "B", "E", "R", and "E" are blue, while the "C" is maroon. A blue curved line starts under the "R" and sweeps under the "C".

1) **BEREC and its Regulatory Framework Working Group**

- A short background on BEREC: institutional remit and structure
- The RF EWG and its recent activities

2) **BEREC advisory role: activities during the legislative process**

- Ahead of and within the fw review process

3) **What's next:**

- BEREC challenges and the RF EWG contribution

BEREC and its Regulatory Framework Working Group

BEREC within the 2009 reform: a landmark trait of the overall EC's design

The 2009 review: focus on further regulatory consistency to the ends of the internal market goal

- Introduction of an EC's oversight on proposed NRAs' remedies;
- Stronger role of "soft law" provisions (art.19 FD);
- Strengthened independence of NRAs (art.3 FD), key actors in their dialogue with EC and within BEREC ->
- **setup of BEREC**, to advise EC in exercising new regulatory powers (Regulation 1211/2009/EU) – key role in the EU regulatory process (art. 7/7a)

Innovative cooperation model EU-national level striking a balance between regulatory coordination and NRAs' prerogatives and expertise:

Final NRAs' say on remedies

Role of BEREC as a driver of regulatory coherence

Two-tier structure: BEREC and BEREC Office

– **BEREC current tasks to**

- Spread best practices among NRAs + advice them
- Support and advice to EC+ EU Parliament and Council
- Monitor and report on e-comm sector developments

– **BEREC new tasks**

- in continuity with current ones + a number of advisory duties, including to assist and advise EC, on request, on the preparation of sectoral legislative proposals in the e-comm field

– **BEREC new features**

- 2-tier structure preserved:
- No binding decision-making tasks
- Some organisational changes (n. of meetings, Chair's mandate, taxonomy of participants in meetings...)

– The RF WG's remit

- To monitor, analyze and elaborate formal and informal technical input for all EU sectoral legislative processes;
- To support BEREC and member NRAs on the terms of implementation of the sectoral acquis, with a focus on institutional matters (procedures for BEREC to carry out its institutional duties, NRAs' prerogatives and competences)

BEREC advisory role: activities during the legislative process

– Inputs to EC's legislative proposals

- Early BEREC review-related reflections (RF EWG's contribution to high-level meetings with EC)
- BEREC Opinion end 2015

– BEREC papers on the EC legislative proposals

- BEREC high-level Opinion end 2016
- Set of thematic papers:
 - ITRE proposal on introducing **CoE** principle under the Code
 - **US regime**
 - **Peer Review** process
 - Promoting investment, protecting competition and preserving the integrity of the **SMP framework**
 - **Article 74** of the draft Code Co-investment and “very high-capacity (VHC) networks”
 - **Article 77** of the draft Code Vertically separate undertakings

The RF EWG's activity on the EECC to date (II)

- **Information gathering** powers
- **Articles 12 & 16** of the draft Code “Notification Process” and “Administrative charges”
- **Market review process** in the Commission’s proposal and ITRE draft Report
- Ensuring continued NRA powers to impose **symmetric access obligations**;
- **Double lock veto** in the Commission’s proposal and ITRE draft Report
- On the Commission’s proposals for an **EECC Spectrum Provisions - Implementing Acts**
- On **non-competitive oligopolies** in the Electronic Communications Code
- On **duration, on renewal of rights** and on coordinated timing of assignments Articles 49, 50 and 53
- On the draft report elaborated by ITRE Rapporteur Evžen Tošenovský on the **proposal for BEREC Regulation**

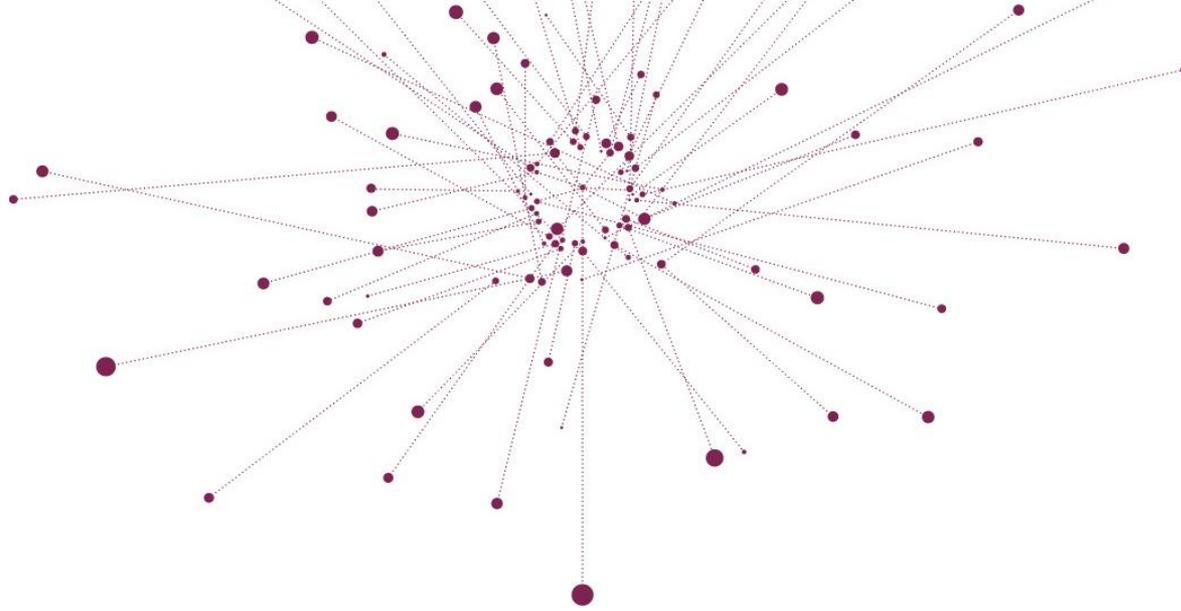
- RF EWG support to informal exchanges in the following stages of the process (input to BEREC Chair addressed to EP or Council Presidency)

What's next

- **Legislative texts finalised first half of November**
- **Parliament**
 - ITRE Committee – formal vote on trilogue agreements – 10 July 2018
 - Plenary vote – 14 November 2018
- **Council**
 - Formal approval expected at Ministers' level on the 3rd of December
- **Publication in the Official Journal – 17th December**
 - Entry into force on the 3rd day after publication
- **Transposition in national laws**
 - Entry into force + 24 months

- **BEREC advisory tasks in the EECC entrusted to RF EWG:**
 - BEREC Guidelines on the general authorisation notifications transmitted to NRAs/competent authorities
 - BEREC database of E.164 numbers of European emergency services
 - BEREC database on the numbering resources with a right of extraterritorial use within the Union
 - BEREC guidelines on common criteria for the assessment of the ability to manage numbering resources and the risk of exhaustion of numbering resources

- **Further BEREC tasks entrusted to RF EWG:**
 - Implementation-related activities:
 - ✓ Advisory activities vis à vis the EU Institutions during transposition upon request
 - ✓ Information exchange among NRAs about transposition issues
 - ✓ Adjustments to BEREC detailed rules of functioning stemming from the new BEREC Regulation [review of the RoP + rules on access to documents held by BEREC and BO...]



Thank you!

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