

# The role of NRAs and institutional set-up

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# Main institutional set-up changes in the EECC

## Tasks of NRAs

- Minimum list included in the Code

## Independence of NRAs

- Strengthened through rules on appointment and dismissal of the head

## BEREC and the BEREC Office

- 2 tier structure remains
- More explicit advisory role
- Review every 5 years

## RSPG

- Enhanced role
- Increased cooperation
- Peer review process

# National regulatory authorities - NRAs

## Definition

- Bodies which are independent both from the sector and from any external intervention or political pressure

## NRAs vs. other competent bodies

- Some tasks reserved for NRAs only
- Other tasks may be done either by NRAs or other competent bodies

# NRA independence

## NRA must

- Act independently, objectively and impartially
- Have adequate financial and human resources
- Have a separate annual budget

## Appeals

- Independent and effective appeal body
- Obligatory judicial review
- In pending appeals, NRA decisions should stand

## Information on appeals

- Number, subject, number, duration, decisions to grant interim measures
- Upon request to the Commission and BEREC

# Appointment and dismissal of NRA heads – art. 7

## Appointment

- Open and transparent selection procedure
- Appointed on the basis of merit, skills, knowledge and experience
- At least a 3 year term

## Dismissal

- Only if they no longer fulfil the conditions laid down in national law before their appointment
- Dismissal decision must be public
- Subject to judicial review on points of facts as well as on points of law

# List of minimum tasks of NRAs – art. 5(1)

## NRAs responsible at least for

- Ex ante market regulation
- Dispute resolution between operators
- Spectrum management or, where those tasks are assigned to other authorities, providing advice on market-shaping and competition elements of national processes related to the spectrum rights
- Contributing to the protection of end-user rights in coordination with other competent authorities
- Monitoring market-shaping and competition issues regarding open internet access
- Assessing the unfair burden and calculating the net cost of the provision of universal service
- Ensuring number portability between providers

# Administrative charges – art. 16

## General authorisation

- Notification to the NRA is enough
- Conditions listed in annex I
- No specific administrative act or decision

## Administrative charges

- Administrative costs of management, control and enforcement of the general authorisation system
- Objective, transparent and proportionate
- May be waived for small operators

## Annual overview

- Overview of administrative costs and of the total sum of the collected charges
- If discrepancies, adjustments must be made

# Body of European regulators for electronic communications – BEREC (separate Regulation)

## Powers

- No directly binding decision making powers
- Double lock veto (symmetric access and co-investment)
- Utmost account

## NRAs must

- Actively support BEREC's goals of promoting regulatory coordination and consistency
- Take utmost account of all BEREC deliverables



# BEREC and the BEREC Office

## 2 tiers

- BEREC (no legal personality)
- BEREC Office in Riga

## BEREC tasks

- Assist and advise the NRAs, EP, Council and EC
- Issue opinions and guidelines as set in the EECC
- Analysis of transnational markets and end-user demand
- Maintain a database of notifications

## BEREC Office tasks

- Professional and administrative support
- Collect and exchange information
- Disseminate regulatory best practices
- Assist with databases, public consultations, EWGs etc.

# RSPG

## RSPG

- High-level advisory group that assists EU institutions in the development of broader radio spectrum policy issues

## Composition

- Representatives of the 28 MS and of the Commission
- Chairperson elected for a period of two years
- Observers from the EEA, candidate countries, EP, CEPT and ETSI

## Tasks

- Opinions to the Commission, EP and the Council
- Facilitate coordination between MS
- Coordination and dispute resolution on harmful interference
- Peer review process



Thank you!

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