



Press release ERG

ERG (09) 10

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**NATIONAL REGULATORS CALL ON PARLIAMENT AND COUNCIL TO
STRENGTHEN THE ERG FOR FURTHER HARMONISATION**

At their Plenary session on 26-27 February 2009 in Berlin, NRAs strongly urged the European institutions to reach a fast and effective agreement on the telecom package during the 2nd reading. They firmly supported an independent system of European regulators and were pleased that both Parliament and Council shared this key objective. NRAs also supported the Council common position of 27 Nov 2008 on the Art. 7 Framework Directive procedure as a balanced means of improving consistency.

During their Plenary session, national regulators re-confirmed their strong support for the two-tier approach to strengthen the ERG through full incorporation into the regulatory framework. They urged that its role and responsibilities be set out in regulation, as well as reflected in relevant Directive provisions.

In a statement published on the same day, NRAs supported the political agreement reached in November 2008 by the Council. The agreement strikes a good balance between the need for increased consistency and flexibility for NRAs. This promotes both the internal market and competition, thereby resulting in benefits for European consumers, as well as providing a stable and predictable framework for operators. Furthermore, NRAs viewed the agreement as formalizing and strengthening the role of independent NRAs in the regulatory process.

Issues discussed by ERG at the Plenary included recent developments in the deployment of Next Generation Networks Access networks in Europe. The ERG found the current framework provides the necessary instruments to encourage investment in next generation network infrastructure while at the same time maintaining the level and balance of infrastructure competition. The ERG emphasized that non-discrimination and avoidance of margin squeeze must continue to be ensured to avoid compromising the level of competition achieved so far through the application of existing regulatory tools as well as competition rules. Chair Kurth pointed out that, *regulation can incentivise infrastructure investment as well as promoting competition as correctly applied regulatory and competition law intervention will reinforce the realization of the two objectives*. Above all, the national regulators agreed it is important to provide a stable and predictable environment for investors.



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ERG also made progress on a number of important ongoing regulatory dossiers affecting the sector, including consumer empowerment and convergence. It approved for publication the ~~%~~Report on Ensuring Transparency of Tariff Information, as well as a ~~%~~Report on Fixed-Mobile-Convergence and the ~~%~~Report on the Discussion on the application of margin squeeze tests to bundles. Additionally, the ERG discussed roaming and is ready to provide input and technical advice to the European institutions on proposed amendments to the Roaming Regulation proposal of the Commission.

In light of the ongoing discussions on the review of the regulatory framework, the ERG adjusted its WP 2009, mainly postponing continued work on tariff transparency until the new Universal Service Directive provisions are adopted in co-decision. It will focus the work on the scope of Universal Service as foreseen in the WP 2009.

The Plenary approved the 2008 Annual Report for submission to the Commission and the EP as well as the Council, showing an impressive record of its activity in 2008. It was the first Plenary meeting chaired by Matthias Kurth of the German regulator BNetzA as I/ERG Chairman in 2009.

All documents will be available on the ERG website: <http://erg.ec.europa.eu> and <http://www.irg.eu>.

NOTES FOR EDITORS

The European Regulators Group (ERG) was created to act as an advisory group to help the European Commission develop the internal market for electronic communications and services and ensure the consistent application of the regulatory Framework.

The ERG takes into account in its work the objectives given to NRAs in Article 8 of the Framework Directive (2002/21/EC) to promote competition, contribute to the development of the internal market and promote the interests of EU citizens.

The ERG consists of European National Regulatory Authorities (NRAs). Its full members are the twenty-seven EU Member States whilst the four EFTA States (Switzerland, Norway, Iceland and Liechtenstein) and three EU Candidate States (Turkey, Croatia and Former Yugoslavian Republic of Macedonia) participate as observers.

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