

OPINION
of the
Committee on Foreign and European Affairs
of the
House of Representatives
of the
Republic of Cyprus
on the
**«Proposal for a Directive of the European Parliament and of the Council establishing the
European Electronic Communications Code (Recast)»**
[COM(2016)590]
και την
**«Proposal for a Regulation of the European Parliament and of the Council establishing the
Body of European Regulators for Electronic Communications»**
[COM(2016)591]

The Standing Committee on Foreign and European Affairs (the Committee) examined, in its meeting held on the 7th February 2017, the Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast) as well as the Proposal for a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications. The Committee, following an in-depth examination of the aforementioned legislative proposals expresses the following positions:

The Committee expresses its disagreement with regard to the intention of the European Union to regulate matters in a centralized way, through the issues of implementing acts aiming at the harmonisation of matters pertaining to the management of scarce national resources such as the spectrum and numbering, which to-date fall within the competences of the national regulatory authorities of the Member States of the EU. The Committee points out that with regard to international roaming, where implementing acts were issued despite the intense reactions of the Member States of the EU, the said acts had negative impact for the service providers in some Member States, including Cyprus.

The Committee, welcomes the intention of the European Union to promote the creation of a common minimum level of competences of National Regulatory Authorities members of the Body of European Regulators for Electronic Communications (BEREC), aiming at the more effective management of the matters regulated by BEREC and the pursuit of a uniform approach in regulatory matters pertaining to the national markets in electronic communications. επικοινωνιών. However, the Committee expresses its disagreement with regard to the intention of the European Union to: (a) to acquire, in unanimity with BEREC, a right to veto the intention of a national

regulatory authority to impose specific regulatory obligations in the framework of conducting a market investigation, and (b) to differentiate the operating system of BEREC, transforming it into an Agency of the European Union with a consequent restriction of the influence and the involvement of the national regulatory authorities in its operation, an act that could potentially reduce its specialization as a Body of collective knowledge in regulatory matters. The Committee considers that the said initiative of the European Union is contrary to the Study on the Evaluation of BEREC and the BEREC Office¹ as well as the related resolution of the European Parliament² of the 10th December 2013.

In the light of the above, the Committee calls the institutions of the European Union to contribute to the shaping of the said legislative proposals in a way that safeguards the competences of the regulatory authorities of the Member States to regulate matters pertaining to the management of scarce national resources such as the spectrum and numbering, while maintaining and enhancing the role of BEREC as an independent Body of collective knowledge of the national regulatory authorities, instead of its transformation into an Agency of the European Union with controversial independence.

¹ http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=1403

² European Parliament resolution of 10 December 2013 containing its opinion on the evaluation report regarding BEREC and the Office (P7_TA(2013)0536). Source: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0536+0+DOC+XML+V0//EL>