

22nd meeting of the Board of Regulators

Hosted by the Swiss [Federal Communications Commission](#) (ComCom)
and [Federal Office of Communications](#) (OFCOM / BAKOM / UFCOM)

Conclusions

Chair: Prof. Fátima Barros
President of the Board of Directors of
Autoridade Nacional de Comunicações (ANACOM)

26-27 February 2015, Berne (Switzerland)

Main Results of the 22nd Meeting of the Board of Regulators

The BEREC Board of Regulators (BoR) held its 22nd ordinary plenary meeting on 26 and 27 February 2015 in Berne.

During the meeting the BoR discussed and/or approved the following document:

1. Documents approved for publication

- [14th International Roaming BEREC Benchmark Data Report April-September 2014](#);
- [Decision of the Board of Regulators on the Co-Chairs of the BEREC Expert Working Groups \(EWGs\)](#).

2. Documents approved for internal use

- Outline of the BEREC annual reports for 2014;
- Project Requirements Document (PRD) on reflections on net neutrality (NN) in the [Telecom Single Market](#) (TSM)¹ legislative process, for the work to be executed by the NN EWG;
- Roadmap for the implementation of the Information Sharing Portal.

3. Discussion on important policy issues

- Digital Single Market (DSM)

During the plenary meeting the BoR discussed the main challenges that the sector will face in the next five years, in an attempt to identify potential bottlenecks to be addressed by the next review of the EU Regulatory Framework for electronic communication services and networks. This was the first of a series of sessions for exchange of views aiming at supporting the Commission in the preparation for the forthcoming review of the telecom rules in the context of the DSM Initiative.

The BoR discussed also the review of the BEREC Office organisational and financial structure and decided to include this topic in one of the next meetings on the review in order to explore the need for expanding the support provided by the BEREC Office to BEREC.

- Report on post-merger market developments

The BoR decided to prepare a Report on post-merger market developments. Consequently the BoR requested the Market and Economic Analysis EWG to prepare a draft PRD for the work to be carried out by BEREC and to submit it for approval to the next BoR plenary meeting (4-5 June 2015, Bergen).

4. Documents submitted for information and/or consideration

The BoR took note of the information provided in the following Reports:

- 9th Assessment Report on Article 7/7a Phase II Cases – Conclusions;
- Information on the electronic voting procedures since the 21st plenary meetings (4-5 December 2014, Brussels);
- 2015 BEREC Work Programme (WP) status update;

¹ Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012

- BEREC Workshops during 2015.

5. Oral up-date on important topics

The BoR was briefed in relation to several other important topics, as follows:

- the outcome of the [BEREC Workshop on Oligopoly Analysis and Regulation](#) (25 February 2015, Berne);
- the forthcoming [BEREC Workshop on equivalent access and choice for disabled end-users](#) (4 March 2015, Brussels);
- the state of work on the project for the development of BEREC collaboration platform *BERECnet*;
- the state of preparation of the BEREC Study for the future development of the sector.
- the BEREC International activities.

6. Next meeting

The next meeting of the BoR will take place on **4 and 5 June 2015 in Bergen (Norway)** and will be hosted by the [Norwegian Communications Authority](#) (Nkom). The meeting will be preceded by a Heads Workshop on the forthcoming review of the Regulatory Framework for electronic communications of the EU (future of regulation).

Introduction and participation

The BEREC BoR held its 22nd ordinary plenary meeting on 26 and 27 February 2015 in Berne (Switzerland), kindly hosted by the Swiss [Federal Communications Commission](#) (ComCom) and [Federal Office of Communications](#) (OFCOM / BAKOM / UFCOM).

The meeting was attended by the Heads and/or high-level representatives of the NRAs established in each EU Member State which have primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. Heads and high-level representatives of the NRAs from the EFTA States and the States that are candidates for accession to the EU, the Commission and the EFTA Surveillance Authority also took part in the meeting.

List of documents

The list of documents distributed for the 22nd BoR meeting and the list of final documents approved by the meeting for publication in compliance with the BEREC Regulation and the BoR transparency rules are included in Annex.

Items discussed

A short overview of the information presented under each agenda item, a summary record of the proceedings and a record of the conclusions reached by the BoR under each agenda item is presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	BoR (15) 38 Draft BoR Agenda
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair opened the meeting and presented the draft agenda for approval by the BoR meeting. The Chair informed the BoR that one of the objectives of the meeting would be to discuss important and strategic aspects in relation to the new Commission initiative dedicated to the Digital Single Market (DSM). The discussion in particular will focus on identifying the main problems, which NRAs could face in future and discussing the possible way forward for solving these problems through regulation.</p> <p>The BoR members were invited to suggest any additional issues to be raised or presented under “Any other business” (AOB). That not being the case, the BoR adopted the agenda as suggested by the Chair.</p> <p>A representative of the meeting host (ComCom) presented information on the logistics of the meeting and the social event.</p>
Conclusions	The BoR approved the agenda as suggested by the BEREC Chair.

2. List of the ‘A’ items

Document(s)	BoR (15) 29 14 th BEREC Benchmark Report in view of the Roaming Regulation
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Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair presented the “A” item list, which contained only the draft report listed above. According to the conclusions of the Contact Network (CN) meeting of 5 and 6 February 2015 the approval of the Report mentioned above should be possible without further discussion. The BEREC Chair recalled that the BoR members still could make statements for the minutes on the document, if needed. If a position taken may lead to further discussion or if a member of the BoR so requests, this item should be withdrawn from the “A” list.</p> <p>After the introduction, the BEREC Chair requested the consent of the BoR members for including the roaming benchmarking report in the “A” item list and then the BoR members were asked to approve it.</p>
Conclusions	The BoR approved the document included in the ‘A’ item list (for publication).

3. Information by the Chair

Document(s)	No documents
Introduction by	BEREC Chair
Information presentation	<p>The Chair briefed the BoR on the outcome of the recent important meetings held by the Chair and/or the Vice-Chairs, as follows:</p> <ul style="list-style-type: none"> - Meeting of BEREC Chair, BEREC Vice-Chairs <p>Since the beginning of 2015 the BEREC Chair, BEREC Vice-Chairs and the IRG Vice-Chair held 2 meetings (on 19-20 January 2015, in Lisbon, and 18 February 2015, via video-conference);</p> <p>During the 1st meeting the BEREC Chair were assigned with the responsibility to monitor and support specific EWGs, as follows:</p> <ul style="list-style-type: none"> - The BEREC Vice-Chair from BNetzA will monitor the works of the MEA and NGN EWGs; - The BEREC Vice-Chair from ComReg will be in charge of the EU and NN EWGs; - The BEREC Vice-Chair from PTS will have under his responsibility the RF and BMK EWGs; - The BEREC Vice-Chair from UKE will oversee the work of the RA, REM and Roaming EWGs. <p>This distribution of responsibilities for EWGs will provide the EWGs Co-Chairs a direct link with a BEREC Vice-Chair.</p> <p>The objective of the Chair would be to summon meetings (mostly by videoconference) with the Vice-Chairs on a monthly basis.</p> <ul style="list-style-type: none"> - On 22 January 2015, in Brussels, the BEREC Chair met the Deputy Director General of DG CONNECT; during the meeting both sides discuss the possibility of organising several ‘What-If’ meetings in relation to the DSM, which would provide both sides with the opportunity to exchange informally views on important political topics. - The BEREC Chair and Vice-Chairs (BNetzA and PTS) had 2 meetings with representatives of the Latvian Presidency of the Council of the EU (on 2

	<p>February 2015, in Brussels, and on 13 February 2015, by videoconference). The meetings have been dedicated to the on-going legislative work on the TSM. There has been a request for another meeting via videoconference scheduled for 26 February 2015, dedicated to the submission of the Council mandate for a triologue on the TSM to COREPER. The Chair noted that would inform the BoR about its outcome under AOB.</p> <p>The Chair used the current occasion to thank the EWG Chairs who work on the preparation of the BEREC views on the TSM, in particular the RF, the Roaming and the NN EWGs, which always respond on time with technical comments, which are conveyed to the Latvian Presidency at their request. The BoR was informed that BEREC will continue the work with the EP and the Council and try to help them with technical expertise in the spirit of achieving a reasonable compromise on the TSM.</p> <p>The Chair also listed several past and forthcoming events during which she gave speeches or will act on behalf of BEREC and communicated that more detailed information on all her activities will be provided to the BoR quarterly in writing.</p> <p>In her debriefing the Chair paid special attention to a forthcoming visit of European Parliament Committee ITRE to the BEREC Office scheduled for 8 April 2015. The ITRE Committee has requested also a meeting with the BEREC Chair to discuss topics of mutual interest.</p>
Conclusions	The BoR took note of the information.

4. Information by the BEREC Office

Document(s)	<p>BoR (15) 30 Information on the electronic voting procedures since the last plenary meeting</p> <p>BoR (15) 31 2015 BEREC Work Programme (WP) status update</p> <p>BoR (15) 32 9th Assessment Report on Article 7/7a, Phase II Cases – Conclusions</p>
Introduction by	BEREC Office Administrative Manager (AM) and BEREC Office Representatives
Information presented	<p>4.1. Information on the electronic voting procedures since the last plenary meeting</p> <p>The BEREC Office AM shortly up-dated the BoR in relation to the 11 electronic voting procedures held since the last plenary meeting (7 of the BoR and 4 of the BEREC Office MC).</p>
Information presented	<p>4.2. BEREC Communication Plan</p> <p>The BEREC Office AM briefed the BoR in relation to the recent developments concerning the implementation of the BEREC Communication Plan approved by the BoR in June 2014. He recalled that in 2014 the BEREC Office activated BEREC official accounts on Twitter (October 2013), on You Tube (October 2013). At the end of January 2015, aiming at further increasing BEREC's visibility among stakeholders and European citizens, the BEREC Office activated also a BEREC account at LinkedIn.</p> <p>On 4 February 2015 the BEREC Office implemented a new design project for the BEREC website. The project has been aimed at providing better readability</p>

	<p>of the text, higher visibility of the interactive part and improved layout of the website.</p> <p>The BEREC Office AM informed that the work on the implementation of the Communication Plan will continue and among other actions the BEREC Office will present an up-dated BEREC Communication Plan to be submitted for approval by the BoR during its 23rd plenary meeting (4-5 June 2015, Bergen).</p> <p>The new draft will be firstly circulated for comments to the CN and afterwards will be presented to the next CN meeting for discussion.</p>
Information presented	<p>4.3. Status of the 2015 BEREC WP implementation and Conclusions from the recent Article 7/7a phase II cases</p> <p>A BEREC Office Representative presented the state of implementation of the 2015 BEREC WP and the conclusions of the recent Article 7/7a phase II cases, which are presented in the 9th Assessment Report.</p> <p>The report provides a short summary of all 10 Phase II cases (concerning 11 notifications) opened by the Commission in 2014 out of a total number of 157 notifications.</p> <p>It also contains information about the participation of the NRAs in the Phase II EWGs. The information therein demonstrates that the participation of the NRAs still remains relatively unbalanced. 6 NRAs have nominated either the rapporteur or an expert for all 10 Article 7/7a Phase II cases. 4 NRAs have participated less than 4 times in the Article 7/7a Phase II case activities. 14 NRAs (plus the BEREC Office) have nominated a rapporteur for at least one Phase II case (compared to 12 one year ago).</p> <p>BEREC Office Representative paid special attention to some of the issues raised during the Contact Network Meeting of 5-6 February 2015 and in particular to the request to the BEREC Office to provide a more structured analysis of the comments. The BoR was informed that such analysis could be prepared but it should not be part of the regular Assessment Report. The preparation of such a document in the view of the BEREC Office would require a separate mandate and could be included in the PRD of the REM EWG concerning qualitative analysis of Art7 Phase II cases.</p>
Information presented	<p>4.4. State of play of the project for collaborative platform for BEREC – BERECnet</p> <p>A BEREC Office Representative presented the state of play of the first phase of the project for purchase and implementation of collaborative platform for BEREC – BERECnet.</p> <p>He pointed out that the objectives of the first phase of the BERECnet project would be to enhance efficiency of the communication and collaboration between the BEREC Office, the NRA's and the Commission, to enable the organization to perform its business duties with a low IT footprint and to increase the communication and collaboration within the different project teams.</p> <p>The speaker presented the scope of the first phase of the project, which will be limited to the following functional requirements:</p> <p>Module 1: User access and registration;</p> <p>Module 2: Security;</p> <p>Module 3: User Profile;</p>

	<p>Module 4: Navigation;</p> <p>Module 5: Document Management;</p> <p>The BEREC Office Representative presented also some additional details for the activities to be performed under each module listed above.</p> <p>The BoR was informed that the initiation of the project started on 12 February 2015 by signing a contract with Microsoft for the development of the BERECnet on the basis of 'SharePoint'.</p> <p>The project currently is under development. In the period from 20 to 30 March 2015 it will enter into a stabilisation phase and is expected to be in operation on 1 May 2015.</p> <p>All legacy BEREC documents will be migrated to the new platform by the BEREC Office after the end of phase I.</p>
Information presented	<p>4.5. Training for the BEREC community to be provided by the BEREC Office</p> <p>The BEREC Chair recalled that during the Dublin Workshop the BEREC Office was requested to provide specialised training for the junior members of the NRAs on topics related to the telecom regulation.</p> <p>A BEREC Office Representative briefed the BoR about the state of the preparation of the procurement procedure for the training for the BEREC community to be provided by the BEREC Office.</p> <p>Information about the training options was circulated to the NRAs for comments with a deadline of 2 March 2015.</p> <p>Then the BEREC Office will publish an ex-ante advertisement about the procurement procedure on the BEREC website.</p>
Information presented	<p>4.6. Reply to the Commission letter on market analysis</p> <p>A BEREC Office Representative briefed the BoR about the state of preparation of the reply to the letter from the Commission to the BEREC Chair of November 2014 concerning the delays in the market analysis encountered by some NRAs. The BEREC Office informed the BoR that additional evidence about the state of play of the market analysis had been gathered from 31 NRAs, which among others contains information about the reasons for the delays experienced, when applicable.</p> <p>Almost all NRAs verified their data and the BEREC Office expects further guidance on the next steps.</p> <p>As a reply the Chair clarified that as a next step the BEREC Office is expected to prepare a draft letter to the Commission, which will contain also all the information gathered.</p>
Information presented	<p>4.7. Supporting the BEREC EWGs activities in 2015</p> <p>A BEREC Office Representative briefed the BoR in relation to the support activities provided by the BEREC Office to the BEREC EWG, including to Phase II cases, so far and the support planned throughout 2015.</p> <p>Special attention was paid to the staffing of the Programme Management Units, which had been under constant reduction. However, despite the limited human resources the BEREC Office plans to provide the following support to EWGs and Phase II cases:</p>

	<ul style="list-style-type: none"> – Setting up EWGs and managing the contact lists and e-mail exploders; – Circulating meeting documents and managing the information flows; – Preparing invitations for EWG meetings; – Attending the EWG meetings and drafting the minutes; – Supporting the activities under Article 7 and 7a of the Framework Directive; – Reimbursing the participants according to BEREC Office rules; – Managing all public consultations (preparing answers / reports / presentations); – Organising EWG workshops; – Collection of data from NRAs in relation to the benchmarking reports (including the roaming ones) and drafting the benchmarking reports; – Drafting and distributing questionnaires to NRAs and collecting / managing replies; – Drafting BEREC documents; – Organising procurements (for studies, BEREC training, catering, etc.); – Launching and managing platforms like BEREC-net and the Information Sharing Portal. <p>The BEREC Office Representative recalled that in order to ensure optimum use of the financial and human resources available at the BEREC Office, BEREC and the BEREC EWGs should plan their work in a better way and take into account the rules applicable to the BEREC Office.</p> <p>At the end of his presentation the BEREC Office Representative invited BEREC to provide its feed-back for the support provided by the BEREC Office and identify any areas of improvements.</p>
Conclusions	The BoR took note of the information.

5. BEREC Decision on the appointment of Expert Working Groups (EWGs) Co-Chairs

Document(s)	BoR (15) 33 Draft BoR Decision on the appointment of EWGs Co-Chairs
Introduction by	BEREC Chair
Information presented	<p>The Chair recalled that on 5 December 2014, with Decision BoR/2014/3, the BoR established 9 EWGs and appointed their Chairs. On 6 December 2014, following the active contribution by the BEREC Vice-Chair 2014 from FICORA the BoR adopted an amendment to the BoR RoP according to which all EWGs should have 2 Co-chairs. As the Decision quoted above was prepared and approved before the entry into force of the new RoP, it does not take into account this requirement and envisages for some of the EWGs only 1 Chair.</p> <p>Therefore, following the approval of the Internal Guidelines on the functioning of the EWGs, which defines the procedure for the appointment of EWG Chairs, on 5 February 2015, the BEREC Chair launched a call for expression of interest for a second Chair for those EWGs, which do not comply with the</p>

	<p>new requirements, as follows: NN, NGN RF and BMK. The deadline for submission of expression of interest was 16 February 2015.</p> <p>Within this period 9 applications were received. For two of the vacant posts the Chair had received more than 1 application, which demonstrated the interest from NRAs to further engage in BEREC activity. All applicants were with extensive background in the telecom sector and at BEREC.</p> <p>In 2 of the cases there was a potential conflict of interest and for these cases the Chair and the Vice-Chair concerned from PTS delegated their responsibilities to other BEREC Vice-Chairs who were not in a potential conflict of interest to decide on their behalf.</p> <p>The selection was undertaken in accordance with the criteria defined in the Internal Guidelines, including examine the relevant professional experience and academic background of the applicant and bearing in mind the overarching objective for ensuring balanced participation of all NRAs in BEREC's activity.</p> <p>The Chair communicated that the final result of the selection procedure was reflected in the draft BoR Decision tabled for approval. The Chair thanked to all applicants for their willingness to be involved deeper in BEREC's work.</p> <p>She recalled that all applicants possessed the necessary qualities to contribute to BEREC's work and therefore expressed her conviction that BEREC would have other occasions to use their profound expertise.</p>
Conclusions	The BoR approved the BoR decision for publication and implementation.

6. Outcome of the Workshop on oligopolies and report on post-merger market developments

Document(s)	BoR (15) 44 Outcome of the Workshop on oligopoly analysis and regulation and BEREC report on post-merger market developments
Introduction by	MEA EWG Co-Chairs (CNMC/ARCEP)
Information presented	<p>6.1. Outcome of the Workshop on oligopoly analysis and regulation</p> <p>The MEA EWG Co-Chairs presented the Outcome of the public BEREC Workshop on oligopoly analysis and regulation held on 25 February 2015, prior to the 22nd BEREC plenary meeting.</p> <p>The main topics for discussion during the Workshop will be the following:</p> <p>The BoR was informed that the workshop was organised in 3 panel discussions, dedicated to the following topics:</p> <ul style="list-style-type: none"> - Trends leading to oligopolistic market structures, namely mergers and acquisitions, in the EU; - Market analysis in the context of potential oligopolistic situations; - Remedies in the context of oligopolistic situations. <p>Some of the main conclusions from the workshop, are the following:</p> <ul style="list-style-type: none"> - Telecoms markets are oligopolistic in nature due to the characteristics of the market, namely: high investment costs, sunk costs, economies of scale,

fast technological progress, high rate of innovation, network externalities and scarcity of spectrum in mobile markets;

- Trends of concentration are also widely observed;
- As other drivers of concentrated markets, the need for more investment, the convergence and the evolution of bundle offers are new sources of pressure which lead to less operators in markets.

However, oligopolies are per se harmful, although some markets are more susceptible to uncompetitive outcomes than others. Uncompetitive outcomes can lead to threats to the interests of end-users (risk of slower innovation, higher prices and lower quality), can increase the likelihood of coordination, which could lead to harmful effects, or can raise a potential problem of foreclosure. In some cases oligopolies can also bring benefits to market, in terms of incentives for investments and innovation.

As a general conclusion from the workshop, it has been emphasised that there is no need for new regulatory tools in order to deal with oligopolistic situations and the use of the existing ex-ante regulation remedies should in principle be sufficient, but on a case by case basis there might be a need for use of other regulatory tools to remedy the situation. For example, in the mobile markets there might be a need for including additional requirements in the rights of use.

6.2. Outline of the BEREC Report on oligopolies analysis and regulation

The MEA EWG Co-Chairs presented an outline of the BEREC Report on oligopolies analysis and regulation.

They suggested addressing in the Report the following main issues:

- Existing regulatory framework and its application in oligopolistic contexts;
- Relevant EU Case Law on joint-dominance;
- Analysis and lessons learnt from national cases and EC letters;
- Criteria for assessing collective dominance (guidance for NRAs);
- Regulatory treatment of tight non-collusive oligopolies;
- Remedies in an oligopolistic context.

In the light of the information presented, including the outcome of the public Workshop, the BoR was requested to provide its consent for launching a discussion about the future role of NRAs in the evolving market.

6.3. Report on post-merger market developments

The MEA EWG Co-Chairs recalled that in accordance with item 3.1.5. of the 2015 BEREC WP, BEREC may decide to issue a Report on post-merger market developments. As this deliverable is optional, the MEA EWG Co-Chairs (CNMC/ARCEP) invited the BoR to share their views if the report should be prepared.

In case that the BoR decides to proceed with the preparation of the Report, the BEREC Office can commission a study on the topic.

The information was complemented by the BEREC Chair, who clarified that the idea would be to start the work by the end of the current year with the objective to complete the work by the end of 2016. If this approach would be accepted

	the MEA EWG should be requested to draft a PRD to be submitted for approval during the 23 rd BEREC plenary meeting. (4-5 June 2015, Bergen).
Conclusions	<p>The BoR took note of the information provided on the outcome of the Workshop on oligopoly analysis and regulation and the outline of the BEREC Report on oligopoly analysis.</p> <p>The BoR discussed the effect on mergers and acquisition on the market and concluded that it would be useful to undertake additional studies of the post-merger market developments. Therefore the MEA EWG was requested to prepare a draft PRD for the preparation of a BEREC Report on post-merger market developments and to submit it for approval at the 23rd BoR plenary meeting.</p>

7. Discussion on the DSM

Document(s)	No documents
Introduction by	BEREC Chair and Commission representative
Information presented	<p>Introduction by the BEREC Chair</p> <p>The BEREC Chair made a general introduction to the discussion. She shared her views that in the forthcoming review of the EU Regulatory Framework for electronic communication BEREC must have a proactive role by developing strategic thinking, including by taking into account the sector evolution and the future regulatory needs.</p> <p>The BoR was informed that the BEREC Chair and the Commission have discussed the possibility for organising 3 or 4 'What-If' meetings, which, in the view of the chair, should be undertaken with the support of the Regulatory Framework (RF) EWG.</p> <p>The current discussion would have the objective to identify the main topics for the next 'What-If' meetings by identifying the main problems, which the NRAs would be willing to resolve through regulation.</p> <p>Introduction by the Commission</p> <p>The Commission Representative recalled that the work on the DSM in the Commission is coordinated Vice-President of the Commission, who is responsible for coordinating the activities in the field of the digital single market. The work is organised in the so called 'Project Team' coordinated by the Vice-President, in which Commission for digital economy and society – has an important role.</p> <p>The Commission plans to issue a Communication on the Strategy of the DSM in May 2015, which will be an instrument to be used by the Commission to communicate to the EU Member States and the European Parliament what would be next steps for the development of the DSM. The document will be presented at the Competitiveness Council to take place at the end of May 2015 and afterwards will be considered by the European Council in June 2015.</p> <p>The specific instruments will be developed afterwards and those of interest to BEREC will include the following:</p> <ol style="list-style-type: none"> 1. Review of the current telecom rules (including also the review of the scope of the universal service);

	<p>2. Review of the audio-visual and media directive;</p> <p>3. Revision of the copyright rules;</p> <p>4. Revision of the e-Commerce Directive;</p> <p>The first 2 packages listed above will be subject to the so called 'regulatory fitness exercise' which will include revising the existing legal base, evaluating its effectiveness, organising a public consultation and collecting the views of the public in relation to the need for change and undertaking of impact assessment of the possible changes.</p> <p>The Commission has already started this cycle and will publish a public consultation in the forthcoming months, which will be followed by starting the preparation of the impact assessment to be finished by the end of this year.</p> <p>The drafting of the legislative proposals will start in the beginning of 2016 with the objective to table the proposals in the first half of 2016.</p> <p>The Commission would like to work with BEREC in an interactive mode, which was not the case in the 2007 review but has been already successfully used in 2014.</p> <p>As a next stage, in the second half of 2015, the Commission will request BEREC to come up with a formal opinion.</p> <p>In the Commission views the highest priority at this stage will be the problem definition, in particular by answering to the following questions:</p> <ul style="list-style-type: none"> – what problems we need to resolve? – in what time frame? – in which way we need to adapt the RF to resolve these problems? <p>Defining the problems to be solved and identifying the most likely scenarios in the view of the Commission would be the most successful way ahead.</p> <p>Additionally, the Commission suggested discussing what would be needed to:</p> <ul style="list-style-type: none"> - introduce a step change in the services, especially as far as the connectivity side of the services are concerned; or - look into different type of competition; or - arrive to a full deregulation, especially on the service side, if the market has reached the necessary maturity and what would be the consequences? - to scrutinise the all-IP environment in the context of the regulatory challenges, etc. <p>In addition to the questions posed by the Commission the Chair invited the BoR to reflect on how the world will look in 2020 and to identify:</p> <ul style="list-style-type: none"> - the main challenges; - the players and bottlenecks; - the needs of consumers, etc. <p>After this reflection the BoR will need to identify measure which will solve problems which will arise in future and which we may not be able to fully predict.</p>
Conclusions	<p>The BoR had an initial discussion on the issues which should be addressed in the forthcoming review of the EU Regulatory Framework for eCommunications discuss.</p>

	The BoR decided to hold several additional meeting on the same topic and requested the Regulatory Framework EWG to propose possible specific topics for discussion for the next meetings.
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8. Net Neutrality (NN) EWG new PRD

Document(s)	BoR (15) 34 PRD on Reflections on NN in the STM legislative process
Introduction by	NN EWG Chair (Nkom)
Information presented	<p>The NN EWG Chair recalled that in its 2015 WP BEREC had identified the need to follow closely the development of the legislative process in relation to the on the Proposal for a Regulation laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent (referred to as the 'Telecom Single Market' or 'TSM') and to issue position paper(s), opinion(s) or comment(s), if needed.</p> <p>According to the roadmap for work on the TSM of the Latvian Presidency of the Council of the EU the main focus of the work will be on the provisions for NN and roaming. The BoR already approved a PRD for the work to be undertaken in relation to roaming but has not addressed yet the NN.</p> <p>Therefore the NN EWG has tabled an additional draft PRD, which could serve as a basis for the EWG to undertake additional work in relation to the legislative process. The BoR was informed that the text of the draft PRD had been based on the respective text in the BEREC WP 2015 but had been further detailed and specific emphasis had been put on the NN.</p> <p>The draft PD in particular envisaged following the legislative process on the TSM as far as NN is concerned and the preparation of comment/common position/opinions, if needed.</p> <p>The BoR was requested to approve the draft PRD for internal use.</p>
Conclusions	The BoR discussed the new PRD for the NN EWG and approved it for internal use.

9. Outline of the BEREC Annual Report on activities and developments in the sector

Document(s)	BoR (15) 35 Outline of the BEREC Annual Report on activities and developments in the sector
Introduction by	BEREC Chair Representative 2014 (PTS) and BEREC Office representative
Background information	<p>Representatives of the BEREC Chair 2014 (PTS) and the BEREC Office presented the outline of the annual BEREC Reports to be prepared in line with the provisions of the BEREC Regulation [Article 5 (5) and Article 3 (1) (n)] which should contain information about BEREC annual activities and the sector development in 2014.</p> <p>Following the decision taken by the BoR in 2012, the reports will be prepared and published together. According to the proposed outline part A of the Annual Report will describe the activities carried out by BEREC and its EWGs in 2014 and will follow the structure of the BEREC WP 2014.</p>

	<p>Part B of the Report will focus on the sector developments in 2014. It will be based on the main findings of BEREC EWGs in 2014, but will focus also on the current and future market developments.</p> <p>The Reports will be submitted for approval by the BoR at its 23rd plenary meeting (4-5 June 2015, Bergen). Therefore, the speakers presented the schedule for work of all parties concerned in order to be ready with the report on time for the Contact Network Meeting, which will take place on 14 and 15 May 2015.</p>
Conclusions	The BoR took note of the outline of the annual BEREC Report and approved it for internal use.

10. Oral up-date on the BEREC Workshop on equivalent access and choice for disabled end-users

Document(s)	No documents
Introduction by	EU EWG Co-chair (ANCOM)
Background information	<p>On 4 March 2015, BEREC will hold a Workshop to discuss the accessibility of electronic communications services for end-users with disabilities. The event will focus on the challenges faced by disabled end-users, the role of regulators in promoting accessibility and the initiatives taken by manufacturers, service providers and the applications developers to make communications services more accessible for disabled end-users.</p> <p>The Workshop will be opened by the BEREC Chair. BEREC has invited as speakers at the Workshop representatives of the NRAs, the Commission, organisations, which represent disabled people, manufacturing industry and communications service providers.</p> <p>The workshop will comprise 4 sessions. The workshop agenda is available on the BEREC website.</p>
Discussion	One NRA asked if the workshop will be available to the public through streaming. The EU EWG Chair replied that it had not been possible to arrange live video-streaming, but the workshop will be video-recorded and the recording will be made available to the public.
Conclusions	The BoR took note of the information provided.

11. Information from the Commission

Document(s)	No documents
Introduction by	Commission representative
Information presented	Due to the fact that the Commission has covered all topics of interest to BEREC under the previous agenda items, no additional information was presented under this agenda item.
Conclusions	N.A.

12. Information Sharing Portal (ISP)

Document(s)	BoR (15) 36 Up-date on the ISP
Introduction by	Benchmarking (BMK) EWG Chair (CNMC)
Information presented	<p>The BMK EWG Chair recalled that at its 20th Plenary Meeting (25-26 September 2014, Rome) the BoR approved the BEREC Report on the proposal for creating an ISP among NRAs and other institutions.</p> <p>Although the BoR recognised the importance of the project for increased transparency of the work of the NRAs, BEREC and the EU Institutions, the BoR emphasized that the project should not be very costly and, hence, its scope should be rather constrained.</p> <p>Therefore the BMK EWG was requested to undertake additional analysis and to:</p> <ul style="list-style-type: none"> - prepare additional information about the financial and HR implications of the information sharing portal project to all parties concerned and to present it for discussion to the BoR. - consider different options to implement the conclusions of the BEREC Report on the proposal for creating an information sharing portal among NRAs and other institutions. <p>In line with the meeting conclusion of Rome, the BMK EWG Chair presented some additional information about the possible roadmap of the project which could indicatively be split into four phases, as follows:</p> <p>Phase I: Validate roadmap for implementation (current phase).</p> <p>Phase II: Solution design (Duration: ~3 months, estimated cost: ~20.000€);</p> <p>Phase III: Implementation.</p> <p>Phase IV: Operation.</p> <p>The BMK EWG Chair informed the BoR that under this second phase the BEREC Office with the assistant of external consultants, will define the solution design, the software tool and the functional requirements of the portal as well as the costs of the different solutions. The outcome of Phase II will be presented at the next CN/plenary meetings when the decision on the Implementation Phase (selection of the specific scenario and corresponding cost) of the portal will be taken.</p> <p>The BMK EWG Chair also presented a roaming for the project implementation according to which the ISP should go live in October 2015.</p> <p>The BoR was requested to approve the proposed way ahead and the project roadmap.</p>
Conclusions	<p>To BoR took note of the information provided and approved the proposed way ahead and the project roadmap. The BoR asked the BMK EWG and the BEREC Office on the basis of input from a consultant to submit an up-dated proposal for the scope and the financial implications of the project for approval by the next plenary.</p>

13. Oral up-date on the Study on the Future of Electronic Communications in Europe

Document(s)	No documents
Introduction by	BEREC Chair and BEREC Office Representative
Information presented	<p>The Chair recalled that following the approval of an Ad Hoc Financing Decision by the BEREC Office MC in November 2014 (MC/2014/14) the BEREC Office commissioned a Study on the Future of Electronic Communications in Europe.</p> <p>On 2 February 2015 the BEREC Chair, BEREC Vice-Chair (BNetzA) and a BEREC Office Representative had a kick-off meeting with the consultant during which the consultant was requested to prepare the study on the basis of interviews with key players in the sector. The consultant was provided with further guidance on the method of selection of the people to be interviewed in order to have a balanced representation of the view of market players with different size and active on markets of different dimension and market situation.</p> <p>The preparation of the study will be closely monitored by the BEREC Chair and the Vice-Chair from BNetzA with the support of several volunteers from ACM, ARCEP, ComReg, EETT, OCECPR, Ofcom and RTR.</p> <p>In addition to the information provided by the Chair a BEREC Office Representative informed the BoR that the objective of the study would be to explore the long term challenges in telecom market and regulatory policies. The project will involve developing a long term vision (until 2020) of the future of telecom market in terms of:</p> <ul style="list-style-type: none"> - Life in 2020; - Key economic trends; - Key technological trends; - Key societal and end-user changes; - The industry structure and business models; - The future of spectrum management; - The future of regulation; <p>The interim report with drafts of the main chapters is expected to be ready by 13 March and the final report with executive summary, introduction and references - by 15 May 2015.</p>
Conclusions	The BoR took note of the information.

14. BEREC International Activities

Document(s)	No documents
Introduction by	Representatives of the BEREC Chair/ Vice-Chair (ANACOM/PTS)
Information presented	<p>Representatives of the BEREC Chair (ANACOM) and Vice-chair (PTS) presented the following information concerning the forthcoming international events.</p> <p>14.1. Joint Summit between BEREC-EMERG, REGULATel and EaPeReg</p> <p>It was recalled that BEREC signed Memoranda of Understanding (MoU) for cooperation with REGULATel, EMERG and EaPeReg, which envisages the</p>

development of different cooperation activities with BEREC. One of the activities envisaged in these MoU is the organisation of annual meetings or summits with BEREC.

The objective for 2015 has been to have a joint summit between BEREC and the three organisations listed above, which is about to be confirmed and will take place on 3 and 4 July 2015 in Barcelona.

14.2. Cooperation with REGULATEL

In compliance with the MoU, BEREC will take part in the forthcoming meeting of the joint Working Groups on Benchmarking and Economic Competence. These Working Groups will meet in the period from 13 to 15 April 2015 in Cartagena, Colombia.

14.3. Cooperation with Federal Communications Commission (FCC)

BEREC has just started discussing with FCC this year cooperation activities. In 2014 BEREC and FCC planned 3 joint workshops, but managed to organise only 2 (on market development and NN). Some information to the CN on the cooperating activities will follow.

Additionally, the BEREC Chair and Vice-Chairs (PTS and BNetzA) will meet the Chairman of the U.S. FCC, Tom Wheeler, within the Mobile World Congress in Barcelona. The BoR will be informed about the outcome of the meeting in due time.

14.4. Cooperation with Eastern Partnership for Regulators (EaPeReg)

In line with the MoU signed at the last BEREC plenary between BEREC and EaPeReg both sides have planned 4 workshops in 2015. The workshops will be dedicated to the following topics:

- Broadband services (February 2015);
- Tariff regulation (April 2015);
- Network and information security (October 2015)
- 4G technologies (November 2015).

14.5. Other issues related to international activities

- Letter from Ukraine regarding numbering issues

BEREC has received a request from the Ukrainian Embassy in Riga asking for an intervention regarding numbering issues. The Chair will contact the Commission to examine the best way to handle this request and will keep the BoR informed about the outcome of the discussion.

- ITU Workshop on Roaming

Following an invitation from ITU BEREC will take part in a Workshop on roaming with an expert from the Roaming EWG. The workshop is scheduled for March 2015.

- Reply to the Commission letter on international activities of 2014

	The Chair recalled that in 2014 the BEREC Chair received a letter from the Commission in relation to international activities. The draft reply is under preparation and will be circulated internally.
Conclusions	The BoR took note of the information.

15. Review of the BEREC Office Organisational and Financial Structure

Document(s)	No documents
Introduction by	BEREC Vice-Chair (BNetzA)
Information presented	<p>The BEREC Vice-Chair (BNetzA) recalled that Article 11 (5) of the BEREC Regulation envisages a review of the organisational and financial structure of the BEREC Office five years after the date of its establishment. Due to the fact that the establishment meeting of the BEREC Office MC was held in 2010 the review should be carried out in 2015.</p> <p>The BEREC Vice-Chair (BNetzA) shares the views that BEREC as a direct recipient of the services provided by the BEREC Office should be in the best position to come up with assessment if the organisational and financial structure of the BEREC Office should be reviewed and, if needed, with specific proposals in that respect.</p> <p>The BEREC Office has gradually strengthened the support provided to BEREC and has proved its capability to provide not only administrative but also professional support and therefore BEREC should see if there would be further need to extend the scope of the activity of the BEREC Office.</p>
Conclusions	The BoR discussed the BEREC Office organisational and financial structure and endorsed the proposed way forward.

16. AOB

16.1. BEREC Workshops 2015

Document(s)	BoR (15) 37 BEREC Workshops during 2015
Introduction by	BEREC Chair
Information presented	<p>The Chair recalled that the 2015 BEREC WP and the project requirements documents of the BEREC EWGs foresee the organisation of several internal and public workshops.</p> <p>To ensure better organisation of the workshops and optimal use of human and financial resources, the EWG Chairs have been requested to provide more information on the workshops regarding definitive dates, location, number of participants, and participation of stakeholders, amongst others.</p> <p>Since the majority of the workshops are scheduled to take place during the second half of the year, the BEREC Chair has requested the EWG Chairs to determine, as far as possible, the exact workshop dates.</p> <p>In cases where the target audience is the same, the BEREC Chair has asked the EWG Chairs to liaise with each other in order to ensure the time difference between the evens is at least one month.</p>

	<p>The BEREC Chair paid special attention to the 3rd BEREC Stakeholder Forum Meeting scheduled for 15 October 2015 in Brussels and requested all Heads to include this event in their calendar in order to have real and positive engagement of the whole BEREC community in the dialogue with the stakeholders.</p> <p>The BEREC Vice-Chair (ComReg) in charge of this meeting provided some additional information on the on-going preparation and informed the BoR that the idea for this year's event would be to introduce some diversity in the speakers and to invite different market players to present their views at the meeting.</p>
Conclusions	The BoR took note of the information.

16.2. Outcome of the video-conference with the Latvian Presidency of the Council of the EU (26 February 2015)

Document(s)	No documents
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair up-dated the BoR on the outcome of the video-conference with the Latvian Presidency of the Council of the EU on the TSM held on 26 February 2015.</p> <p>The Latvian Presidency informed the BEREC Chair that a draft mandate for a trilogue will be submitted to COREPER for approval. The mandate will be based on the outcome of the Council WP on telecommunications and Information Society.</p>
Conclusions	The BoR took note of the information.

16.3. Information on the next BoR meeting (4-5 June 2015, Bergen (Norway))

Document(s)	No documents
Introduction by	Representative of the meeting's host (Nkom)
Information presented	The meeting's host (Nkom) presented information on the logistics of the next BoR meeting taking place on 4 and 5 June 2015 in Bergen (Norway). The meeting will be preceded by a Workshop on the forthcoming review of the EU Regulatory Framework for electronic communication networks and services (the future of regulation).
Conclusions	The BoR took note of the information.

Berne, 27 February 2015.

LIST OF DOCUMENTS

approved at the 22ndt BoR plenary meeting and subject to publication in compliance with the BEREC Regulation and the BoR transparency rules

Document number	Document title/hyperlink
BoR (15) 29	<u>14th International Roaming BEREC Benchmark Data Report April-September 2014;</u>
BoR/2015/1	<u>Decision of the Board of Regulators on the Co-Chairs of the BEREC Expert Working Groups</u>

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