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NOTE

From: Presidency
To: Delegations

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Subject: Proposal for a Directive of the European Parliament and of the Council
establishing the European Electronic Communications Code (Recast)
- Examination of the Presidency text (Institutional)

In document 11679/17 INIT:

- **on page 73, in Article 14, the Presidency proposes that NRAs should remain responsible for issuing standardised declarations instead of BEREC. Therefore it should read as follows:**

Article ~~9~~14

Declarations to facilitate the exercise of rights to install facilities and rights of interconnection

At the request of an undertaking, national regulatory authorities ⇒ ~~BEREC~~ ⇐ shall, within one week, issue standardised declarations, confirming, where applicable, that the undertaking has submitted a notification under Article ~~312~~(~~32~~) and detailing under what circumstances any undertaking providing electronic communications networks or services under the general authorisation has the right to apply for rights to install facilities, negotiate interconnection, and/or obtain access or interconnection in order to facilitate the exercise of those rights for instance at other levels of government or in relation to other undertakings. Where appropriate such declarations may also be issued as an automatic reply following the notification referred to in Article ~~312~~(~~32~~).

- **on page 83, in order to align with the Presidency proposal on Spectrum (paragraph 14, page 4 of Doc. 11681/17) Article 23 should read as follows:**

Article ~~6~~23

Consultation and transparency mechanism

Except in cases falling within Articles ~~732~~(9), ~~2026~~, or ~~21~~ 27, Member States shall ensure that, where national regulatory authorities ☒ or other competent authorities <☒ intend to take measures in accordance with this Directive ~~or the Specific Directives~~, or where they intend to provide for restrictions in accordance with Article ~~9(3)~~45(4) and ~~9(4)~~45(5), which have a significant impact on the relevant market, they give interested parties the opportunity to comment on the draft measure within a reasonable period ⇒ , having regard to the complexity of the matter and in any event not shorter than 30 days, except in exceptional circumstances ⇐.

National regulatory and other competent authorities shall publish their national consultation procedures **and inform RSPG at the time of the publication.**

Member States shall ensure the establishment of a single information point through which all current consultations can be accessed.

The results of the consultation procedure shall be made publicly available ~~by the national regulatory authority~~, except in the case of confidential information in accordance with ~~Community~~ Union and national law on business confidentiality.
