

Body of European Regulators for Electronic Communications (BEREC) and the Office. 'Telecoms Package'

2007/0249(COD) - 07/07/2008

The Committee on Industry, Research and Energy adopted the report drafted by Pilar **del CASTILLO VERA** (EPP-ED, ES) amending at 1st reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority.

The salient issues are as follows:

Body of European Regulators in Telecom (BERT): with a view to ensuring the effective and consistent implementation of a regulatory framework on electronic communications, MEPs propose to set up of a Body of European Regulators in Telecom composed of 27 national regulatory authorities, as an alternative to the European Electronic Communications Market Authority (EECMA) advocated by the European Commission. Furthermore, it shall advise the Commission and assist the NRAs in all matters within the scope of the tasks assigned to the NRAs by the Framework Directive and the Specific Directives.

Role and tasks: BERT shall carry out its tasks in cooperation with NRAs and the Commission. BERT shall serve as a means for the exchange of information and the adoption of consistent decisions by NRAs. It shall provide an organisational basis for the decision-making of NRAs. It shall adopt common positions and comments. Furthermore, it shall advise the Commission and assist the NRAs in all matters within the scope of the tasks assigned to the NRAs by the Framework Directive and the Specific Directives. The Commission and NRAs shall take the utmost account of the opinion of BERT. Where BERT proposes alternative solutions in the light of different market conditions and path dependence of different regulatory approaches, NRAs shall consider which solution fits best into their regulatory approach. NRAs and the Commission shall make public the manner in which the opinion of BERT has been taken into account.

Spectrum policy: upon request, BERT shall provide advice to the Commission, the Radio Spectrum Policy Group ("RSPG") or the Radio Spectrum Committee ("RSC"), as appropriate, in relation to matters within the scope of its functions which affect or are affected by the use of radio frequencies for electronic communications in the Community. It shall work in close cooperation with the RSPG and the RSC as appropriate.

Separation of BERT and ENISA: MEPs state that BERT should not take over tasks relating to network and information security. The Commission had originally proposed merging the existing European Network and Information Security Agency (ENISA) with the new European Electronic Communications Market Authority (EECMA). In addition, numbering issues, in accordance with the (Framework Directive) and access to numbers and services in the Community, in accordance with the Universal Service Directive are competence which should remain with the Member States.

Structure and staff: BERT shall comprise a board of Regulators Board representing 27 national regulatory authorities and a Managing Director whose term of office shall be 5 years. When carrying out the tasks conferred upon it by this Regulation, the Board of Regulators shall act independently and shall not seek or take instructions from any Member State or any public or private interest. The European Parliament may request either the Chairperson of the Board of Regulators or the Managing Director to address it on relevant issues relating to BERT's activities. The committee responsible in the European

Parliament may ask the Managing Director to take the floor and to answer any questions put by its Members. The Staff Regulations of Officials of the European Communities shall apply to the staff of BERT.

Funding: the new Body of European Regulators in Telecommunications (BERT) should be funded by the Community (one third) and by direct contributions from national regulatory authorities (two thirds), according to an amendment adopted by the committee. However, the rapporteur and shadow rapporteurs agreed to review these funding provisions ahead of the plenary vote.

Report: within 3 years of the effective start of operations, the Commission shall publish an evaluation report on the experience acquired as a result of the operation of BERT. The European Parliament shall issue an opinion on the evaluation report. On 1 January 2014 a review shall take place to evaluate whether it is necessary to extend the mandate of BERT. In case an extension is justified, budgetary and procedural regulations, as well as human resources, shall be reviewed.