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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.7.2009  
COM(2009) 422 final

2007/0249 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty, on the European Parliament's amendments to the Council's Common Position regarding the Proposal for**

**a Regulation of the European Parliament and of the Council establishing the Group of European Regulators in Telecoms**

AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the EC Treaty

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### **1. BACKGROUND**

#### **Procedure**

The Commission adopted its proposal for a Regulation COM (2007) 699 – 2007/0249 (COD) on 13 November 2007 and submitted it to the European Parliament and to the Council on 13 November 2007 for adoption by co-decision procedure as laid down in Article 251 of the EC Treaty.

The Economic and Social Committee gave its opinion on 29 May 2008. The Committee of the Regions adopted its opinion on 19 June 2008.

On 5 November 2008 the Commission adopted, in accordance with Article 250 of the EC Treaty, its amended proposal<sup>1</sup> incorporating in whole or in part many of the amendments voted by the European Parliament in its first reading on 24 September 2008.

The Council, in accordance with Article 251 of the EC Treaty, adopted its common position on the proposal on 16 February 2009<sup>2</sup>.

The Commission adopted its Communication on the common position of the Council on 17 February 2009<sup>3</sup>.

The European Parliament adopted its position in second reading on 6 May 2009.

### **2. OBJECTIVE OF THE COMMISSION PROPOSAL**

The aim of the Commission's proposal is to establish an independent expert body that would make an effective contribution to furthering the completion of the internal market by assisting the Commission and the national regulatory authorities in implementing the EU regulatory framework for electronic communications.

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<sup>1</sup> COM(2008) 720 final.

<sup>2</sup> OJ C 75E, 31.3.2009, p. 67.

<sup>3</sup> COM(2009) 78 final.

### **3. COMMISSION COMMENTS**

#### **3.1. General**

At its Plenary Session of 6 May 2009, the European Parliament adopted a number of amendments negotiated with the Council to the Council's common position with a view to securing adoption in second reading. These amendments concern essentially the following elements:

The Regulation as amended by the European Parliament establishes a two-tier structure: the Body of European Regulators for Electronic Communications (BEREC), composed of a Board consisting of the 27 national regulators, would have advisory powers but no legal personality; the Office, comprising a Management Committee (27 + 1 member representing the Commission) and an Administrative Manager, would have a support role, and would be a Community body with legal personality. BEREC would assist the Commission and the national regulators with expert advice in the range of their responsibilities under the EU regulatory framework for electronic communications. The Office would provide the professional and administrative support services required by BEREC to fulfil its tasks and would be financed by a Community subsidy and financial contributions from Member States or NRAs made on a voluntary basis to finance specific items of operational expenditure.

The Commission accepts the European Parliament's amendments as being in line with the overall purpose and the general characteristics of the proposal.

#### **3.2. Amended Proposals**

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its Proposal in line with the amendments voted by the European Parliament at its plenary session on 6 May 2009.