

The graphic features a stylized globe in shades of blue and green at the top. A horizontal orange bar with the letters 'ERG' in white, bold, sans-serif font is positioned across the middle. Below the orange bar, there are several horizontal white lines of varying lengths, creating a sense of motion or a signal trail.

ERG

ERG views on EECMA and the new European Commission's regulatory powers

**Antonio De Tommaso
ERG Review Project Team Chairman**

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ERG

Who we are

European Regulators Group: set up by Commission's Decision 2002/627/EC (as amended by 2004/641/EC)

The ERG is comprised of National Regulatory Authorities from 34 European Countries:

- **27 EU Member States;**
- **4 EFTA Members (Iceland, Liechtenstein, Norway, Switzerland), as “observers”**
- **3 EU candidate Countries (Croatia, FYROM, Turkey) as “observers”.**

The Commission takes part to ERG meetings (no voting rights).



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What we do

ERG objectives, pursuant to Article 3 of the ERG Decision, are:

- to advise and assist the Commission in developing the Internal Market;
- to ensure the consistent application of the European regulatory framework

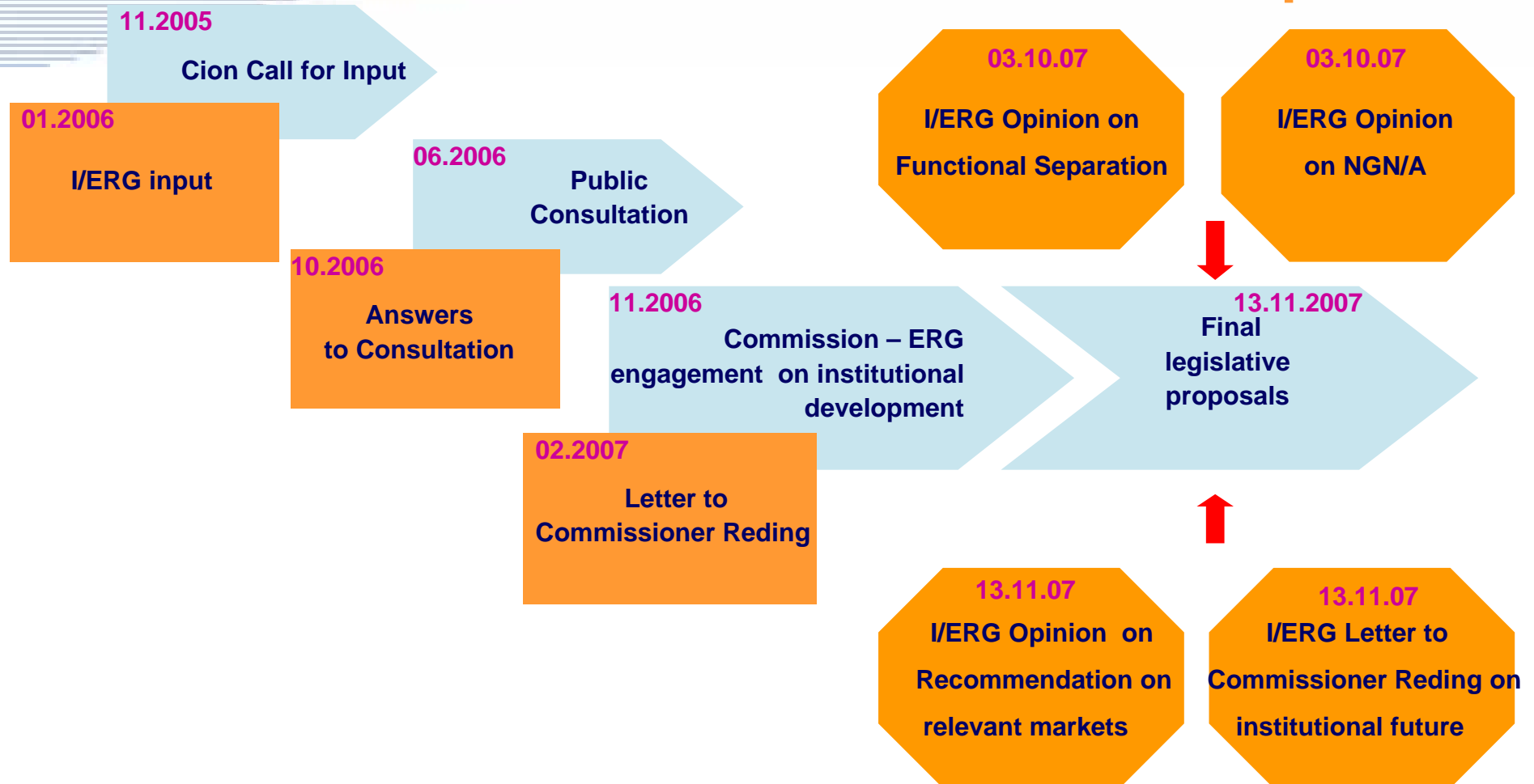
ERG enables cooperation amongst NRAs, share of experiences on implementing the framework and on responding to market and technological developments

ERG activities based on a annual Work Programme and delivered in several formats (Common Positions, Opinions, Reports...)

ERG seeks to ensure maximum transparency (Annual Report submitted to the European Commission and published; consultations and public hearings; publication of all decisions; constant contacts with stakeholders..).

ERG

ERG and the review process



The Commission's approach to the Internal Market

In view of progressive deregulation, the Commission's legislative proposals confirm the three objectives:

- better regulation;
- Internal Market;
- consumers benefit.

Despite the satisfactory economic and regulatory background (see IA figures), the Commission is pessimistic on the ability of the current framework to address regulatory consistency across EU and to pursue the Internal Market objective (see Par.7 of IA)

Commission's proposals to achieve more consistency are:

- increased Commission's role and powers in the regulatory process;
- establishment of EECMA, as adviser on Commission's regulatory powers and as exclusive forum for cooperation between NRAs in the new Framework.



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The proposed new regulatory balance

The proposed design provides a substantial change in the current institutional, since it entrusts the Commission with:

- veto power on remedies (art. 7.4 c) FD);
- direct regulatory powers on NRAs decision after Phase 2 (art. 7.6 and 7.8)
- direct regulatory powers in case of non compliance with new binding timing or market analyses (art.16.6. and 16.7 FD)
- direct regulatory powers on transnational markets (art.15.4 and 16.5 FD)
- wider Commission's power to issue technical implementing rules (FD)

The logo for ERG, consisting of the letters 'ERG' in a bold, orange, sans-serif font. The logo is positioned on the left side of a horizontal banner that features a stylized globe and a blue-to-white gradient background with horizontal lines.

ERG views on the proposed new regulatory balance

ERG developed and reaffirms a robust set of arguments against veto on remedies and other centralised powers as response to the issue of consistency, since:

- **it is based on a overstated lack of consistency (see results of national market analyses) and predictably reduced in the near future (next rounds);**
- **centralisation of regulatory powers impacts on subsidiarity principle and on decentralisation needs;**
- **it won't solve real consistency issues (based on improper national transposition);**
- **it is likely to produce additional procedures and regulation (hindering flexibility and predictability of the Framework).**



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The ERG approach to consistency

ERG believes that greater consistency could be effectively achieved through enhanced cooperation:

- 1. amongst NRAs (within ERG), and**
- 2. between the Commission and the ERG (within the current Article 7 process)**

ERG believes that its own initiatives to promote targeted harmonisation will have significant impact and that consistency issue should not influence the design of the new institutional set up.

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Work Programme
focalisation on
harmonisation
(identification of key
issues + delivery of CPs)

Organisational
improvements to
enhance level and
organisation of resources

Madeira commitments
(NRAs recommended to
utmost account of ERG
CPs + ERG to monitor
NRAs' compliance)

Improving consistency

Technical means to
strengthen cooperation
between NRAs (**centres
of knowledge**)

Working Practices
(decision-making
process includes
majority voting)

Closer cooperation with
the Commission in
relation to **Article 7
Phase II**

The logo for the European Regulatory Group (ERG) features the letters 'ERG' in a bold, orange, sans-serif font. The letters are set against a circular, glowing orange and white background that resembles a lens flare or a stylized globe. This circular element is positioned on the left side of a horizontal banner that spans the top of the slide. The banner has a dark blue background with a lighter blue, grid-like pattern and a thin orange line running through it.

The EECMA a) scope and functions

The draft regulation entrusts EECMA with advisory functions on new wider Commission's regulatory powers:

- **Commission's veto powers (core of new regulatory balance) (art.5-7)**
- **spectrum and numbering issues (artt.8-9)**
- **authorisation and rights of use (artt.11-13)**
- **take over of network and security issues now performed by ENISA (art. 14)**
- **other complementary duties: monitoring, reporting, dispute solution (art.15-23)**

The logo for ERG (European Risk Group) is displayed in large, bold, orange letters. It is set against a background of a stylized globe with a grid pattern, overlaid with a blue and white wave-like graphic. A horizontal orange line runs across the middle of the globe graphic.

The EECMA b) organisation and structure

EECMA institutional set up and organisation:

- follows the traditional model of EU Agency structure;
- is based on several organisational layers (Administrative Board, Board of Regulators, Director, Chief Network Security Officer, Permanent Stakeholders Group);
- recognises a central role to the Administrative Board (appoints of other bodies; adopts Work Program and monitors implementation; approves budget and staff policy....)
- incorporates ENISA, with impacts on human resources (134 employees) and on budget (28 million €).

The logo features the letters 'ERG' in a bold, orange, sans-serif font. The letters are set against a circular, glowing effect that resembles a lens flare or a sunburst. This circular element is positioned over a stylized, blue-toned world map. The background of the entire slide is a dark blue gradient with a subtle grid pattern. A horizontal orange line runs across the middle of the slide, passing behind the 'ERG' logo. Below the logo, there are several horizontal white lines that create a sense of motion or a trail.

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The ERG approach to regulatory coordination

The ERG:

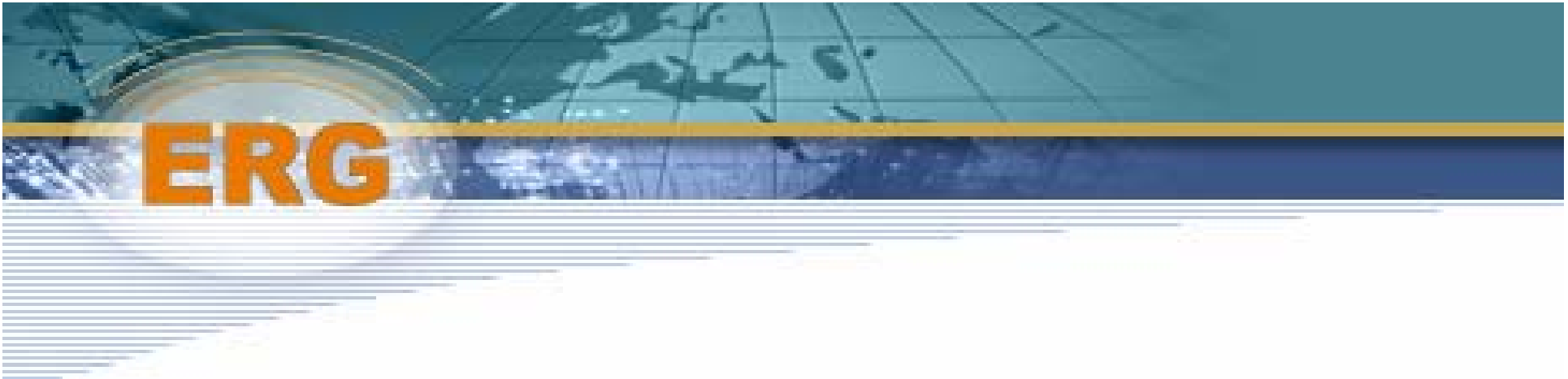
- believes that greater regulatory coordination could play a pivotal role in order to address future regulatory challenges
- believes that coordination should be based on a reinforced cooperation model amongst National Independent Regulators and between them and the Commission, without filters and additional bureaucracy
- already embarked into a major step change and welcomes any initiative of institutional reshape based on a substantial increase of NRAs coordinated role and responsibility in the regulatory system (i.e., by means of an enhancement of ERG role and duties).

In search for an alternative

In two letters (on 27 February 2007, then on 6 November 2007), the ERG expressed its concerns on the new regulatory process and on EECMA and highlighted some principles and alternative routes to improved consistency and greater cooperation:

According to ERG, any new institutional set up of the cooperation model should meet some key features:

- ❑ ensure independence from the Commission, national Governments and the Industry (governance and decision making processes in NRAs hands);
- ❑ be efficient and able to deliver professionally its duties (by means of a light, flexible, non bureaucratic structure);
- ❑ ensure a formal recognition and accountability in the Community system in running regulatory duties (i.e., drafting soft-law provisions; Art. 7 engagement; reporting commitments...);
- ❑ rely on NRAs expertise (bottom up approach).



Thank you!