Independent Regulators Group / European Regulators Group

A guide to who we are and what we do

Published February 2006

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Annex

1. About ERG

The **European Regulators Group (ERG)** has been set up by Commission Decision 2002/627/EC, as amended by 2004/641/EC, to act as an advisory group to assist the European Commission in developing the internal market for electronic communications and services and in ensuring the consistent application of the regulatory framework.

The purpose of this document is to provide greater clarity to ERG members and those involved in ERG's work on how ERG operates. It also serves to provide greater transparency about ERG methods of working to stakeholders.

The ERG is comprised of European National Regulatory Authorities (NRAs). The ERG in its work takes into account the objectives given to NRAs in Article 8 of the Framework Directive (2002/21/EC) of promoting competition, contributing to the development of the internal market and promoting the interests of EU citizens.

Thirty-three European countries participate in the work of the ERG. In addition to the twenty-five members from EU Member States, there are four EFTA States (Switzerland, Norway, Iceland and Liechtenstein) and four EU Accession/ Candidate States (Bulgaria, Romania, Turkey and Croatia). The European Commission attends all meetings of the Group and is able to attend all meetings of its subgroups and expert working groups. The EFTA Surveillance Authority, experts from EFTA States and those states that are candidates for accession to the European Union may participate as observers in the Group. The Group may invite other experts and observers to attend its meetings.

The ERG enables NRAs to share views and experiences of implementing the framework taking into account developments in the market and technological changes. Much of the detailed work is delegated to expert Working Groups and Project Teams who, having completed their work, prepare appropriate documents for NRA Heads at Plenary meetings to approve.

2. Role Descriptions

Plenary
The main forum for advancing the work of the ERG is the Plenary meeting which is attended by Heads of NRAs. There are normally four regular Plenary meetings each year where Heads discuss key items and approve the work programme of the ERG and the publication of agreed documents.

Decisions are taken by consensus amongst all members. Where an urgent matter arises between Plenary meetings, the Chair may seek agreement to a decision by electronic procedure.

Chair
The ERG is chaired by a member of the ERG who is elected annually. The chair-elect serves as vice chairman for the six months before and six months after the actual term of the chairmanship. The ERG Chair is also the IRG Chair.

The Chair presides over meetings of the Group, moderating the discussions and seeking to facilitate the emergence of a consensus position, wherever possible. He performs the functions of the Group on a day to day basis and also has overall responsibility for progress towards the delivery of the agreed work programme and for the efficiency and effectiveness of the Group's activities.

The Chair also has particular responsibility for external relations and will need from time to time to express positions on behalf of the Group.

For important issues which arise during meetings, the Chair will consult with the chair of the previous year and the chair for the forthcoming year. In the event of absence or incapacity of the Chair, or by delegation of the Chair, a Vice-Chair shall be empowered to exercise the responsibilities of the Chair.

The current Chair and Vice Chairs are listed at Annex A.

Secretariat
The ERG Secretariat consists of staff based in Brussels and appointed by the European Commission. The Secretariat acts as a link between the European Commission and the ERG. Its main duties include:

- Preparation of ERG meetings and agendas
- Preparation of ERG annual report
- Assisting the Chair in the preparation and implementation of the Work Programme,
- Identifying issues arising in the Commission which need to be brought to the attention of ERG.

Contact Network
The Contact Network (CN) is attended by senior representatives from NRAs and is chaired by a representative of the ERG chair. The CN meets prior to the ERG Plenary meetings. It seeks to iron out difficulties on significant issues beforehand, to help resolve differences of opinion between NRAs and to ensure papers for the

Plenary are focussed containing a full and careful analysis of the issues and contain clear proposals. Documents are channelled through CN to make sure they are ready for discussion and decision by the Plenary. It acts as a filter and facilitator between the expert WG/PT and the Plenary.

The CN has no explicit decision making powers (except for the approval of the IRGIS/IRGNET budget) but can delay items being considered by the Plenary where issues need further work and can make recommendations to them, for example in setting priorities in the execution of the Work Programme.

The Commission is able to attend those parts of CN meetings which relate to ERG issues, the agenda being arranged accordingly.

The CN also operates as an informal network where its members are the key contact point within NRAs for seeking and exchanging information on regulatory issues.

Work Programme
The ERG prepares a work programme for each calendar year designed to cover the major regulatory challenges and issues facing NRAs in the year ahead. This work programme is drawn up in draft and issued for public consultation both by way of written comments and through the holding of a public hearing. After taking into account comments received, the work programme is finalised.

At the end of each year, a report is made to the European Commission of the outcome of the work programme and this is made public.

Working Groups/ Project Teams
The detailed work of the ERG is undertaken through expert Working Groups or Project Teams. Working Groups are standing groups dealing with a range of issues related to a similar theme. Project Teams are ad hoc groups set up to deal with a specific issue. A list of the standing Working Groups is set out in Annex B.

For each work item in the work programme, the nominated Chair of the Working Group/ Project Team prepares a Project Requirement Description (PRD) for approval by the Plenary. This sets out the deliverables and the timescales of the work.

The Secretariats monitor the progress of the work of WG/ PTs during the year.

3. Relationship with European Commission

The Commission attends all meetings of the ERG and may participate in meetings of the Contact Network, Working Groups and Project Teams. The European Commission's involvement in these sub-Groups has enabled the Commission to bring its particular experience and perspective to bear to improve the debate and to identify potential problems. However, the ERG remains in editorial control of ERG documents and the views and decisions of the ERG reflect NRAs' views and decisions. These may not always align with those of the Commission even though the European Commission officials may have participated in the work.

At its own initiative, or at the Commission's request, the ERG shall advise and assist the Commission on any matter related to electronic communications networks and services.

4. Policy on transparency and engagement

The ERG seeks to act in a transparent manner so that stakeholders have visibility of the work we do and can express their opinion appropriately.

To this end, the ERG publishes drafts copies of all draft decisions and of the proposed work programme for public consultation before they are finalised. For key issues, it holds public hearings. The procedure for consultations and the timescale is made clear to the interest groups. Consultation documents are published on the ERG's web-site http://www.erg.eu.int/ . Comments should be made to the ERG Secretariat by e-mail at erg-secretariat@cec.eu.int . Comments, except for any parts marked confidential, will normally be made available on the ERG web-site. In addition, the ERG publishes all its decisions on the ERG website.

Annex C lists the various document types and documents issued by the ERG.

The ERG normally holds debriefing meetings and issues a note of conclusions following each Plenary meeting

The Chair takes opportunities to explain the work of the ERG and current developments at major European Conferences and regularly meets major trade associations (such as, but not exclusively, ETNO, ECTA, INTUG, GSM Association, ECCA) and relevant parties both to listen to their views on key issues and to discuss major regulatory developments. Nominated representatives of ERG may also take on this role. The ERG Secretariat maintains a list of subscribers interested in ERG activities who are invited to public hearings. To subscribe, one simply has to send an e-mail to to erg@cec.eu.int stating a wish to be placed on the 'news sendlist'. Messages from the ERG do not display the e-mail addresses of other recipients.

The Chairman may on his own initiative or in response to enquiries describe the work or explain the views of the Group to the media or other interested parties.

The ERG will review this policy regularly to ensure its decisions and activities are as transparent as possible.

5. Facilitating co-operation between NRAs

One of the main roles of the ERG is to work towards a consistent application of the EU regulatory framework for electronic communications networks and services. In particular, NRAs are required to agree between themselves the appropriate regulatory instruments and remedies.

One way NRAs work together is to share experiences of applying the Framework within the relevant Working Groups. For major issues, following a discussion of experiences, the NRAs' combined position on a particular subject is published as a Common Position (see Annex C), which after consultation is published on the ERG website (www.erg.eu.int). An example of this is the Remedies Common Position which sets out a harmonised approach to the selection of obligations on operators identified as having significant market power following a market review.

When presentation of factual data is required, reports are issued, such as the Snapshot of Mobile Termination Rates or the Report on Broadband Competition.

Finally, key learning points in dealing with practical regulatory issues are captured in Principles of Implementation and Best Practice, which are also normally published.

 In addition to the programmed work of ERG, ERG seeks to facilitate NRAs with experience of implementing the EU framework in assisting other members. This assistance can be informal or be organised through more formal mechanisms such as ad hoc conferences on specific issues, exchanging staff or assistance programmes. In most cases this is done on a bi-lateral basis.

The Contact Network also acts a conduit for one-off queries between NRAs who want assistance, or information, on a particular issue.

6. About IRG

The **Independent Regulators Group** (IRG) is an unofficial forum of NRA Heads, established in 1997and is used for informal strategic discussions which do not involve the European Commission. The IRG members are the heads of the same thirty-three countries as those of the ERG. The ERG Chair is also the IRG Chair.

The NRAs frequently wish to get together separately on a regular basis and use the device of the IRG to achieve this (both at Plenary and Contact Network level). Also, there are some issues which NRAs can identify in advance where their ability to offer good advice to the Commission will require consideration without the Commission's presence. In these cases, the discussions will generally take place using the IRG as a forum. IRG and ERG meetings are in general arranged back-to-back to avoid any duplication. IRG decisions are taken by consensus.

IRG may publish separate documents which are posted on its website at http://irgis.anacom.pt. Annex D lists the various document types and documents issued by the ERG.

Secretariat

The IRG Secretariat consists of a small group of representatives from NRAs who have a range of organisational responsibilities to ensure the smooth operation of IRG activities. These include :

- Preparation of meetings and agendas
- Assisting the Chair in the preparation and implementation of the planned work for the following year.
- Assisting the Chair in its role - in particular identifying issues arising across NRAs which need to be brought to the attention of IRG.
- Monitoring of Working Groups
- Co-ordination of requests for IRG information or assistance
- General assistance to the chair

The members of IRG Secretariat are part time and work mainly by e-mail. The current holders of the posts of IRG Secretariat are listed at Annex E.

The IRG and ERG Secretariats work closely together to avoid duplication and are in regular contact with the Chair.

Annex A : Current Holders of Office in ERG

Position	Name	Telephone	e-mail
2005 Chair	Joergen Andersen	+ 45 3545 0100	Jaa@itst.dk
2006 Chair	Kip Meek	+ 44 207981 3510	Kip.Meek@ofcom.org.uk
2007 elect	Roberto Viola	+ 39 0669644308	r.viola@agcom.it
ERG Secretariat	Davide Gallino	+ 32 2 29 98376	davide.gallino@cec.eu.int

Annex B : List of Working Groups

Significant Market Power WG This WG deals with competition issues, specifically, concerning the definition of relevant markets and the designation of SMP operators.

Mobile Market WG This WG deals with mobile related regulatory matters, specifically, to study the question of regulated access to mobile networks across the EU. It also shares experience on technical and economic issues involved in access to mobile networks. The WG aims to propose a generic approach to the harmonised regulation of mobile telecommunication markets.

Fixed Network WG This WG deals with aspects relating to fixed network issues, including stemming from the new regulatory framework, especially the Access Directive. Its work relates to access/interconnection issues for fixed networks, including leased lines. This WG has a special focus on local/broadband competition.

Regulatory Accounting WG This WG deals with accounting and cost analysis issues.

End Users WG This WG concentrates on consumer related aspects of regulation such as consumer contracts, publication and availability of information for consumers, measures to allow users to control expenditure, tariff transparency and procedures for out-of-court consumer dispute resolution.

Annex C : ERG Documents

1. Types of documents
The following are the different types of documents that ERG may publish:

ERG Common Position
states the position of the Group and is published on the initiative of ERG itself

ERG Opinion
expresses the opinion of the Group upon request by the Commission or an external party

ERG Report
objectively describes any matter within the Group's field.

2. ERG Documents Published[1]

IRG/ERG Response for call for input on the Forthcoming Review of the Regulatory Framework, ERG (20 February 2006)

Report on "Transparency of retail prices (with implementation of Number Portability)" , ERG (05) 52

SMP Working document, ERG (03) 09 Rev 3

Common position on EC Recommendation on Cost accounting and accounting separation, ERG (05) 29

Common position on Wholesale International Roaming, ERG (05) 20 Rev 1

Revised Common Position on wholesale bitstream access, ERG (03) 33 Rev2

ERG Broadband market competition report, ERG (05) 23

Common Statement on VoIP regulatory approaches ERG (05) 12.

Common Position on regulatory remedies, ERG (03) 30 Rev1

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[1] Available from http://www.erg.eu.int/

Annex D : IRG documents

1. Types of documents
The following are the different types of documents that IRG may publish:

Principles of Implementation and Best Practice (PIBs)
set out common principles to be applied wherever possible by an NRA when considering action within a given area.

Report
An objective description of the state of a particular situation

Benchmark
provides a standard by which NRAs can measure data in order to compare with and improve standards applied in a given area.

2. IRG Documents Published[2]

NRA-NCA co-operation (11/02)

Principles of Implementation and best practice (PIBs) regarding local loop unbundling (07/02)

PIBs regarding itemised billing (07/03)

PIBs regarding cost recovery (09/03)

PIBs regarding mobile termination (04/04)

IRG Report on fixed termination access (05/05)

IRG Report on regulatory accounting in practice (05/05)

IRG Benchmark on Mobile termination rates (05/05)

PIBs regarding Current Cost Accounting (02/06)

PIBs regarding Retail Minus (02/06)

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[2] http://irgis.icp.pt/site/en/

Annex E : Current Holders of Office in IRG

IRG Chair

2005 Chair	Joergen Andersen	+ 45 3545 0100	Jaa@itst.dk
2006 Chair	Kip Meek	+ 44 207981 3510	Kip.Meek@ofcom.org.uk
2007 elect	Roberto Viola	+ 39 0669644308	r.viola@agcom.it

IRG Secretary :

Annegret Groebel   + 49 228 149040   Annegret.Groebel@BNetzA.de

IRG Secretariat members:

Vince Affleck	Ofcom, UK NRA
Guido Pouillon	BIPT, Belgium NRA
Kasper Masden	NITA, Danish UK
Ciara Farren	ComReg, Irish NRA
Françoise Laforge	ARCEP, French NRA
Marcell Horváth	NCAH, Hungarian NRA