PROTOCOL OF COOPERATION
OF THE EASTERN EUROPEAN PARTNERS\textsuperscript{1}, MEMBERS OF THE EU4DIGITAL NETWORK ON "TELECOM (EAPEReg)"
FOLLOW UP OF THE MEMORANDUM OF UNDERSTANDING OF THE EASTERN PARTNERSHIP REGULATORS NETWORK FOR ELECTRONIC COMMUNICATIONS

Preamble

The network of regulators for electronic communications of the eastern European partners (the "Network") was established on 11 September 2012 in Moldova. The Network acts as an independent platform to facilitate and strengthen the cooperation among National Regulatory Authorities for electronic communications networks and services of the eastern European partners (the "Members"), for promoting and facilitating the harmonisation of regulatory principles in electronic communications markets in the Eastern Partnership (EaP).

The Network was established under the EaP Communication of 2008 and the Joint Communication on an EaP Roadmap. The Network is currently functioning under the EaP Panel on the Harmonisation of Digital Markets (the "HDM Panel") and the new EU4Digital programme implementation initiative.

In line with the objectives of the HDM Panel, and the Commission Communication "A Digital Single Market Strategy for Europe" (COM (2015) 192), as well as the Declaration of the 1\textsuperscript{st} EaP Ministerial Meeting on the Digital Economy (June 2015), the Members have joined forces for harmonising the telecoms rules among partner countries and with the EU, developing clear broadband policies and targets and implementing the regulatory frameworks that will guarantee competition, investment and growth in the electronic communications markets of the partner countries.

At the 2\textsuperscript{nd} HDM Panel held on 17-18 October 2016 and the Ministerial level meeting on the Digital Community with the Eastern European partners held on 18 October 2016, the participants expressed support for the work of the Network and agreed that this work should continue under the new EU4Digital programme implementation initiative.

The Network is \textbf{not} an international intergovernmental organization and the status of this Protocol of Cooperation is \textbf{not} the one of an International Treaty.

This Protocol of Cooperation is a continuation and update of the Memorandum of Understanding signed by Members in the plenary meeting held in Chisinau, Moldova, on 11 September 2012. This Protocol of Cooperation does not invalidate/replace the Memorandum of Understanding signed by Members but establishes an agreed updated working practice for the Members. It was first discussed in the Plenary Meeting in Chisinau, Moldova on 7 April 2017 and agreed with the Members by email.

\textsuperscript{1} Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.
Article 1: Objectives and their fulfilment

The Network aims to facilitate a deepened cooperation among its Members by:

1. Providing a forum for regular exchanges of information and expertise on issues relating to electronic communications regulation;
2. Promoting the approximation to the EU’s electronic communications and information society services regulatory framework, where appropriate, and promoting regulatory best practices among its Members;
3. Monitoring the development of the electronic communications markets and regulatory frameworks in the Eastern Partnership region;
4. Facilitating the exchange of information and expertise with international organisations, other regional networks of regulators and sector experts;
5. Contributing to the preparation of documents, reports, benchmarks, presentations, analyses and common positions at international meetings and workshops.

Article 2: Membership

Membership does not require any fee.

Members of the Network are the National Regulatory Authorities for electronic communications from the partner countries.

The European Commission will nominate its representative to this Network.

National Regulatory Authorities from EU Member States, the EEA and countries that are candidates for EU accession, are considered Advisors to the Network without voting rights.

New candidatures for Advisors, presented in the form of written requests and accompanied by appropriate documentation relating to the legal status of the candidate organisation should be sent to the Chair of the Network (see Article 3), who will inform the Members and submit the candidature for vote.

A Member or Advisor can withdraw from the Network, by written notice to the Chair.

Article 3: Chair and Vice-Chair

Taking into account that the Network will not have a permanent Secretariat, the Network is coordinated by the Chair and Vice-chair.

The Chair and Vice-Chair shall be proposed by the Members and approved at the Plenary Assembly of the Network; they will be appointed for a fixed term of one year.

If the Chair is from a partner country, the Vice-Chair should preferably be from an EU Member State and vice versa.
During his/her mandate, the Chair shall: ensure the implementation of the Network's action plan, as this is approved by the Members at a plenary meeting; make the necessary efforts to remove any obstacles which might jeopardize the activities planned; and ensure the external representation of the Network, including with the EU institutions. The Chair will be supported by the Vice-Chair in pursuing his/her responsibilities.

The annual action plan of the Network is to be developed by the Chair in close cooperation with the Vice-Chair and to be discussed by the Members and the EU representative, before tabling it at a plenary meeting for approval.

In the event of absence or incapacity of the Chair, the Vice-Chair shall be empowered to exercise the responsibilities of the Chair.

**Article 4: The Contact network**

Each Member and each Advisor of the Network will appoint a senior representative to the Network, mandated to represent and take decisions on its behalf, while taking into account the views of the business communities and non-profit organisations, as well as of public authorities in his/her country.

The Contact Network shall cooperate with the Chair and Vice-Chair, in accordance with the agreed annual action plan, in order to:

- Prepare the action plan for the following year
- Modify the current annual action plan;
- Assess progress with the implementation of the annual action plan of the Network;
- Discuss the way the Network operates, its rules and procedures, and propose modifications as appropriate;
- Propose the setting up of working groups, as appropriate;
- Prepare proposals related to the Network;
- Elect the Chair and Vice-Chair according to the procedure mentioned in article 3.

The period for the consultation of online documents which are circulated for approval shall be **5 working days**. Where no response is provided by the Contact Network within 5 working days, the document **shall be considered approved**.

The Contact Network also operates as an informal network, whose members are the key contacts for exchange of information between partner countries and EU Member States on *electronic communications regulation*.

**Article 5: Activities**

The Network is expected to organise **two plenary meetings** and **at least 2 thematic workshops** each year, in accordance to the agreed annual action plan. Extraordinary meetings shall also be convened at the initiative of the Chair.

These will offer the Members and Advisors the opportunity to exchange experiences and best practices in *electronic communications regulation*.
Workshops topics will be specified in the annual action plan for the Network. Each workshop will be organised, hosted and chaired by one of the Network's Members or Advisors, following the corresponding expression of interest.

In case specific experience and expertise are deemed useful in the workshops and other Network events, external experts may be invited to these events in order to conduct research, draft reports, give presentations and provide recommendations.

A web-site/on-line platform had been created and will be maintained by the Network, providing up to date information on developments in the area of electronic communications regulation, in the partner countries and the EU, and acting as a permanent platform for interaction among the Members.

The Network may also undertake any other activities useful to pursue its objectives. These activities should be normally planned and elaborated in the annual action plans. The action plans will be regularly updated in order to reflect closely regional needs and priorities in the Eastern Partnership.

**Article 6: Funding of Network activities**

Network activities are expected to be supported financially by EU level programmes (e.g. the European Neighbourhood Instrument East – ENI East), EU Member State Programmes, partner country programmes, International Financial Institutions and other Donors.

**Article 7: Official working language**

The default working language is English both for meetings and documents. Interpretation and document translation into Russian can be provided, subject to needs and available financing, or on a voluntarily basis by the Members.

**Article 8: Confidentiality of exchanged information**

The Members and Advisors will use information solely for the purposes specified by the stakeholders providing this information. Furthermore, they will handle information defined as confidential by the Member and Advisor providing this information, with the same degree of protection as if it was confidential according to EU rules and standards.

**Article 9: Review**

The Members will review this Protocol of Cooperation on a regular basis, and in particular, in case of important developments in the EU's policy for the Eastern Partnership or major changes in the EU's electronic communications regulation framework.