

ERG 20th Plenary Meeting

Date: 15- 16 February 2007

Venue: Brussels

Conclusions

1) Opening of the meeting and adoption of the agenda ERG (07) 01

The agenda was agreed

2) Information from the ERG Chair on meetings and other activities ERG (07) 02

Background

Records of significant meetings and activities conducted by Roberto Viola as ERG Chair and Davide Gallino as ERG Secretariat.

- Plenary took note of the document

3) Development of IRG/ERG (Chair)

a. *Update of the activities (Chair)*

The ERG Chair (Roberto Viola, AGCOM) provided an update of activities and intentions for the way forward. The ERG will strive to provide a sound answer to the letter received from Commissioner Reding. ERG values this opportunity as a serious institutional exchange. A task force composed of former ERG Chairs together with the current one was formed. The drafting team presented a proposal, which when discussed today received consensus on structure and key messages, which consists of:

- unanimous approach to improving the consistency of regulation in key markets and support for a common regulatory approach to cross-border services.
- a new collaborative mechanism to improve the efficiency of the market notification process, i.e. a task force of experts activated on ad hoc basis following issuance of phase II letters from the Commission.
- agreement of the first practical steps for the establishment of a Chair's Secretariat, seconding three experts recruited by NRAs

b. *Collaboration between NRAs (MCA)*

MCA provided information on the functioning of the collaboration tool (a database containing best-practice and reference points for NRAs). The system will be set in place for three months from now, and a re-evaluation will follow.

- Plenary took note and agreed to launch the activities

4) Harmonisation of remedies (OFCOM/CMT)

ERG (07) 03

CMT provided an update on the outcome of the consultations on four documents on Harmonisation and on the workshop on the 11th of January. With regard to Harmonisation, it was decided to step up work on VOIP, with the creation of a task force composed of senior experts from NRAs that will prepare a draft common position, to be discussed at the next plenary (Oslo, 31 May).

5) Regulatory accounting (AGCOM/BAKOM)

a. Update on the end of consultation on PIBs on WACC

- Summary
- Final report

ERG (07) 04

ERG (07) 05

Background

AGCOM presented an update and the outcomes of the consultation. No major change resulted from the consultation. The ERG Chair invited more work on the option theory for the future, especially with regard to NGN, on return on equity and appreciable spreads between certain geographical markets in Europe.

- Heads approved the consultation summary and the final IRG PIB's for publication.

6) SMS termination rate benchmark (internal use only) (PTS)

PTS presented the results of the internal SMS benchmark. The ERG Chair invited further work and proposals for the document.

- Heads discussed the benchmark and approved it as an internal document.

7) Broadband quality, pricing and bundling (Bnetza/ANACOM)

a. Interim Report

ERG (07) 07

Background

BNetza provided an update on the activities of the PT and presented an interim report, covering inter alia the divide between rural/urban, high/low income areas and so on. Analysis showed that flat rates are becoming common. Bundling of offers are also common to incumbents and altnets alike. On quality of service, information to end users (actual bandwidth, delivery time, etc) was underlined as key elements.

The final report will be ready to be approved for consultation at the May Plenary.

- Heads discussed and took note of the interim report.

8) Broadband competition (BNetzA/ARCEP)

- a. Update on the end of consultation*
- b. Final report*

ERG (07) 08
ERG (05) 23 Rev 2

Background

BNetzA provided an update and outcomes of the consultation. Significant differences remain between incumbents and altnets – with the latter showing support for the ladder of investment theory. Some adjustments were brought to the document. It was suggested to look at issue again in two years time (for publication purposes and to evaluate the most relevant trends), although data collection should continue.

ERG Chair invited further work in the direction of the relationship between broadband penetration and market shares of incumbents.

- Heads approved the consultation summary and the final Report for publication.

9) IP-Interconnection / Next generation networks (BnetzA)

- a. Final IP- Interconnection Report*

ERG (07) 09

Background

BNetzA provided an update and outcomes of the consultation and the final draft report on IP-IC for approval. The report provides some guidance on QoS and interoperability. Future SMP products in the future need to be ascertained, focussing on service level agreements and other technical or service provision conditions.

- Heads discussed the Report and approved the consultation summary and the final Report for publication.

- b. Update on the NGN access Report*

Background

BNetzA provided an update on the progress of the PT on NGN access, following the discussion during the last Plenary. The report will be ready for approval and publication for consultation by the May Plenary.

10) PRDs for Work Programme 2007 (Secretariat)

ERG (07) 10

Background

The Project requirement drafts for the work programme 2007 were presented and discussed. The ERG Chair noted that PRDs are approved with the changes suggested.

- Heads discussed and approved the PRDs to ensure roll-out of work

11) Convergence and access to content (CMT)**ERG (07)11****Background**

CMT provided a presentation on the major issues regarding convergence and access to content. The discussion provided indications for the work of the Convergence Project Team in the preparation of the Work Programme 2007 deliverables. Access to key resources such as content, bundling of offer, market integration and service/network integration were discussed.

The ERG Chair noted that bundling/convergence are increasingly strong topics for NRAs. The discussion covered in particular access to bottlenecks and offer replicability. Key issues will be discussed with the Commission.

- Plenary discussed the way forward

12) Information from EC**ERG (07) 12**

Fabio Colasanti, Director General, Information Society and Media, and other Commission officials reported orally on issues of interest to NRAs, including Article 7 FD notifications and recent competition cases.

13) 2008 Chairman Appointment

- Plenary confirmed Daniel Pataki (NCAH) as ERG 2008 Chairman

14) AOB*a. Accessibility of ERG documents (ERG Secretariat)***ERG (07) 13**

The Secretariat reported on the recent request to access some ERG documents, which were disclosed.

*b. Annual Report 2006 (ERG Secretariat- OFCOM)***ERG (07) 14**

The annual report was approved for publication following the latest editorial changes.