

## Conclusions of the 14<sup>th</sup> plenary meeting of the European Regulators Group

**Date and time:** 22 September 2005, 11h45 –17h15  
**Venue:** Eigtveds Pakhus, Copenhagen, Denmark

The meeting opened with the reading of a letter from FCC Chairman Kevin Martin, who apologised for not being able to meet the ERG.

### Opening of the meeting and adoption of the agenda

The agenda ERG(05) 40 was adopted with one change – item 6, document ERG (03) 09rev3 will be approved without discussion upon request by CMT.

### Information from the Chairman and the Secretary on meetings and other activities

The Group took note of the activities of the Chair and the Secretary since the 13. ERG Plenary in Bled. The Chairman referred to his meeting with Commissioner Reding on June 29, 2005, on which he reported earlier in a separate email.

### Wholesale international roaming (CMT)

- a. - Summary of the Consultation Results **ERG (05) 42**  
- Common Position on WIR **ERG (05) 20Rev1**

The Group discussed the outcome of the consultation on the Common Position on WIR held during the summer. The Group asked the ERG Secretariat to prepare the consultation report, for publication on the ERG website in cooperation with the PT, taking duly account of operator wishes of anonymity and confidentiality. With regard to the Common Position, ERG (05) 20Rev1, the group agreed to publish the CP without amendments.

- b. Status report on Transparency Measures

The Group agreed to continue its work on this subject and asked the Project Team to proceed following the project description. The Group took note of the status report and approved the Project Requirement Document. The final report on possible measures to increase consumer awareness and price transparency for international roaming charges will be presented at the November ERG Plenary.

- c. Report on market definitions and SMP designation, following the ERG decision to simultaneously start analysis of Market 17 (PTS)

The Group noted that 13 NRAs started their market analysis and 15 NRAs are collecting the data to that end. It is expected that several NRAs will notify the results of their market analysis by the end of 2005.

- d. Status regarding action by the Commission on WIR (EC)

The Commission reported on its efforts in this field, mentioning that the topic was addressed at meetings with the industry and the creation of a dedicated website providing information on international roaming tariffs to consumers. The Group took note of the report and pointed out that the Commission's activities are complementary to ERG activities.

A closer cooperation between the ERG PT on transparency measures and the Commission was agreed upon.

### **Interim Report on VoIP Broadband Markets (BNetzA)**

- Benchmark of “naked” DSL, ULL, shared access, BSA

BNetzA reported on the data collected on access prices and naked DSL in response to the request of the ERG 13 Plenary. The Group took note of the interim report and agreed to update the benchmarking of these data regularly once a year in July. A final version of the report – to be discussed at the November Plenary - will also include retail line rental prices and missing data, and will present an analysis of the results. The documents will be up-dated once a year (in July).

- IP interconnection

The report on IP interconnection was taken note of, in particular noting the immediate importance of technical and economical issues of IP interconnection. A final report will be prepared for the November Plenary. The Commission pointed out the need to achieve a common approach and offered closer cooperation.

- VOIP competition effects on retail markets
- Voice over Broadband services
- Classification and market analysis (Commission)

The Group took note of an interim report on VOIP competition effects on retail markets . The PT is invited to continue to work on this topic in good cooperation with the Commission, taking into account the Commissions remarks on Classification and Market analysis. The Group took note that the final report will be presented at the November Plenary.

### **Regulatory remedies: Intermediate Progress Report from the Project Team (Ofcom)**

Ofcom reported on the progress made by the Project Team. The PT requested the Plenary to agree on the principles for the update of the document ERG (03) 30Rev1 on regulatory remedies. The Group agreed on the principles discussed and requested the PT to present a draft of the revised document ERG (03) 30 Rev1 at the Plenary Meeting in November. The timetable includes a public consultation of this draft version after the November Plenary.

### **Significant market power (CMT)**

The Group adopted the revised version of Document ERG (03) Rev3 without discussion and agreed to publish the document as a Working Document on the ERG website. The Commission referred to its own SMP guidelines.

### **Experiences with market definition, market analysis and applied remedies (CMT)**

- a. Draft Report on Experiences with market definition, and market analysis and applied remedies
- b. Cooperation with the Commission, further steps

CMT presented a series of preliminary reports on NRA's experiences with their notifications under Art. 7 of the FD on Markets 10, 11, 12, 15, 16. The Group took note of the reports and discussed with the Commission the relevance of these results for the Commissions planned Communication on Regulatory Cooperation. The Group requested the PT to complete the report for the November Plenary and urged the PT to coordinate its efforts with the Commission.

### **Transparency of retail prices (with implementation of Number Portability) (ANACOM)**

ANACOM reported the work done by the Project Team. ERG agreed to publish the amended version of the document ERG (05) 52.

### **Work Programme planning**

#### **a. Progress report WP 2005**

The ERG took note of the Progress report for the WP 2005, and took note of the creation of a PT to prepare later work regarding the Review 2006 of the Regulatory Framework.

#### **b. Work Programme 2006 (OFCOM)**

- Results of the internal consultation -- resources
- Draft WP 2006 for consultation

**ERG (05) 55**

OFCOM as chair elect, reported on the results of the voting exercise and the prioritization that resulted from that. The prioritisation exercise has clearly pointed out that the Review 2006 will be at the core of the ERG work for the next year, putting significant stress on the available resources from NRAs. Also, some of the points which were treated separately in the internal consultation were subsumed under major headlines in the draft WP 2006 as it was felt that some topics could fit into broader ones.

The Group decided to:

- 1) consult on an amended version of the document,
- 2) ask the Chair and the Chair elect to prepare an introductory note to the WP 2006

The ERG Secretariat shall organize the consultation. The Plenary will discuss a final draft of the WP 2006 at the November Plenary.

#### **c. ERG Secretary's Report on the quality, usage and impact of ERG documents**

The Group agreed to ask the ERG Secretariat to carry out an analysis of the internal usage of ERG documents with professional assistance. A first report will be presented at the second Plenary of 2006. Further action should be discussed and approved by that Plenary.

### **Meeting schedule for 2006**

The meeting schedule ERG (05) 57 and venues for 2006 were approved.

### **Information from the European Commission**

- a. Report on Art. 7-notifications Provisional measures under Art.7 (6)

The Group took note of the Commission report.

- b. Review 2006 of the Regulatory Framework
- Communication on regulatory cooperation
  - Recommendation on relevant markets
  - Communication on the 2006 Review

The Commission provided an indicative timetable for their activities concerning the Review 2006. The Group took note of this information and asked the Commission to provide information on the planned studies on the subject.

- c. Cocom meeting (06 July 2005)

The Commission informed the Group about the recent initiatives on Freephone and 116 number ranges.

- d. Recommendation on Cost Accounting: and Accounting Separation – Status

The Commission informed the Group about the publication of the Recommendation on cost accounting and accounting separation. The ERG Secretariat announced that, following the publication of the Recommendation, the ERG Common Position on the Recommendation will be published.

## **AOB**

### Decision on publication of documents

The following documents will be published:

- Summary of the Consultation Result on the Common Position on Wholesale International Roaming: ERG (05) 42
- Common Position on Wholesale International Roaming: ERG (05) 20 Rev1
- Revised SMP Working Document: ERG (03) 09 Rev 3
- Report on retail prices and transparency: ERG (05) 52
- Draft WP 2006 ERG (05) 55
- Common Position on Recommendation on Cost accounting and accounting separation: ERG (05) 29
- Conclusions: ERG (05) 60

The next ERG Plenary will take place on 24-25 November 2005 in Brussels.

### NATP-II project

The Group agreed that it is not appropriate for ERG at this time to co-ordinate the involvement of European NRAs in the NATP-II project or for ERG to be formally involved in the NATP-II project due to our own heavy workload and limited resources. However, the individual NRAs are urged to participate where they can.