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Sent via email to: berec@ec.europa.eu.

2 July 2010

Dear Sir

Draft BEREC procedures for public consultations held by the BEREC (BOR (10) 27)

This is a non-confidential response to the above consultation.

Colt is Europe's information delivery platform, enabling its customers to share, process and store their vital business information. Colt provides major organisations, midsize businesses and wholesale customers with a powerful resource that combines network and IT infrastructure with expertise in IT managed services, networking and communication solutions.

At a holistic level, it is imperative that BEREC utilises a transparent and consistent approach in undertaking its consultations. Further, where any document has legal standing, such a document must be issued for public consultation. Only by adopting such an approach will BEREC's consultation be consistent with best practice and fairness.

Scope and aim of consultation paper

We very much support any proposals to define specific procedural rules for the way in which BEREC will administer its consultations.

Reference provisions on public consultations

Article 17 requires that BEREC consults on a number of areas, these being opinions, regulatory best practice or reports, where appropriate. Within the table included in the consultation document however, there is a limited list of consultative areas proposed, these being best practice and the annual work programme.

From this, Colt infers that BEREC does not propose to initiate public consultations on opinions. We do not agree with this approach. Opinions have legal effect. As highlighted above, where there is likely to be a legal ramification on market participants, public consultations should always take place. Failure to consult or at best a discretionary consultative approach relating to opinions will generate a risk that inadequate consideration is taken of the views of and effects on market players and end-users, such that unforeseen consequences and inefficient regulatory outcomes may result.

Time-scale for responses

In terms of the timeline proposal for responding to consultations, no rationale has been provided relating to the proposed period of 15-20 working days. In addition, this time period does not reflect the timelines associated with other European Union (EU) consultation matters. For example, consultations relating to Directives, Regulations and Decisions¹ are required to have a consultation period of no less than eight weeks. Other consultations however have a much

¹ Consultation, Concealment or Confusion Practices and Principles for European Policy Formation, EURIM Briefing No 26.

longer period of 3 months, for example, the EC's recent consultation relating to Net Neutrality². We therefore seek a consultation period of no less than the minimum that is being operated elsewhere in the EU community.

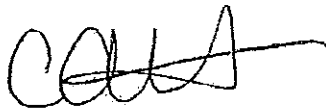
Public Hearings

The procedure relating to public hearings is only vaguely alluded to. There can be considerable benefit in holding public hearings as, if organised well, they can allow for positive interaction and the development of new proposals and approaches to regulatory issues. The rules on public hearings should be more fully developed to ensure that hearings are used more frequently and more effectively than in the past.

To conclude, we very much look to BEREC to embrace the need for the development of consistent regulatory practice and the consistent application of the EU regulatory framework.

Should you wish to discuss any aspects of this response, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to be 'C Owen', with a long horizontal stroke extending to the right.

C Owen
Group Regulatory

² Questionnaire for the public consultation on the open internet and net neutrality in Europe, publication date: 30 June 2010, closing date for responses: 30 September 2010.