



**EURO-MEDITERRANEAN REGULATORS GROUP**

**EMERG**

**EMERG CHARTER**

**JULY 2015**

## **CHARTER OF THE EUROPEAN MEDITERRANEAN REGULATORS GROUP (EMERG)**

### **Preamble**

The European Mediterranean Regulators Group (hereinafter referred to as “EMERG”), established on July 1, 2008 in Malta, is an independent platform of National Regulatory Authorities for Electronic Communications Networks and Services.

Following the ideals and principles of the Euro-Mediterranean cooperation set out in the Barcelona Declaration of 28<sup>th</sup> November 1995, the basis of the Euro-Mediterranean Partnership, Regulatory Authorities for Electronic Communications Networks and Services in Euro-Mediterranean region have joined forces to set up a network with the aim to facilitate and strengthen cooperation in the field of electronic communications.

The EMERG Members, hereinafter referred to as “Members”, gathered in Cairo for the Plenary Assembly of 14 March 2012, approve the following Charter provisions.

### **Article 1: Objectives and their fulfillment**

The members of EMERG commit themselves to improving relations and fostering cooperation amongst them by:

1. acting as a forum for regular discussions and exchanges of information for its Members on issues relating to electronic communications;
2. promoting the approximation to the European regulatory framework and best practices among its Members;
3. monitoring the development of the electronic communications in the Mediterranean area;
4. facilitating the cooperation and exchange of ideas and expertise with international organizations, other regulatory networks and sector experts;
5. preparing and contributing to the preparation of a region's reservoir of documents, reports, benchmarks, presentations, analyses and common positions.

## **Article 2: Membership**

In addition to the Regulators who were enlisted in the Malta Declaration on 2008, EMERG membership is open to any National Regulatory Authority concerned with the electronic communications sector that is member of or observer in the Body of European Regulators for Electronic Communications (BEREC) or party to the Euro-Mediterranean Partnership launched within the framework of the Barcelona Declaration of 28th November 1995 and/or to the ENP-South countries of the European Neighborhood Policy launched in 2004.

Membership does not require any fee.

The new candidatures, presented in the form of written request and accompanied by the documentation relating to the legal status of the National Regulatory Authority, are sent to the Permanent Secretariat of the EMERG, which informs the Members and submits the requests to the Plenary Assembly.

The status of “EMERG Observer” may be granted to Countries that are potential members but have not applied for Membership. The European Commission has the right to send observers of an appropriate level to any EMERG meeting/activity.

The Plenary Assembly is the only body of the EMERG that may grant the status of “Member” (with the right to vote) or “Observer” to applying regulators.

A Member may resign its membership at any time.

## **Article 3: the Plenary Assembly**

The Plenary Assembly is composed of all the Members and convenes at least once a year.

Members attending the Plenary Assembly are represented by their Presidents, CEO’s or designated Board Members and their supporting delegates which accompany them or by any other person mandated by them.

The location and date of the Plenary Assembly meeting is decided by the Plenary Assembly meeting of the previous year.

Tasks of the Plenary Assembly include:

- Appointing the new Chairman and the new Vice-Chairman;
- Appointing the members of the Permanent Secretariat;
- Establishing Expert Working Groups and appointing their Chair or co-chairs.
- Approving the Work-plan;

- Approving the Annual Report and the Benchmark Report of the previous year and decide on their publication on the EMERG Website;
- Granting membership and/or observer status to candidates;
- Adopting and amend the EMERG Charter;
- Adopting and amend its own rules of procedure, as well as those of the Contact Network and the Permanent Secretariat;
- Discussing regulatory issues and proposals emerging from the benchmarking or working group activities with a view to approximation;
- Adopting and/or publish any document as it sees fit.

The decisions of the Plenary should ideally be taken unanimously. To that end, the Chairman, the Permanent Secretariat and the Members shall make their best effort to reach unanimity. Should it however turn out to be impossible to reach unanimity, the decisions may be adopted by a vote:

- of a qualified majority of two thirds of all the Members for changes to this Charter or granting of new membership or observer status;
- of a simple majority of members present in the meeting for all other decisions.

In case there is more than one participant from the same Country, they will cast one joint vote or be deemed to have abstained. Institutions having Observer status may participate at the Plenary Assembly without the right to vote. The Chairman can invite experts and observers to take part in case a public workshop takes place alongside Plenary Assemblies.

#### **Article 4: Chairmanship and Vice-Chairmanship**

EMERG shall be chaired by one of its Members, appointed by the Plenary Assembly for a term of one year.

During his mandate, the Chairman shall ensure the implementation of the Work-plan approved by the Plenary Assembly, make the necessary efforts to remove any obstacles which might jeopardize the activities planned and ensure the external representation of the platform. The Chairman will be supported by the Permanent Secretariat in pursuing his relevant responsibilities.

The Plenary Assembly shall also appoint another Member as the Vice-Chairman for the same term of one year. The Vice-Chairman shall support the Chairman in the organization of the activities carried out for the EMERG. In the event of absence or

incapacity of the Chairman, the Vice-Chairman shall be empowered to exercise the responsibilities of the Chairman.

At the end of the one year term, if the Plenary Assembly does not decide differently, the serving Vice-Chairman shall be appointed as the Chairman of the EMERG for the subsequent one year term.

If possible and unless the Plenary Assembly decides differently, when the Chairman is a Member from the European Union, the Vice-Chairman shall be chosen from among the non-European Union members Regulatory Authorities, and vice versa.

#### **Article 5: The Contact Network**

Each EMERG Member and Observer should appoint a representative who will represent this relevant Member/Observer in the EMERG Contact Network.

The Contact Network meets at least once a year, before the Plenary Assembly, in the so-called *Benchmarking meeting* to:

- Discuss the yearly Benchmarking Report prepared by the Expert Working Group, and approve the draft to be presented to the Plenary Assembly;
- Assess the implementation of the Work-plan and the recommendations and decisions adopted by the Plenary Assembly;
- Ensure and plan the follow-up of these recommendations and decisions;
- Discuss the tasks and rules of procedures of the Secretariat and propose modifications to the Plenary Assembly whenever necessary;
- Follow up on the development, enhancement, and efficient utilization of EMERG website;
- Study the issues of common interest likely to be the object of debates and discussions during the Plenary Assembly;
- Propose any document to be approved and/or published to the Plenary Assembly;
- Propose a draft agenda for the following Plenary Assembly.

The Contact Network also operates as an informal network whose members are the key contact points between Members for seeking and exchanging information on regulatory issues

### **Article 6: The Permanent Secretariat**

A Permanent Secretariat is established within the EMERG. It is composed of the representatives of up to seven different Members, committing voluntarily their senior representatives to take part in it, and it is appointed every year by the Plenary Assembly. The Members who are serving as new Chair, new Vice-Chair and the Member who has served as Chair in the previous year, have the right to be represented in the Permanent Secretariat.

Members of the Secretariat may be reappointed by the Plenary Assembly.

The goal of the Permanent Secretariat is to provide support to the Chairman and the Vice-Chairman of the EMERG to carry out their mandates referred to in Article 3 of the Charter. For this purpose, together with external expert support if available, the Permanent Secretariat is in charge of the following tasks:

- Facilitating the implementation of the Work-plan and helping the NRAs organize the workshops;
- Monitoring the performance and fulfillment of the annual Work-plan;
- Drafting the Annual Report of the network and present it to the Plenary Assembly;
- Drafting the minutes of the Contact Network Benchmarking Meeting and the Plenary Assembly;
- Providing assistance in the draft of questionnaires, documents and Workshop reports;
- Bearing responsibility of collecting the final versions of Workshop reports and making sure they are posted on EMERG website in due time
- Managing the EMERG website content editing/drafting, and online forum discussion coordination, as mandated by the Plenary Assembly.
- Elaborating press releases and newsletter to enhance visibility of EMERG, as mandated by the Plenary Assembly.

For the fulfillment of their duties, the Secretariat may count on the support of external experts if deemed necessary.

The Coordinator of the Permanent Secretariat is appointed every year by the Plenary Assembly; whenever possible, the title of Coordinator of the Permanent Secretariat should be given to the representative of the Member authority serving as EMERG Chairman during the year.

The meetings and activities of the Permanent Secretariat will be financed on a voluntary basis by the NRAs represented in it.

#### **Article 7: Expert Working Groups (EWG), Workshops and Activities**

EMERG may set up Expert Working Groups in order to examine a specific question. The topics for the Expert Working Groups are enlisted every year in the Work Plan and approved by the Plenary Assembly. Each Expert Working Group is chaired by one or two NRAs, who will be chosen among EMERG Members offering on a voluntary basis their availability to chair the Expert Working Group.

During the year, a number of workshops could be organized on topics of interest for the Expert Working Groups.

Each Workshop should be organized and chaired by the Chair/s of the relevant Expert Working Group. The Chair/s of the relevant Expert Working Group should circulate the preliminary questionnaires and documents and should then be entrusted with the duty of submitting a brief report on the results of the Workshop. The report would be published on the EMERG website and would be included in the Annual Report of the network that shall be presented to the Plenary Assembly. In carrying out these tasks, the Chair/s of the relevant Expert Working Group will be supported by the Expert Working Groups, the Permanent Secretariat and by external experts if deemed necessary.

In case specific knowledge and expertise are deemed useful, external experts may be involved in the work of the EMERG (either financed by its members or third party donors) to conduct researches, draft reports and give presentations.

EMERG may also undertake any other activities in the furtherance of its objectives.

All documents and outcomes resulting from an Expert Working Group or a workshop must be adopted by the Plenary Assembly before publication.

#### **Article 8: EMERG Official Language**

The default working language of EMERG is English both for meetings and for documents. Interpreting and document translation can be provided for its activities, subject to needs and available financing provided from external support or voluntarily by host NRAs.