



BEREC Framework Implementation Expert Working Group

Call for contributions on possible existing legal and administrative barriers with reference to the provision of electronic communications services for the business segment

Foreword

During 2009 and 2010 the ERG first, and then BEREC, have analyzed the inefficiencies experienced by business communications service providers based on inconsistencies in regulatory approaches across Europe, potentially hindering the competitive dynamics and the completion of the internal market.

Such analyses focused on problems stemming from a different national regulatory approach for the provision of building blocks of business services and on the possibility to define a distinct wholesale market for the provision of upstream input for large scale multi-site electronic communication providers targeted to business users. The outcome of such analyses are set out in in ERG 09(51) – “*ERG Report on the regulation of access products necessary to deliver business connectivity services*” and BEREC (10) 46 rev 1 “*BEREC report on relevant market definition for business services*”. As noted most recently in BEREC 11 (21) - “*BEREC monitoring report on Broadband Common Positions*”, in reviewing and updating the ERG Common Positions on broadband access remedies, “special attention to the needs of the business segment, as concluded by BEREC in [the above 2 reports], will be made”.

To complement the above-mentioned work, within the scope of its institutional commitment to foster the harmonization of national tools for the implementation of the sector’s legislative framework, BEREC has now committed itself to look into any **administrative barriers to the cross-border provision of business communications services**.

During the public consultation on the draft 2011 Work Programme, stakeholders raised the issue of the significant and widely varying administrative burdens experienced by cross-border operators offering their business services in different EU MS.

This issue was therefore incorporated into BEREC’s 2011 Work Programme and the Framework Implementation EWG was entrusted to carry out a survey of and analyze any existing restrictions concerning the provision of business services, with a view to deliver a report on it.

BEREC has therefore planned to first launch a call for input to collect evidence from the stakeholders on any inefficiency in the provision of business communication services arising from

different approaches to national administrative regimes. BEREC will then analyze the findings and take them into account when drafting its report.

To this end, we would like to ask you the following questions:

- 1) **Under the current authorization regime laid down by the 2002 Authorization Directive (and substantially confirmed by the 2009 review), the ECNS operators are entitled to start activities upon notification/declaration to the NRA.**
 - **What is your overall experience of the practical implementation of such administrative regime in member States?**
 - **Did you encounter inconsistencies or operational constraints potentially affecting the provision of cross-border business services? If yes, please provide a description.**
- 2) **As far as the administrative regime is concerned, can you identify some national best practice across Europe which may help in supporting the provision of cross-border business services?**
- 3) **Besides the authorization system, are there any other differences in administrative procedures in the area of telecommunications that may affect the provision of business services across Europe?**
- 4) **Do you believe that the provision of cross-border business services could be subject to a specific administrative regime?**
 - **If so, for which reasons and under which legal basis?**
 - **What should be the special features of such regime?**

Answers would be highly appreciated by **5 August 2011** and should be sent to berec@ec.europa.eu.