

Memorandum of Understanding
Between
the Euro-Mediterranean Regulators Group (EMERG)
And
Body of European Regulators for Electronic
Communications (BEREC)

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WHEREAS, the Euro-Mediterranean Regulators Group (EMERG) (hereinafter referred to as "EMERG") is the organization of the Euro-Mediterranean national regulators authorities (NRA) and consists of the NRA for the electronic communications sector from Austria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Germany, Greece, Israel, Italy, Jordan, Lebanon, Libya, Malta, Morocco, Palestine, Portugal, Spain, Slovenia, Switzerland, Tunisia and Turkey.

WHEREAS, the Body of European Regulators for Electronic Communications (hereinafter referred to as "BEREC"), supported by the Agency for Support for BEREC (BEREC Office) located at Z.A. Meierovica Bulv. 14, 2nd Floor, Riga LV-1050, LATVIA, is an independent EU body composed of the National Regulatory Authorities for the electronic communications sector from the Member States of the European Union, candidate countries and European Economic Area states and the European Commission as observers, and facilitates the consistent application of the electronic communication rules throughout the European Union;

WHEREAS, both EMERG and BEREC (each referred to individually as "party" and collectively as "parties") have an interest in effective electronic communications regulation that promotes competitive markets, technological innovation, and value for consumers;

WHEREAS, both EMERG and BEREC wish to state their intent to form a cooperative relationship, as outlined in this Memorandum of Understanding (hereinafter referred to as "MoU");

THEREFORE, EMERG and BEREC have reached the following understandings:

I. PURPOSE

The goal of this MoU is to encourage a cooperative relationship between the parties that supports the parties' respective efforts to address current and future regulatory challenges in both the Southern Mediterranean region and Europe, as well as to develop collegial working relationships between experts representing both parties.

Further, this MOU is intended to facilitate the possibility of additional tasks to be jointly agreed to be undertaken by the parties during the lifetime of this MOU and such tasks/projects shall be set out in separate non-legally binding documents agreed by the parties if and when they arise.

II. AREAS OF COOPERATION

A. Cooperative Activities, may include, but are not limited to:

- EMERG- BEREC annual meetings: strategic debate on common issues and agreement on any future collaboration;
- Joint working groups and workshops: Participation in meetings of BEREC and EMERG as may be deemed appropriate and upon invitation by the host for the purpose of closer collaboration and knowledge sharing;
- Information exchange (e.g., questionnaires, working papers, specific events, etc).

Such activities may be conducted via electronic means or in-person meetings between representatives of both parties.

The parties intend to determine, by mutual arrangements, the way in which exchange of information on regulatory issues is to be addressed, and those issues or joint tasks, if and when undertaken, which may be more particularly described and set out in additional agreements between the parties. Said means of information exchange may include, but are not limited to, the creation of the ad hoc Joint working groups described in Annex I.

The relevant terms and conditions (including, without limitation, those relating to financial, legal and operational matters, as well as to the respective rights, roles and responsibilities of the parties, if any) concerning the Cooperative Activities will be set forth in one or more non-legally binding written agreements, project documents and/or other instruments negotiated, agreed to and signed separately by both of the parties following the execution of this MOU.

B. Regulatory Issues

The parties intend to determine by mutual arrangement the regulatory issues to be addressed through their cooperative relationship and those issues may include, but are not limited to, the issues described in Annex II.

III. MoU IMPLEMENTATION

A. Responsibilities

The parties intend to make the necessary arrangements to ensure implementation of this MoU.

B. Communications

The parties intend to communicate regarding accomplishments related to this MoU.

C. Rules and Procedures

Each participant intends to operate according to its respective rules and procedures.

D. CONFIDENTIALITY:

In exchanging documents under this MOU, any document which either Party wishes to maintain as confidential shall be clearly marked as confidential prior to the exchange. Parties will exercise the utmost diligence to protect any such received document from public disclosure and maintain its confidentiality, to the extent permitted by the recipient Party's national laws and regulations.

IV. COSTS

The costs for each party resulting from the implementation of this MoU shall be borne by each one of them.

V. GENERAL PROVISIONS

A. Duration and modification

This MOU will become effective on the date of its signature by both parties' authorised representatives, and its provisions will remain applicable until this MOU is terminated in accordance with its terms

This MOU may only be modified or supplemented pursuant to a written amendment mutually agreed to and signed by both of the parties. Any such amendment will be annexed to this MOU and will form an integral part hereof.

This MOU may be terminated by either party by providing written notice thereof to the other party at least thirty (30) days prior to the effective date of such termination.

B. Representation

For purposes of communications or notices with respect to this MoU, both EMERG and BERIC will be represented by their sitting Chairs. Both parties may designate other focal points.

C. Legal Enforceability

This MoU is not intended to create legal and binding obligations for either participant, but is a statement of the parties' intent to form a cooperative relationship.

VI. SETTLEMENT OF DISPUTES

Any dispute between the parties arising from this MOU will be resolved by amicable direct negotiations between the parties, or by any other means to which the parties mutually agree in writing.

VI. SIGNATURES

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to sign this MOU in three (3) originals in the English language, as of the date(s) set forth below.

For the

For the Euro-Mediterranean Regulators Group (EMERG)

For the

The Body of European Regulators for Electronic Communications (BEREC)

Samer Ali
Chairman

Dan Sjoblom
Chairman

Date: _____

Date: _____

Place: _____

Place: _____

For the

Agency for Support for the Body of European Regulators for Electronic Communications (BEREC Office)

László Ignéczi
Director

Date: _____

Place: _____

ANNEX I

Proposed Joint Working Groups and specific projects to be defined, including but not limited to:

- i. Working group on consumer protection, focusing sectorial protection of end users and including, amongst other things, transparency issues and informational rights, universal service and protection of the disabled users, net neutrality, compliance obligations for OTTs, awareness raising, quality standards set up and monitoring and termination and switching procedures.
- ii. Working group on new technological trends, including but not limited to the data economy, M2M/IoT, Artificial Intelligence, online platforms, smart cities and public initiatives and the 5G ecosystem.
- iii. Working group on electronic communications benchmarking, including but not limited to the development of common measurement indicators, collection and processing of relevant data and production of cross-country and regional comparisons.

ANNEX II

Suggested topics of cooperative relationship

Cooperative relationship between EMERG and BEREC, including access to a contact list to disseminate and collect questionnaires, reports and any other valuable information to share regulatory best practices to address regulatory issues, which may include, but are not limited to, the following matters:

- Promotion of competition in markets, services, infrastructures, supporting the digital transformation;
- Connectivity and 5G networks: regulatory challenges.
- Broadband deployment and promotion of NGA/VHCN roll-out;
- Promotion of investment by means of a pro-competitive regulation;
- How to overcome the Digital divide;
- Spectrum management;
- International roaming tariffs;
- Open Internet / Net neutrality;
- Consumer protection and end-users' interests in the electronic communications ecosystem.
- Statistics;
- Administrative procedures and operational issues concerning the NRAs' activity.