

European Parliament/ ITRE Hearing on Connected Continent

Brussels, 28/11/2013

Single Authorization/Access products/BEREC Governance

Dr Leonidas Kanellos, BEREC Chair

Dear Ms Sartori, dear Ms del Castillo, dear members of the European Parliament's ITRE Committee, ladies and gentlemen,

In my capacity as BEREC Chair, let me also thank you for inviting us in this important hearing. As you know, BEREC is a strong supporter of targeted harmonization. In fact, we have been actively pursuing consistent regulatory approaches across the EU since the adoption of the BEREC Regulation in 2009.

I am sure most of you are familiar with our statement of 16 September and our summary position of 17 October 2013. There we have clearly expressed our sharing of the high level policy objectives behind the "Connected Continent" package, namely, to promote the internal market for electronic communications and to create optimal conditions for greater investment in the interest of European consumers and the overall European economy.

In my intervention, I will briefly address the three items of the present session, notably: (a) the single authorization process (b) the access products & remedies and (c) the BEREC governance.

Single Authorization

BEREC, in its summary position of 17 October, has already expressed its support towards the elimination of unreasonable obstacles to the provision of cross-border services across the EU. Our independent body has also expressed its conviction that such a goal can be achieved by means of a simple approach that ensures predictability and legal certainty. Our suggestion in this direction focuses on a harmonized notification template, this idea being consistent with BEREC's previous work.

Indeed, a single notification via a European template strikes the right balance between, on the one hand, a light authorization regime, ensuring a smooth access to the market by operators, and on the other hand, the need of NRAs to ensure basic market monitoring.

On this basis, we can undertake working over the next months on this proposal, which is pretty much in line with the idea brought forward in the ITRE draft report. Specifically, we can define in detail a harmonized notification procedure, including the suggested single notification form. BEREC could

seek to present a detailed proposal already during 2014, so as to facilitate the ongoing legislative process.

Access products and remedies

As regards the access products and remedies, BEREC has expressed its concerns towards an approach which would dictate a preference for a specific wholesale access remedy and prescribe its detailed technical characteristics. In BEREC's view, the selection of the most appropriate remedy must be attentive to the real differences in network roll-out, technology and commercial needs across Europe, and to the fact that these are continually evolving over time.

We therefore welcome the choice made in the ITRE draft report. BEREC would also propose developing regulatory best practice approaches for pan-European wholesale access products. In this way, BEREC will be able to reflect the actual needs of operators and business customers, and to ensure that the technical characteristics of those inputs are constantly updated to reflect market developments.

BEREC Governance

Concerning BEREC itself, we maintain that the institutional set up of BEREC was carefully constructed to ensure its operational independence. Any changes intended to improve its functioning should therefore be approached with great caution and should take into consideration the final report by the European Parliament on the BEREC assessment.

Having said that, we welcome the proposal in the draft ITRE report, for a harmonized set of competences for all NRA's, as a means to improve BEREC's ability to effectively fulfill its role. Such provision is also instrumental for the proposed, simplified notification procedure. A natural prerequisite for this procedure to function smoothly is that the NRAs are entrusted by law with the authorization responsibilities. I must say that today this is not the case throughout the EU.

Let me close my brief intervention by expressing BEREC's commitment to work together with all the institutional stakeholders, so as to reach a final Regulation proposal that will serve the stated long-term objectives, without undermining the achievements of the European Regulatory framework.

Thank you