

ERG 21th Plenary Meeting

Date: 31 May 2007
Venue: Oslo - Norway

CONCLUSIONS

1. Opening of the meeting and adoption of the agenda **ERG (07) 18**

- The agenda was adopted without changes.

2. Information from the ERG Chair on meetings and other activities **ERG (07) 19**

Background

Records of significant meetings and activities conducted by Roberto Viola as ERG Chair and Davide Gallino as ERG Secretariat.

The Secretariat informed the Plenary on the disclosure of a submission note covering the way ERG should treat access requests. The submission note will be published on the website.

- Plenary took note of the document

3. Harmonization of Remedies / Monitoring (OFCOM/CMT) **ERG (07) 20**

a. CMT presented the outcome of the consultations on the Harmonization and the amended versions of the Harmonization documents.

The documents for which the stakeholder's input was sought are:

- I. The proposed ERG approach to harmonization (ERG (06) 67)
- II. Effective Harmonization within the European Electronic Communications Sector (ERG (06) 68)
- III. CP on best practice in Bitstream Access Remedies (WBA) (ERG (06) 69 Rev1)
- IV. CP on best practice in Wholesale Unbundled Access Remedies (WLA)(ERG (06) 70 Rev1)

Summary of consultation and future work

The comments received largely covered the degree to which Common Positions (CPs) can be considered binding and the nature of guidance provided in them. With regard to the subject of CPs, there were suggestions to cover the provision of broadband services to businesses, benchmark of termination prices and price/ margin squeeze tests.

- Plenary approved the documents for publication.

b. OFCOM update on recent activities of the PT and document on “Monitoring of application of ERG CPs”

ERG (07) 21

Monitoring issues

Broadband/access markets would be the first application of more practical guidance on actual regulatory practice. OFCOM provided an update on monitoring the effective adherence of NRAs to approved CPs. A self-evaluation scheme was proposed, to be developed also in contact with the Commission and other stakeholders.

4. Regulatory accounting in practice (BAKOM/AGCOM)

ERG (07) 22

BAKOM provided an updated report on regulatory accounting in practice, reporting progress in compliance with the Commission Recommendation on cost accounting and accounting separation¹ and ERG CP on the subject. Further work is needed in several areas.

ERG Chair suggested that clearer transparency criteria could be provided in the forthcoming amending directives.

- Plenary adopted document for publication

5. Fixed /Mobile Termination Rates (AGCOM/ARCEP)

a. Draft CP on symmetrical termination rates

ERG (07) 23

ARCEP presented the interim report with specific parts on MTRs / FTRs and provided an update on the PT activities.

Heads discussed in detail the issue of termination rates (TR) differential in the various member states and considered the legal base for action, technical and economical indicators to evaluate TR and gave directions of future work. Work is underway to agree on a consistent approach to cost modelling.

b. Introduction of symmetrical MTRs in Sweden

ERG (07) 24

PTS gave a presentation on the Swedish situation

6. SMS benchmark (PTS)

a. Report on SMS benchmark

ERG (07) 25

¹ Recommendation on accounting separation and cost accounting systems under the regulatory framework for electronic communications (C(2005) 3480 final)

PTS submitted a proposal for a new timescale for the periodical SMS benchmark

b. PTS will submit an updated internal MTR benchmark as well as the MTR snapshot of 1 January 2007 for publication

ERG (07) 26

ERG (07) 27

- Plenary approved the new timescale and the MTR snapshot document for publication and took note of the internal MTR benchmark.

7. Broadband quality, pricing and bundling (BNetzA/ANACOM)

a. Final report on broadband quality, pricing and bundling

ERG (07) 28

- Plenary approved the document for internal use only

8. Next Generation Network Access (BNetzA)

a. Preliminary overview of the consultation on the NGN access document

ERG (07) 16

BNetzA provided an update on the ongoing consultation. PT worked intensively to focus on different regulatory scenarios and technical choices. Comments received reflect different situations in various MS.

b. Oral update on the NGN workshop in Turin (17 April 2007)

AGCOM reported on the initiative, which was well attended and informative

c. Opinion on NGN access to the Commission

ERG (07) 29

There will be a Mini plenary in early September in order to finalize the NGN Access document and discuss it with the Commission before it is sent as an ERG opinion.

- Plenary discussed way forward on the Opinion asked by the European Commission on NGN access.

9. International roaming regulation (OFCOM)

ERG (07) 30

a. OFCOM provided an update on the recent activities of the PT and reported on the discussion in the Council of the European Union and the European Parliament regarding the regulation, examining the possible implications for future tasks of NRAs.

- The plenary agreed on a common approach to implementing the forthcoming regulation on International roaming, which is expected to become law in late June. Common guidance should ensure that consumers will be able to take full

advantage of the lower prices proposed by the new Regulation. The ERG agreed that when the Regulation comes into force, national regulators will ensure that mobile phone operators provide, in a timely manner, the information needed to allow the rules to be applied equally across Europe. To this end, the ERG will put in place systems to collect, monitor and publish information to monitor developments in wholesale and retail charges on a consistent basis. In particular, the ERG has identified a core set of data that all NRAs will collect from national providers of international roaming services. The ERG will also address the issue of the automatic or requested transfer of existing customers to new tariff plans.

10. Lessons to be learned from recent Article 7 cases

The discussion with the European Commission focussed on recent Article 7-notifications and the comments from the Article 7 Task force on recently completed market reviews. In July, a Communication on market reviews under the EU regulatory framework will be published.

The ERG Chair noted that work on internal procedures on Article 7 had progressed and recalled that a permanent task force with experts provided from NRAs (different from the Commission task force) was set up. BIPT reported on the new procedure which should allow to continue to provide an independent view, while improving cooperation with the Commission services.

11. Information from the European Commission

ERG (07) 31

The Commission updated the Plenary about significant developments not already mentioned under the previous point. In particular it covered roaming and "must carry" obligations (the term must carry is used here to identify the obligations to which mobile networks are subject in the context of roaming agreements). On the Review, the Commission expressed its appreciation for the significant input offered by the ERG on the Review, including work on the possible institutional solutions. The Commission noted that the proposed legislation will be presented in Q4 2007.

12. Work Programme 2007 (IRG Secretariat)

a. Review/Update of WP 2007

ERG (07) 32

b. PRDs for Work Programme 2007

ERG (07) 33

The IRG Secretariat provided an update on WP 2007 roll-out and presented the new PRDs for the Work Programme 2007.

- Plenary approved the PRDs and updates to the WP 2007

13. Procedure for the selection of Chair's Secretariat members (Chair)

Roberto Viola provided an update on the state of recruitment procedures for the Chair's Secretariat members.

- Plenary took note.

14. Work Programme 2008 (Chair 2008)

a. Draft WP 2008: oral presentation of procedure for approval

b. Time table of 2008 meetings (Plenaries, CN and workshops) **ERG (07) 35**

Daniel Pataki (NCAH) reported on the consultation procedure for the WP 2008.

15. International activities of ERG (CMT) ERG (07) 36

CMT presented a report on I/ERG international activities and cooperation with other NRAs.

- Plenary took note.

16. AOB

- a. Letter to the ERG Chair from Eutelsat / SES Astra
- b. Letter to the ERG Chair from Vodafone on Article 7 FD
- c. MEDA/ERG regulators meeting in November 2007 (ERG Chair)
- d. Access to ERG documents (ERG Secretariat)
- e. Convergence workshop (ERG-EPRA) in Capri (18-19 October 2007) (ERG chair)
- f. Info on debriefing session and on next ERG Plenary meeting (Athens 11-12 October)

The ERG website has changed URL. The new address is now <http://erg.ec.europa.eu>