

Memorandum of Understanding
Between
The Latin American Forum of Telecommunications
Regulators (REGULATEL)
And
Body of European Regulators for Electronic
Communications (BEREC)

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And
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WHEREAS, the Latin American Forum of Telecommunications Regulators (hereinafter referred to as "REGULATEL") is the organisation of the Latin American national regulators authorities (NRA) and consists of the NRA for the electronic communications sector from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, México, Nicaragua, Panamá, Paraguay, Peru, Puerto Rico, Dominican Republic, Uruguay, Venezuela and Spain, Portugal and Italy.

WHEREAS, the Body of European Regulators for Electronic Communications (hereinafter referred to as "BEREC"), supported by the Agency for Support for BEREC (BEREC Office) located at Z.A. Meierovica Bulv. 14, 2nd Floor, Riga LV-1050, LATVIA, is an independent EU body composed of the National Regulatory Authorities for the electronic communications sector from the Member States of the European Union and the European Commission, to which participation is open to European Economic Area States and third countries, in particular candidate countries, which facilitates the consistent application of the electronic communication framework throughout the European Union;

WHEREAS, both REGULATEL and BEREC (each referred to individually as "party" and collectively as "parties") have an interest in effective electronic communications regulation that promotes competitive markets, technological innovation, and value for consumers;

WHEREAS, both REGULATEL and BEREC have previously entered into a Memorandum of Understanding (hereinafter referred to as "MOU") in 2013, which duration was extended subsequently in 2015 and 2017, and hereby wish to state their intent to continue a cooperative relationship, as outlined in this MOU;

THEREFORE, REGULATEL and BEREC have reached the following understandings:

I. PURPOSE

The goal of this MOU is to encourage a cooperative relationship between the parties that supports the parties' respective efforts to address current and future regulatory challenges in both Latin America and Europe, as well as to develop collegial working relationships between experts representing both parties.

Further, this MOU is intended to facilitate the possibility of additional tasks to be jointly agreed to be undertaken by the parties during the lifetime of this MOU and such tasks/projects shall be set out in separate non-legally binding documents agreed by the parties if and when they arise.

II. AREAS OF COOPERATION

A. Cooperative Activities may include but are not limited to:

- BEREC – REGULATEL annual summits: strategic debate on common issues and agreement on any future collaboration;
- Joint working groups: Participation in meetings of BEREC and RegulateL as may be deemed appropriate and upon invitation by the host for the purpose of closer collaboration and knowledge sharing;
- Information exchange (e.g. questionnaires, working papers, specific events, etc.).

Such activities may be concluded via electronic means or in-person meetings between representatives of both parties.

The parties intend to determine, by mutual arrangements, the way in which exchange of information on regulatory issues is to be addressed, and those issues or joint tasks, if and when undertaken, which may be more particularly described and set out in additional agreements between the parties. Said means of information exchange may include, but are not limited to, the creation of the *ad hoc* Joint working groups described in Annex I.

Further terms and conditions, if required (including, without limitation, those relating to financial, legal and operational matters, as well as to the respective rights, roles and responsibilities of the parties, if any), concerning the Cooperative Activities will be set forth in one or more non-legally binding written agreements, project documents and/or other instruments negotiated, agreed to and signed separately by both of the parties following the execution of this MOU.

B. Regulatory Issues

The parties intend to determine, by mutual arrangements, the regulatory issues to be addressed through their cooperative relationship. Those issues may include, but are not limited, to the issues described in Annex II.

III. MOU IMPLEMENTATION

A. Responsibilities

The parties intend to make the necessary arrangements to ensure implementation of this MOU.

B. Communications

The parties intend to communicate regarding accomplishments related to this MOU.

C. Rules and Procedures

Each party intends to operate according to its respective rules and procedures.

IV. COSTS

The costs for each party resulting from the implementation of this MOU shall be borne by each one of them.

V. GENERAL PROVISIONS

A. Duration and modification

This MOU will become effective on the date of its signature by both of the parties' authorised representatives, and its provisions will remain applicable until this MOU is terminated in accordance with its terms.

This MOU may only be modified or supplemented pursuant to a written amendment mutually agreed to and signed by both of the parties. Any such amendment will be annexed to this MOU and will form an integral part hereof.

This MOU may be terminated by either party by providing written notice thereof to the other party at least thirty (30) days prior to the effective date of such termination.

B. Representation

For the purposes of communications or notices with respect to this MOU, both REGULATel Network and BEREC will be represented by their sitting Chairs. Both participants may designate other focal points.

C. Legal Enforceability

This MOU is not intended to create legal and binding obligations for either party, but is a statement of the parties' intent to form a cooperative relationship.

VI. SETTLEMENT OF DISPUTES

Any dispute between the parties arising from this MOU will be resolved by amicable direct negotiations between the parties, or by any other means to which the parties mutually agree in writing.

VII. SIGNATURES

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to sign this MOU in three (3) originals in the English language, as of the date(s) set forth below.

For the

**Latin American Forum of
Telecommunications Regulators
(REGULATEL)**

Rafael Muentes

Chairman

Date:

8/14/19

Place:

Lima

For the

**The Body of European Regulators for
Electronic Communications (BEREC)**

Jeremy Godfrey

Chairman

Date:

8/14/2019

Place:

Dublin

For the

**Agency for Support for the Body of European Regulators for Electronic Communications
(BEREC Office)**

László Ignéczi

Director

Date:

07/11/2019

Place:

RIGA

ANNEX I

Proposed Joint Working Groups and specific projects to be defined, including but not limited to:

- i. Working group on **approximation of regulatory frameworks**, including but not limited to sharing of best regulatory practices, Regulatory Impact Analysis (RIA), the improvement and efficiency of the administrative procedures of NRAs, the support to NRAs for capacity building, roaming regulation, cost methodologies, wholesale regulation and enhancement of connectivity.
- ii. Working group on **consumer protection**, focusing sectorial protection of end users and including, amongst other things, transparency issues and informational rights, universal service and protection of the disable users, net neutrality, security and privacy, compliance obligations for OTTs, awareness raising, quality standards set up and monitoring and termination and switching procedures.
- iii. Working group on **new technological trends**, including but not limited to the data economy, M2M/IoT, Artificial Intelligence, online platforms, smart cities and public initiatives and the 5G ecosystem.
- iv. Working group on **electronic communications benchmarking**, including but not limited to the development of common measurement indicators, collection and processing of relevant data and production of cross-country and regional comparisons.

ANNEX II

Suggested topics of cooperative relationship

Cooperative relationship between REGULATEL and BEREC to address regulatory issues may include, but are not limited to, the following matters:

1. Sharing regulatory best practices for the promotion of competition in services and in infrastructures and the end-users interests.
2. Fostering NGAs connectivity and reduction of the digital divide.
3. Enhancing trust and consumer protection in terms of, amongst other, transparency measures *vis-a-vis* the end users, termination of contracts, switching provider and security.
4. Monitoring and measurement of digital transformation including the identification of potential regulatory concerns in connection with emerging technologies such as the 5G, digital economy, Internet of Things, Artificial Intelligence, Cloud Computing, Big Data and online platforms and new business models.