

28th ERG PLENARY MEETING
Hosted by BNetzA

Timing and location

26 February 2009	2.00pm to 5.00pm
27 February 2009	9.00am to 1.30pm

Berlin-Brandenburgische Akademie der Wissenschaften,
Berlin, Germany

CONCLUSIONS

1. Opening of the meeting and adoption of the agenda

Conclusions

The Agenda was adopted.

Approved documents

Draft ERG Plenary Agenda

ERG (09) 03 rev2

2. Information by the Chair and the Secretariat

The Chair informed the Plenary about the informal meeting organised by the Czech Presidency on the 17 February in Prague. The Chair also informed the Plenary about the I/ERG Statement on the Review.

Conclusions

The Plenary took note

3. High-level policy implications of NGA development (BNetzA)

Submitted papers

Background paper on recent NGA developments (internal document)

ERG (09) 04

Background

BNetzA presented the status of the PT work on NGA as well as an overview of the ongoing discussions on the Review on NGA investment incentives. Several NRAs presented recent NGA developments in their countries.

The Commission provided further information on the treatment of NGA in the regulatory framework as well as on the status of the draft Recommendation on this topic. Further explanations were also provided by the Commission regarding

Community funding mechanisms which may be used to support certain specific broadband projects in rural areas.

Conclusions

The Chair concluded that the country cases study should continue to be constantly updated and suggested the PT take the above-mentioned comments as insights for the continuation of their work, taking account of the ongoing Review discussions on the topic.

4. Remedies (Ofcom)

a) VoIP Action Plan

Background

The Chair provided an oral report on the VoIP action plan, highlighting that some work still needs to be done and urging NRAs to send the missing answers.

Conclusions

VoIP Action Plan to be further discussed in the Prague Plenary.

b) Update of ERG Monitoring time table

Background

The ERG published the ERG Monitoring time table for the monitoring of conformity with ERG Common positions (ERG (08) 19) which needs to be updated for the current year. The Chair provided a draft Monitoring time table for 2009.

Conclusions

The Monitoring time table was approved for publication.

Approved documents

ERG Monitoring time table

ERG (09) 05

5. International Roaming (Ofcom)

Background

Ofcom presented an update regarding ongoing discussions in Council Working Group and European Parliament and their requests for expert's input on the Roaming Regulation II amendments. Future work regarding alternatives to regulation were proposed as well.

Conclusions

The technical input for the Parliament and Council was accepted. The PT will now focus its work on long-term issues, in particular the alternatives to regulation, as suggested during the discussion.

6. Customer empowerment (ANC / ANACOM)

Background

ANC presented the revised draft report on Ensuring Transparency of Tariff Information.

Conclusions

The report on Ensuring Transparency of Tariff Information was approved for publication.

Approved documents

ERG report on Ensuring Transparency of Tariff Information

ERG (08) 59 rev 2

7. Convergence (CMT)

a) Draft report on Fixed-Mobile Convergence

Background

CMT presented the draft report on Fixed-Mobile Convergence, including the comments received from two NRAs a few days before the Plenary.

Conclusions

That the report on Fixed-Mobile Convergence be approved for publication.

Approved documents

ERG report on Fixed-Mobile Convergence

ERG (09) 06

b) Draft Report on the application of margin squeeze tests to bundles

Background

CMT presented the revised draft report.

Conclusions

The report on the Discussion on the application of margin squeeze tests to bundles was approved for publication. It is a document which will continue to be updated with the experiences that NRAs may have regarding this topic. Feedback from the stakeholders would be welcome.

Approved documents

ERG report on the discussion on the application of margin squeeze tests to bundles

ERG (09) 07

8. I/ERG-RSPG Cooperation (PTS) / NCAH

a) Status report on transitional spectrum issues (PTS)

Submitted papers

Status report on transitional spectrum issues

ERG (09) 09

Background

PTS provided an update on the status report (internal document) on the draft interim report ERG (08) 60 on transitional spectrum issues. The full report on transitional spectrum issues will be submitted for approval at the Prague Plenary.

Conclusions

The report on transitional spectrum issues be submitted for approval at the 29th Plenary in May 2009.

b) Presentation by NCAH of RSPG's activities in 2009

Background

As Chair of the RSPG 2009, NCAH presented the RSPG's activities in 2009.

Conclusion

That a general discussion be held on digital dividend at the 29th Plenary in May 2009.

9. Information from the Commission

Background

The Commission provided information on the outcome of the COCOM meeting on 18 February 2009, in particular with regards to the draft Recommendation on termination rates. The Commission reported that the draft Recommendation had been sent for EP scrutiny, after the COCOM meeting.

The Commission reported on several recent Article 7 cases (wholesale broadband access in Spain, wholesale physical infrastructure and wholesale broadband access markets in Portugal, wholesale broadband access in Finland, and wholesale broadcasting markets in the Netherlands).

The Commission provided an update on the use of short notification forms by NRAs (ten notifications until now). The Commission clarified the cases in which this short form is deemed appropriate.

Conclusions

The Plenary took note.

10. AGCOM presentation on the recently approved set of undertakings proposed by Telecom Italia

Background

AGCOM presented the set of undertakings proposed by Telecom Italia and approved by AGCOM.

Conclusions

The Plenary took note.

11. Work programme 2009 (BNetzA)

Background

The Chair suggested the following adjustments to be made on the work plan regarding consumer empowerment (End User PT):

- to focus the work on the scope of universal service, including the question on whether or not the broadband service should be included ;
- to postpone the work on tariff transparency until the final provisions of the Universal Service Directive are known.

Conclusions

The Plenary took note and approved the proposed adjustments of the work plan of the EU PT.

12. AOB

a) Draft ERG Annual Report 2008 (NCAH)

NCAH presented the draft ERG Annual Report 2008 to be submitted via the Commission to the EP and Council informing them about the activities and achievements of the ERG in 2008.

Conclusions

The ERG Annual Report 2008 was approved (to be submitted via the Commission to EP and Council).

Approved documents

ERG Annual Report 2008

ERG (09) 08

b) Next ERG Plenary meeting (BNetzA / CTU)

The next Plenary will take place on 28-29 May 2009 in Prague.