

8th Meeting of the Board of Regulators Hosted by CMT

29-30 September 2011, Barcelona

Conclusions

1. Opening of the meeting and adoption of the agenda

Draft Board of Regulators (BoR) Agenda

BoR (11) 33

Conclusions

The agenda was adopted with the addition of 2 points in the AOB section related to dealing with confidential data and issuing a BEREC newsletter in future.

2. Information by the Chair

**BoR (11) 45
BoR (11) 18**

Background

The Chair provided an oral up-date on communication activities and significant meetings conducted since the last plenary meeting. The Chair participated in a number of bilateral meetings and additionally met representatives of several stakeholders. The Chair also provided information about the presentation of the BEREC position on international roaming to the ITRE Committee of the European Parliament.

The Chair presented additional information on a possible BEREC membership to CERRE and took the proposal for membership of CERRE to a vote.

The Chair reminded the meeting about the forthcoming elections of BEREC Chair for 2013 and Vice-Chairs for 2012 and requested all interested parties to submit their applications for these posts to the BEREC Office and himself.

Conclusions

The BoR took note of the information.

The proposal for BEREC membership of CERRE was not approved.

3. Adoption of the agenda items in the "A" list

Background

The BoR was requested to adopt the items listed below without discussion on the basis of the conclusions of the CN according to which these documents could be considered consensual.

Conclusions

a. Regulatory Accounting - BEREC report on regulatory accounting in practice 2011 BoR (11) 34

The BoR approved for publication the BEREC report on regulatory accounting in practice, which is prepared on an annual basis. The current report updates the previous versions published since 2005. The current report provides evidence about the achieved progress in developing effective regulatory accounting framework to meet the needs of the NRAs.

b. Benchmarking

- **MTR report (data as of July 2011) BoR (11) 35**
- **SMS report (data as of January 2011) BoR (11) 36**

The BoR approved the BEREC MTR and SMS reports, which provide updated information in relation to the similar benchmarking exercises held previously.

The BoR also approved MTR and SMS snapshots for publication. The SMS snapshot will be the first one to be published, following the decision taken by the BoR during its Bruges plenary meeting of December 2010.

c. Rules for establishing and keeping the public register of BEREC documents by the BEREC Office BoR (11) 37

The BoR adopted for publication and implementation a Decision on the Establishment of a Public Register of the BEREC Documents in order to fulfil the requirements of Decision № BoR (10) 26 concerning the transparency and access to documents at the BEREC. The implementation of the Decision will be entrusted to the Office.

4. Information by the BEREC Office

a. 2011 BEREC Work Programme (WP) status BoR (11) 38

Background

The BEREC Office presented an up-date on the status of implementation of the 2011 BEREC WP.

Conclusions

The BoR took note of the information.

b. BEREC role in Article 7 procedures (phase I)

Background

BEREC Office made a proposal for a trial period on the Art. 7 procedures (phase I). The Plenary considered different options for issuing BEREC opinions in phase I and concluded that additional work in this field was required.

Conclusions

The proposal will be redrafted with a view to its adoption during the 4th plenary meeting.

5. Draft 2012 BEREC WP

BoR (11) 40

Background

The BoR held an extensive discussion on the draft of the BEREC WP for 2012 presented by the 2012 BEREC Chair (RTR). Several proposals were made for further streamlining the draft with a view to its simplification, avoiding overlapping and prioritising the different activities. The 2012 BEREC Chair was given mandate to amend the draft in the context of the discussion held before its publication for public consultation.

Conclusion

The document was approved for publication for public consultation subject to reflecting the comments made.

6. International Roaming

BoR (11) 41

Background

Ofcom presented the 8th report on international roaming, which provides information on the evolution of wholesale and retail prices for voice, SMS and data roaming services. The Report covers the period 1 January – 30 June 2011 and includes data from previous rounds of data collection conducted by BEREC and its predecessor, ERG.

Conclusions

The report was approved for publication on 14 October 2011, subject to final verification of the data till 7 October 2011.

7. NGN

a. Revision of Commission state aid guidelines

BoR (11) 42

Background

BNetzA presented the BEREC's draft answer to the Commission's questionnaire on the revision of the state aid guidelines.

Conclusions

The BoR approved the answer for submission to the Commission and for publication.

b. Implementation of the NGA recommendation

BoR (11) 43

Background

BNetzA presented the draft report on the implementation of the NGA Recommendation.

Conclusions

The BoR discussed the report and approved it for publication.

8. End User EWG – Promotion of Broadband

Background

ANACOM made a short presentation on the preliminary findings by the BEREC Broadband Promotion work stream.

Conclusions

The BoR took note of the information.

9. Net Neutrality and Transparency

BoR (11) 44

Background

ARCEP presented the draft Guidelines on “Transparency as a tool to achieve Net Neutrality”.

Conclusions

The BoR discussed the draft Guidelines and approved them for publication for public consultation, which will last for 4 weeks.

10. BEREC International Dimension

Background

EETT provided an oral update on BEREC’s international activities with emphasis on the forthcoming meeting with FCC.

Conclusions

The BoR took note of the information.

11. Information by the Commission

Information provided

The European Commission informed about their intention to launch public consultations on costing methodologies for key wholesale access prices in electronic communications and the application, monitoring and enforcement of non-discrimination obligations in electronic communications on 3 October 2011.

Within the course of these procedures the Commission will organise 2 workshops with BEREC to discuss the afore mentioned topics with the latter.

The Commission also provided information on the status of the Art. 7 notifications received from the NRAs.

Conclusion

The BoR took note of the information.

12. AOB

a. Confidentiality Issues

Background

BEREC Office presented some consideration about dealing with confidential data. BEREC Office requested guidance from BoR about the way forward.

Conclusions

The BoR took note of the information and concluded that BEREC and the Office should elaborate a common set of requirements for dealing with confidential data.

b. Information on the BEREC Office opening ceremony and BEREC Workshop (Riga, 13 and 14 October 2011)

Background

The BEREC Chair and the BEREC Office provided information on the BEREC Workshop and BEREC Office opening ceremony, which would take place in Riga on 13 and 14 October 2011. It was noted that the Workshop would be dedicated to the strategy outlook for telecom regulation in Europe. The opening ceremony will be held in the presence of Mrs Neelie KROES - Vice-President of the European Commission and Commissioner for Digital Agenda.

Conclusion

The BoR took note of the information.

c. Information on the X BEREC-REGULATEL Summit (Barcelona, 23 and 24 November 2011)

Information provided

The Chair and CMT provided information on the next BEREC-REGULATEL Summit to take place on 23 and 24 November 2011 in Barcelona. The Summit will focus on the regulation in the XXI century and will foster a forward looking debate. The Summit will be held in a new format with the participation of representatives from the NRAs not only from Latin America but also from Eastern Europe.

Conclusion

The BoR took note of the information.

d. BEREC Newsletter

Information provided

EETT suggested to the BoR to examine the possibility of establishing an electronic BEREC newsletter following each plenary meeting. EETT proposed to task the BEREC Office and the Chair's Office with the responsibility for the publication of the newsletter.

It was suggested that the newsletter could contain the following information:

- Brief account of the meetings of the Chair and Vice Chairs;
- Information about the state of work by each EWG;
- Public Consultation Procedures;
- Art. 7 procedures status.

Conclusion

The BoR considered positively the proposal.

e. Information on the BoR 4th Plenary (Bucharest, 8 and 9 December 2011)

Information provided

ANCOM provided information about the 4th plenary meeting of the BoR to be held in Bucharest on 8 and 9 December 2011.

Conclusion

The BoR took note of the information.