



Warsaw, 4 December 2009

IRG WELCOMES THE ADOPTION OF THE REVISED REGULATORY FRAMEWORK

IRG MEMBERS WELCOME THE AGREEMENT REACHED BY THE EUROPEAN PARLIAMENT AND THE COUNCIL IN 3RD READING LEADING TO THE FORMAL ADOPTION OF THE REVISED TELECOM PACKAGE. IRG IS PLEASED THAT THE DESIGNED SYSTEM OF EUROPEAN REGULATORS (BEREC) IS BASED ON A TWO-TIER APPROACH BASED ON THE COOPERATION OF INDEPENDENT NATIONAL REGULATORS, WHOSE INDEPENDENCE IS STRENGTHENED TO ENSURE EFFECTIVE REGULATION.

IRG united for the Warsaw General Assembly welcomes the final agreement on the review of the European Regulatory Framework for electronic communications networks and services reached by the European Parliament and the Council of November 09. The adoption of the revised Directives is key to provide regulators, operators, and consumers with the necessary legal certainty to meet the challenges of such a rapidly evolving sector. IRG sees very positively the improvements to the existing framework that will allow to deliver the maximum benefits to European citizens and develop the Internal market further.

In particular, IRG re-confirms its strong support to the agreed two-tier approach in the formation of BEREC to strengthen the ERG through full incorporation into the regulatory framework. The agreed system, composed of an advisory body (the Board of Regulators, BoR) and a separate supporting Office with legal personality, will guarantee the independence of the advisory body from operators, national governments and European institutions. In this sense, the National Regulatory Authorities and IRG express their commitment to ensure an efficient transition from ERG to the new body and emphasise its wish that BEREC becomes fully operational as soon as possible for the benefit of the Internal market functioning. For practical reasons the Office should best be located in Brussels.

In addition, IRG is pleased that the approved package has also succeeded in providing strengthened tools aimed at ensuring regulatory consistency across Member States, while at the same time leaving the necessary leeway to NRAs to allow regulation to effectively address the problems of national markets. In this sense, greater consistency of national decisions on market definition and SMP assessment is ensured through the possibility of having binding Decisions when national divergences may create a barrier to the internal market. On the other hand, while such Decisions will not apply to the case of application of remedies, new provisions allowing Recommendations requiring the involvement of BEREC with opinions to be issued on national decisions have been introduced which will ensure an adequate level of harmonisation at this level as well as allowing a continuation of the successful work resulting from the cooperation of NRAs.