

SUMMARY OF EU REVIEW OF THE REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS UK STAKEHOLDER MEETING 19 NOVEMBER 2007

The chair welcomed everyone for attending and confirmed that this would be the beginning of an intensive dialogue with stakeholders on a very important review and would be the beginning of a long process to consider initial views as the Government's position was formulated on the proposals.

Claire Hobson (BERR) gave a high level overview of the proposals including background information and a range of issues that were raised by the Commission including relevant markets, universal service obligations, e-privacy, better regulation, spectrum, the authority and user rights. More details can be obtained by viewing the attached copy of the slide presentation.

Some of the concern/comments raised by stakeholders:

- The “three criteria test” of the Commission.
- The reduction in the number of relevant markets and whether they would actually have a direct impact on the current provisions in the UK for universal service,
- Current framework was ambiguous in relation to the kind of specialized non-mainstream services and to what extent each part of the framework applied to all the directives relating to for example text telephony.
- Doubt about the strengthening of the rights of disabled users concerning services because there are enabling powers in the existing directive to introduce specific services to help the disabled use the networks etc and feels like this may be a way of imposing a universal broadband access.
- Concern about net neutrality relating to the quality parameters and whether these were properly considered and is it particularly successful. Useful to know if everyone is reaching the UK level or whether new things will be introduced.
- Is universal broadband being introduced by stealth ? consumers are interested in this development. BERR should focus on universal access rather than universal service.
- Concern about resources of regulators concerning notification proposals.
- Commission has changed some of the definitions in their proposals to include terminals in certain aspects. Not clear what the scope of this is and what it means for the directive. From a user perspective the relationship between networks and terminals is important and there have been significant problems with this in the past in terms of trying to achieve certain end-to-end user communication.
- On better regulation side, the Commission were by the back door putting the various regulators under Government though the centralisation powers.
- Inclusion of ENISA raised questions about information assurance, law enforcement, interception etc and all the other things which are discussed and may/not have been part of the aspirations of ENISA.

- Purpose of the EU was to create transnational markets not sure if any plans to discuss with for example the internal Chamber of Commerce or the Business and Industry Advisory Committee because this is a key part and business users neglected.
- On user rights it seemed quite late in the day that there was a proposal about reminding users about copyright and their obligations. The language used to set this out is important because that is not a user right, it is more like a user obligation.

Jim Niblett (Ofcom who is the UK member of the European Regulators Group (ERG)) provided a detailed presentation of the developments that had taken place so far in the ERG. More information can be obtained by viewing the attached copy of the slide presentation.

Some of the concerns/comments raised by stakeholders:

- The proposals for an authority do not seem that from what the ERG is proposing to do.
- Alternative network operators and SME's perceive that a lack of regulatory inconsistency is hindering the development of their business growth in Europe
- There was little in the proposals about transparency and consultation and were there plans for the ERG to do their own consultations ? ERG does consult.
- Some perception that in the early days of Ofcom's existence focus was on regulation rather than consumer/citizen interests, though consumer policy team was set up. Some reservations about how that would impact upon decision making and may need addressing at European level and something that ERG might consider.

Tim Cullen's (BERR) presentation took stakeholders through the commission's process in taking forward their proposals and how that would relate to the consultation that BERR would do in the UK and how BERR will go ahead to further the UK's position.

Concern/comments raised by stakeholders:

- Whether BERR or Ofcom would be leading the UK response in view of slightly different perspectives. Confirmation provided by BERR team that BERR would be leading on this issue and is preparing the UK response in consultation with Whitehall, colleagues and based on stakeholder views. Ofcom are a very useful resource and an expertise to be consulted on proposals, along with stakeholders.

Following Tim's presentation, Stephen Timms (Minister for Competitiveness) gave a speech welcoming the Commission's proposals stressing they were very important for the UK and that we wanted to work with all stakeholders to get the best outcome. He thanked everyone for attending and closed the meeting. More information can be obtained by viewing the attached copy of the speech.

