



***INFORMAL SPECIAL GROUP***

*for developing a common Union toolbox for connectivity*

TERMS OF REFERENCE

**1. CONTEXT AND MANDATE**

Commission Recommendation (EU) 2020/1307<sup>1</sup> (“Recommendation”) sets out guidance for developing best practices, referred to as the ‘Toolbox’, for fostering connectivity in support of the economic recovery from the COVID-19 crisis, with a focus on the reduction of network costs and the investment-friendly authorisation of radio spectrum for 5G.

In order to live up to the Recommendation, it is decided to set up a special group of Member States’ and Commission’s representatives. This special group is created as a cooperation platform for the development of the common Union Toolbox pursuant to the Recommendation.

The special group is set up to address the tasks, which are set out in the Recommendation. It will take into account the process and timelines proposed in the Recommendation.

**2. SUBJECT MATTER**

The special group for developing a common Union toolbox for connectivity (“Special Group”) is set up for the purpose of performing the tasks provided for in the Recommendation and shall remain in existence until the completion of those tasks (30 April 2022). It is composed of representatives of the Member States’ authorities and the Commission services that are responsible for the area of electronic communications.

**3. TASKS**

The tasks of the Special Group, in line with the Recommendation, will be:

- (a) to establish cooperation between the Member States, in coordination with the Commission, in particular for identifying and sharing best practices for reducing the cost and increasing the speed of deploying electronic communications networks, and for access to 5G radio spectrum, including the exchange of information and discussion;

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<sup>1</sup> Commission Recommendation (EU) 2020/1307 of 18 September 2020 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union, OJ L 305, p. 33, 21.09.2020.

- (b) to develop and agree a common Union Toolbox of best practices;
- (c) to assist Member States, upon request, in the implementation of the Toolbox, in particular regarding usage of the recommended tools and the recommended reporting.

#### **4. SUB-GROUPS**

- (a) The Special Group shall have two sub-groups for the purpose of examining both *topical subjects* of the Toolbox as set out in the Recommendation: the first sub-group shall deal with the subject of reducing the cost of deploying electronic communications networks; the second sub-group shall deal with the subject of access to 5G radio spectrum.
- (b) Both sub-groups shall assist and report to the Special Group. They shall exist until the delivery of the Toolbox.

#### **5. MEMBERSHIP**

1. The Special Group shall be composed of one member per Member State and one member of the Commission, who may also represent the Member State/Commission in one or both of the sub-groups. Each sub-group shall be composed of one member per Member State and one member of the Commission. Each of the aforementioned members may have one deputy, who replaces the member in his/her justified absence.
2. Each Member State shall have one vote exercised through its member.
3. Member States shall nominate their member of the Special Group and his/her deputy.
4. Where appropriate, each Member States and the Commission may nominate a distinct representative as a member of each sub-group, and a distinct representative as a deputy of that member.
5. Member States and the Commission shall ensure that their members in the Special Group and its sub-groups have overall responsibility for the tasks to be performed pursuant to the Recommendation, and provide a high level of relevant expertise in the respective topical subject(s).

#### **6. CHAIR**

The Special Group shall be co-chaired by a representative of the current Presidency of the Council, and a representative of the following Presidency of the Council (i.e. Germany and Portugal) as well as by a representative of the Commission until 30 June 2021, which includes the delivery of the Toolbox.

As of 1 July 2021, the Special Group shall be co-chaired by a representative of the respective Presidency of the Council (Slovenia) and a representative of the following Presidency of the Council (France) as well as by a representative of the Commission.

A Chairperson of the Special Group may be a member of the Special Group or distinct from a member of the Special Group. In the latter case, the Chairperson has no vote.

Each sub-group shall be co-chaired by one representative of the German and one representative of the Portuguese administrations. A Chairperson of a sub-group may be a member of that sub-group or distinct from a member of that sub-group. In the latter case, the Chairperson has no vote.

The duration of work of the Special Group and its sub-groups may be extended at the request of a simple majority of the respective members in case of force majeure that may delay the fulfilment of tasks in accordance with the Recommendation.

## **7. OBSERVERS**

The Special Group may invite observers from European Economic Area countries and those countries that are candidates for accession to the Union. The observers shall nominate their representatives.

The observers may be permitted by the chairperson to take part in discussions and share their expertise. However, the observers shall not have voting rights and shall not participate in the formulation of the Special Group's deliverables.

## **8. INVITED EXPERTS**

Each member of the Special Group or sub-groups may invite one expert of the respective administration to participate in a meeting as an observer.

The Co-Chairs may invite other experts or expert groups with relevant expertise with respect to a subject matter on the agenda to take part in the work of the Special Group or sub-groups on an *ad hoc* basis.

## **9. CONSULTATION**

The Special Group, including its sub-groups, shall engage with the Radio Spectrum Policy Group, the Body of European Regulators for Electronic Communications, national regulatory authorities, the Broadband Competence Offices network and the competent authorities in charge of the functions of the single information points where appropriate, and assess their relevant contributions. Those contributions can be provided in written form or orally by way of those stakeholders' participation in meetings of the Special Group or the sub-groups.

## **10. RULES OF PROCEDURE**

1. The Special Group shall have at least 4 meetings, namely in October 2020, December 2020, January 2021 and March 2021.
2. Meetings of the Special Group and its sub-groups shall, in principle, be held by video-conferences or on Commission premises. Meetings are convened by the respective Co-Chairs, either on their own initiative, or at the request of a simple majority of its members.
3. The Commission shall provide secretarial services for the Special Group and its sub-groups. The secretariat shall draw up the agenda under the responsibility of the Co-Chairs and send it to the members of the Special Group or its sub-groups, respectively. Minutes shall be drafted by the secretariat under the responsibility of the respective Chair.

4. Exchange of information and documents shall be done by e-mail and on the Commission platform Circabc.
5. The Special Group and its sub-groups, in principle, agree their deliverables by consensus. In cases of sustained disagreement, the Co-Chairs shall seek a convergent outcome and may decide to put a deliverable to a vote by a simple majority of the members.

## **11. TRANSPARENCY**

As concerns the composition and deliverables of the Special Group, the following data shall be published on a dedicated website of the Commission:

- (a) the names of the members of the Special Group and its sub-groups and the Chairpersons;
- (b) the terms of reference, including the tasks of the Special Group;
- (c) the deliverables (e.g. reports) of the Special Group.

## **12. MEETING EXPENSES**

Travel and subsistence expenses incurred by one participant per Member State for meetings of the Special Group on the Commission premises shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Done in Brussels on [date].