

Working arrangement

between the Body of European Regulators for Electronic Communications (BEREC) and the Radio Spectrum Policy Group (RSPG) (hereinafter ‘the Parties’)

WHEREAS, the Body of European Regulators for Electronic Communications (BEREC) is an independent EU body composed of the National Regulatory Authorities for the electronic communications sector from the Member States and the European Commission, to which participation is open to European Economic Area States and third countries, in particular candidate countries, which facilitates the consistent application of the electronic communication framework throughout the European Union;

WHEREAS, the Radio Spectrum Policy Group (RSPG) is a European Commission high-level advisory group composed of high level governmental experts from each Member State, which assists and advises the Commission as well as advises the European Parliament and the Council upon their request, with respect to the strategic planning and coordination of radio spectrum policy approaches in the Union.

WHEREAS, the RSPG, as an expert advisory group created by the European Commission, is subject to the general horizontal rules applicable to such groups¹;

WHEREAS, article 35 of the European Electronic Communications Code provides that the Peer Review Forum shall be open to voluntary participation by experts from other competent authorities and from BEREC.

CONSIDERING the important bilateral partnership between the RSPG and BEREC based on a shared interest in effective regulation of the electronic communications sector that promotes competitive markets, technological innovation, reducing the digital divide, contributing to a harmonized regulatory environment in Europe and promoting the Digital Single Market to the benefit of European citizens;

CONSIDERING the important role that the competent authorities represented in BEREC and RSPG play in promoting the development of electronic communications services in their

¹ Commission decision C(2016)3301 of 30.5.2016 establishing Horizontal Rules on the creation and operation of Commission expert groups

respective Member States;

CONSIDERING the determination to strengthen the relationship between the BEREC and RSPG and to cooperate through increased engagement and regulatory policy dialogue;

WHEREAS the Commission has approved this working arrangement;

BEREC and RSPG (hereinafter referred to as the Parties) have reached the following understandings in the spirit of mutual benefit and cooperation.

1. Through this working arrangement, the Parties intend to establish a non-binding mechanism for cooperation and the mutually beneficial exchange of information and ideas in the field of electronic communications regulatory policy, at the level of the Union.

2. The Parties intend to implement the following cooperation methods for the purposes of participation into the Peer Review Forum, foreseen in Article 35 of the European Electronic Communications Code, which shall become applicable on 21 December 2020:

- a) To use the Peer Review Forum as an instrument of peer learning;
- b) To promote the view that the Peer Review Forum brings greatest benefit as it convenes national NRAs and other Competent Authorities with expertise on comparative or competitive selection procedures pursuant to the electronic communications regulatory framework;
- c) To cooperate on the application of the Peer Review Forum;
- d) To appoint "liaison officers" in both BEREC and RSPG to strengthen the relationship between the two bodies as well as to facilitate the implementation of this Arrangement;
- e) RSPG envisages transmitting an invitation to the liaison officer in BEREC before any Peer Review Forum is convened, together with the relevant draft measures to be discussed in the meeting;
- f) BEREC envisages informing the liaison officer in RSPG if it intends to participate in the Peer Review Forum and to indicate its experts at the meeting;
- g) The experts from BEREC in the Peer Review Forum may express their views in the discussions taking place during the Peer Review Forum;
- h) If a report or an opinion on Peer Review is drafted by RSPG, this should also be provided to BEREC for information purposes.

3. The Parties also agree that BEREC can participate in other meetings organised by the RSPG to discuss and exchange views on draft measures relating to the authorisation of the use of radio spectrum, using similar cooperation methods set out in para 2 as may be appropriate. Cooperation between the Parties in other areas may be carried out through activities that include but are not limited to:

- a) Regulatory Issues of mutual interest, in particular market regulation and competition related to radio spectrum, including 5G;

- b) Exchanges of Information and best practices in the fields of common interest;
- c) Bilateral meetings, seminars, and workshops.

With regard to market regulation and competition related to radio spectrum within the competence of BEREC, the Parties intend to exchange information and to invite experts of the other Party to relevant meetings of each Party, through the points of contact in accordance with their respective Rules of Procedure.

Each Party envisages providing the possibility of the other Party to express its views on issues of mutual interest concerning market regulation and competition related to radio spectrum.

4. The activities carried out under this agreement are subject to the availability of funds, within the limit of BEREC's and RSPG's respective resources. For activities carried out under this arrangement, each Party intends to cover its own costs and resources in relation to those activities, unless otherwise mutually determined.

5. The persons designated as points of contact for the purposes of this working arrangements are the liaison officers. The chair of each Party will communicate to each other the name and contact details of their respective contact points. The liaison officers are responsible for ensuring the exchange of information under the present working arrangement. They intend to meet at least twice a year to discuss the results of the cooperation and provide respective feedback to each respective Party on the developments under the present working arrangement.

6. Without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council, documents or information received by either Party from the other will not be disclosed to a third party unless they are already in the public domain before the disclosure. In exchanging documents under this agreement, any document which either BEREC or RSPG wishes to maintain as confidential, in compliance with Union or national law, shall be clearly marked as confidential prior to the exchange.

7. This arrangement does not create any legal rights or obligations for either Party.

8. Either Party may discontinue this working arrangement at any time, upon three months prior written notice to the other.

9. Cooperation under this arrangement is to start on the date it is signed.

Signed at Ghent 13 June 2019

On behalf of BEREC:



Jeremy Godfrey
Chairman, BEREC

On behalf of BEREC Office:



László Ignécz
Director BEREC Office

On behalf of RSPG:



Jonas Wessel
Chairman, RSPG