

15th plenary meeting of the European Regulators Group

Date and time: 24 November 2005, 13h00 – 25 November 2005, 12h15

Venue: Brussels, Centre Berlaymont, Salle Jean Monnet

MINUTES

Opening of the meeting and adoption of the agenda

ERG (05) 59

The Chairman welcomed the participants of the 15 ERG Plenary in Brussels, in particular he welcomed the delegation from the Croatian Telecommunications Agency as new observer to the ERG. The agenda ERG (05) 59 was adopted.

Wholesale/Retail international roaming

a. Final report on Transparency Measures (AGCOM) **ERG (05) 43rev1**

AGCOM presented the final report on transparency measures ERG (05) 43rev1 and the changes that have been made since the last Plenary. The Group discussed the measures proposed in the final report:

- National websites with information on international roaming prices
- Information SMS (push and pull systems), which should be supported by other measures in the long run.

The Group approved the final report for publication on the ERG website.

The Group then proceeded to discuss the question of the implementation of these proposed transparency measures. The Group agreed on the following implementation steps:

- All NRAs in the Group commit themselves to start immediately with the creation of national websites with information on national roaming tariffs
- All NRAs will investigate individually the legal feasibility of the proposed SMS solutions
- The PT should monitor the implementation and effectiveness of transparency measures and report on that on coming meetings.

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

PTS presented the state of affairs of the NRAs' analysis of the Wholesale International Roaming Market (Market 17). The Group took note of the updated report on market 17 which will be considered as an internal document. Finland has notified Market 17 to the Commission, others will follow in due time.

Final Report on VoIP / Broadband Markets (BNetzA)

- a. Benchmark of, ULL, shared access, BSA and retail prices included.

The Group discussed the benchmark document on ULL, shared access, BSA and retail prices and approved the document as an internal document. The Working Group is mandated to repeat the exercise in 2006 and to undertake further more detailed work on margin squeeze as well as some statistical studies of unbundling and other access prices.

- b. IP interconnection

BNetzA presented the IP interconnection report ERG (05) 47rev1. The IP interconnection report has been further developed since the ERG meeting in Copenhagen and now summarizes the findings as well as poses the appropriate questions for further work. The Group adopted the report as an internal working paper of ERG. The report will be used as a starting point for the future work on item 1b (ERG Common Position on principles for IP interconnection) of the WP 2006.

- c. VOIP competition effects on retail markets

BNetzA presented the VoIP competition effects on retail markets report ERG (05) 48rev1. The Group discussed the report and the effects of the introduction of VoIP services on competition. The Group approved the report as an internal working document providing guidance to NRAs in the process of analyzing markets 1-6. The Plenary decided not to do further work on the regulatory treatment of VoIP in end user markets.

Regulatory remedies (Ofcom)

- a. Presentation of the Project Team on the proposed amendments **ERG (05) 50rev1**
- b. Draft Consultation Text to amend ERG (03) 30 rev1
(the “Remedies” document) **ERG (05) 60**

Ofcom presented the latest version of the amendments to the “Remedies” document ERG (05) 30 rev1, now ERG (05) 60. The group discussed the proposed changes and in particular the topic of new infrastructure and emerging markets as one of the key issues of the proposed amendments.

The Group approved document ERG (05) 60 (with minor changes) and the explanatory note ERG (05) 70b for public consultation. The public consultation will include a written procedure and a public hearing.

The timeframe for the consultation will be:

- Written procedure: 30.11.2005 - 13.01.2006;

- Public hearing: 12.01.2006

Experiences with market definition, market analysis and applied remedies (Reinaldo Rodriguez, CMT)

- a. Final Report on Experiences with market definition, and market analysis and applied remedies **ERG (05) 51**
- b. Cooperation with the Commission, further steps

CMT gave a detailed report on the content of the final report on Experiences with market definition, and market analysis and applied remedies ERG(05) 51. The Group discussed the final report on Experiences with market definition, market analysis and applied remedies and adopted the report for publication on the ERG website following minor changes to be incorporated.

Work Programme 2006 (Ofcom)

- a. Results of the public consultation **ERG (05) 61**
- b. Report of the public hearing **ERG (05) 62**
- c. WP 2006 **ERG (05) 55rev1**
- d. Overview table of WG/PTs and work items **ERG (05) 63**

Ofcom presented drafts for both reports on the written and oral procedures of the consultation and the Work Programme 2006 of ERG and gave as well an account of the opinions presented at the hearing and in the written contributions. The reports ERG (05) 61 and ERG (05) 62 were approved for publication by the Group.

The Group then discussed the Work Programme 2006 and adopted the Work Programme 2006 for publication with minor amendments. The Work Programme 2006 will be published on the ERG website.

For the detailed specification of the work items the continued use of project requirement documents (PRD) was agreed upon. These will be circulated for comments and agreement on the PRDs will be reached by means of a written procedure among Heads by the end of this year.

Information from the European Commission

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

The Commission presented updated statistics on proposed measures notified by NRAs according to Article 7 of the Framework Directive and resulting Commission activities. In addition the Commission gave a more detailed report on two decisions to initiate a Second Phase: Netherlands (newly defined TV end user market) and Germany (Market 12, exclusion of fibre). BNetzA gave a short explanation of

its results of the analysis. The Group took note of the information provided by the Commission and by BNetzA.

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

The Commission gave a brief overview over the processes that lead to the adoption of policy documents by the Commission. In the light of these explanations the Commission provided detailed information on its Communication on regulatory cooperation. Furthermore, the Commission announced and explained in detail the formal Call for Input with regard to the Review itself and the Revision of the Recommendation on relevant markets, to be issued on 28.11.2005. The Group discussed the way forward and agreed on a collective response on that Call of Input with out depriving the right of individual NRAs to submit individual reactions on topics of special interest and minority views, but with a clear priority given to submitting a collective response. The Group agreed to give the 2006 Chairman a mandate to arrange the necessary schedules to meet the deadlines.

- c. Cocom meeting (12 October 2005)

The Commission gave a brief report on the Cocom Meeting of 12 October 2005 ERG took note of the information given by the Commission.

A.O.B.

- Decision on publication of documents

The ERG Secretary proposed to publish the following list of documents:

- Agenda (ERG (05) 59)
- Final report on transparency measures (ERG (05) 43rev1)
- Update of the remedies document (ERG (05) 60) for public consultation
- Explanatory memorandum (ERG (05) 70b)
- Final report on experiences with market definition, market analysis and applied remedies (ERG (05) 51)
- Meeting Schedule for 2006 (ERG (05) 57rev2)
- Results of the public consultation (ERG (05) 61)
- Report of the public hearing (ERG (05) 62)
- Work Programme 2006 (ERG (05) 55rev1)

- Seminar on Review 2006 (9-10 February 2006, Paris)

The Chair invited the Group to give input to the ERG Seminar at the occasion of the next ERG Meeting in Paris. The Group agreed to invite NRAs to submit such input to the 2006 Chair (OFcom).

- Final ITRE report

ERG takes note of the final report of the ITRE.

- Press release on ERG15

The Secretary will make a proposal as to the content of the press release for ERG15 by 28.11.2005, which will cover International Roaming and the Work Program 2006.

- Conclusions and debriefing session

The Secretary informed about the debriefing and the procedure for the adoption of the minutes.

- Meeting schedule for 2006
- Next plenary: 8-9 February 2006, Paris

The Group took note of the information.

Closing of the Meeting at 12h15.