



Memorandum of Understanding between the United States Federal Communications Commission and the Body of European Regulators for Electronic Communications (BEREC)

WHEREAS, the United States Federal Communications Commission (FCC) is an independent United States government agency serving as the national telecommunications authority for the United States;

WHEREAS, the Body of European Regulators for Electronic Communications (BEREC) supported by an Office situated in Riga/LATVIA, is an independent European Union (EU) body consisting 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, the EFTA Surveillance Authority and the European Commission as observers, and facilitates the consistent application of the telecommunication rules throughout the European Union;

WHEREAS, the FCC and BEREC (hereinafter collectively referred to as "the Participants") entered into a Memorandum of Understanding (MOU) in March 2012 (March 2012 MOU);

WHEREAS, the Participants recognize the important bilateral partnership between the FCC and BEREC based on a shared interest in effective telecommunications regulation that promotes competitive markets, technological innovation, and reducing the digital divide;

WHEREAS, the Participants acknowledge the important role that the regulatory bodies of both Participants play in promoting the development of electronic communications services in both the United States of America and the EU;

WHEREAS, the Participants are determined to strengthen the relationship between the Participants by means of increased engagement and regulatory policy dialogue and wish to enter into a new MOU;

NOW, THEREFORE, the FCC and BEREC have reached the following understandings in the spirit of mutual benefit and institutional cooperation.

ARTICLE I. PURPOSE

- A. Through cooperation consistent with this MOU, the Participants intend to establish a non-binding mechanism for the mutually beneficial exchange of ideas in the field of electronic communications regulatory policy, with the purpose of contributing to the development of advanced communications in both the United States of America and the EU.
- B. The Participants intend to carry out information exchange and technical cooperation in the field of electronic communications and related facilities/services, in accordance with

their respective national laws, regulations and international obligations and within the limits of their respective annual budgetary appropriations and their respective mandates.

ARTICLE II. SCOPE

- A. The Participants have identified specific areas of common interest, as set forth in Appendix I.
- B. Cooperation between the Participants in these areas may be carried out through activities that include but are not limited to:
 - 1. Information exchanges, including the sharing of the technical skill sets and specialized knowledge of the Participant's respective staffs, and best practices sharing;
 - 2. Bilateral meetings, seminars, and workshops, either through digital videoconferences (DVCs) or through in-person meetings between experts representing both participants; and/or
 - 3. Other forms of cooperation as may be mutually deemed appropriate.

ARTICLE III. IMPLEMENTATION

- A. **FUNDING AND RESOURCES:** The cooperative activities carried out under this MOU are subject to the availability of funds, within the limit of the Participants' respective annual budgetary appropriations. For activities carried out under this MOU, each Participant shall cover its own costs and resources in relation to those activities, unless otherwise mutually determined.
- B. **DESIGNATED POINTS OF CONTACT:** In order to facilitate the implementation of this MOU and associated activities, Appendix I lists the individual that each Participant has designated as its point of contact. Points of contact may be updated in the future, as appropriate.
- C. **RULES AND PROCEDURES:** Each party intends to operate according to its respective rules and procedures.

ARTICLE IV. GENERAL PROVISIONS

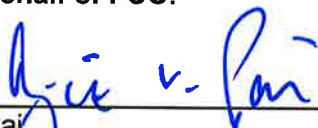
- A. **COMMENCEMENT:** Cooperation under this non-binding MOU is intended to commence on the date it is signed by the Participants and the terms of this MOU shall supersede any prior arrangements and understandings entered into between the FCC and BERC, including the March 2012 MOU.
- B. **DURATION:** The Participants intend to carry out their cooperative activities under this MOU for an initial period of one year. The MOU is intended to automatically renew for an additional one-year period at the end of the initial term and on an annual basis thereafter.
- C. **DISCONTINUATION:** Either Participant may discontinue cooperation under this MOU at any time. A Participant is expected to provide written notice of its intent to discontinue cooperation under this MOU, and the discontinuation of the MOU will be effective immediately upon receipt of such written notice.

- D. MODIFICATION: This MOU may be modified at any time with mutual consent in writing.
- E. CONFIDENTIALITY: In exchanging documents under this MOU, any document which either Participant wishes to maintain as confidential shall be clearly marked as confidential prior to the exchange. Participants intend to exercise the utmost diligence to protect any such received document from public disclosure and maintain its confidentiality, to the extent permitted by the recipient Participant's national laws and regulations.
- F. CONSULTATION: Any difference in views concerning the interpretation of this MOU is expected to be resolved through friendly consultation between the Participants.

ARTICLE V. LEGAL ENFORCEABILITY

This MOU does not create any legal and binding international rights or obligations for either Participant, but serves as a statement of the Participants' intent to enter into a cooperative relationship. It does not modify or supersede any domestic or international laws, regulations and agreements in force applying to the United States or the member countries of BEREC.


On behalf of FCC:



 Ajit Pai
 Chairman, United States Federal Communications Commission

Date: July 10, 2018

On behalf of BEREC:



 Johannes Gungl
 Chairman, Body of European Regulators for
 Electronic Communications (BEREC)

Date: July 10, 2018

On behalf of BEREC Office



 László Ignécz
 Administrative Manager of the Office of the
 Body of European Regulators for Electronic
 Communications (BEREC Office)

Date: 19 July 2018