

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

2007/0249(COD) - 24/09/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 490 votes to 105, with 14 abstentions, a legislative resolution amending the proposal for a regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority, also approved by the Committee on Industry.

The report had been tabled for consideration in plenary by Pilar del **CASTILLO VERA** (EPP-ED, ES) on behalf of the Committee on Industry, Research and Energy.

The main amendments – at 1<sup>st</sup> reading of the co-decision procedure – 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. The European Commission shall consult BERT in carrying out its functions under 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 European Parliament and the Council shall adopt a decision establishing an office to ensure appropriate resources for BERT.

BERT may issue opinions at the request of the European Parliament, the Commission, or on its own initiative. It shall develop common positions, guidelines and best practices for the imposition of regulatory remedies at the national level and monitor their implementation across Member States. 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 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).

**Structure:** BERT shall comprise a Board of Regulators representing 27 national regulatory authorities and a Managing Director whose term of office shall be 5 years. Before appointment of the Managing Director, the suitability of the candidate selected by the Board of Regulators may be subject to a non-binding opinion of the European Parliament and the Commission. When carrying out its tasks, the Board of Regulators shall act independently. 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. If necessary, the responsible committee of the European Parliament may invite the Managing Director to answer questions put by its members.

**Funding:** BERT shall be financed by a subsidy from the Community and a financial contribution from each NRA. Each Member State shall ensure that NRAs have the adequate financial resources required to participate in the work of BERT. The Board of Regulators shall agree, at the latest, six months after the entry into force of this Regulation, the level of the financial contribution to be made by each Member State.

**Report:** within three 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. By 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.