

3rd BEREC Contact Network Meeting for 2013

5-6 September 2013, The Hague, hosted by ACM

BEREC CN (13) 69

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Conclusions

Chair

Dr Minas KARATZOGLOU
Head of Market and Competition
Monitoring Department,
Hellenic Telecommunications and
Post Commission (EETT)

5-6 September 2013, The Hague

The BEREC CN held its 3rd meeting for 2013 on 5 and 6 September 2013 in The Hague (The Netherlands). The CN considered all documents to be submitted to the forthcoming BEREC plenary meeting to be held in Riga on 26 and 27 September 2013, as follows:

I. Documents to be submitted to the Board of Regulators (BoR)

The CN agreed to submit the following draft documents to the BoR:

1. As 'A' items (without discussion):

- 1.1. Draft Internal Guidelines for the elaboration of BEREC Opinions in Article 7 and 7a phase II cases (approval for internal use).
- 1.2. Draft BEREC International Roaming Compliance Report (Regulation (EU) No 531/512 of the European Parliament and of the Council of 13 June 2012 on Roaming) (approval for publication).
- 1.3. Draft International Roaming BEREC Benchmark Data Report July 2012 – March 2013 (approval for publication).
- 1.4. Draft BEREC Report Regulatory Accounting in Practice 2013 (approval for publication).

2. As regular items (with presentation and discussion):

2.1. For approval for public consultation:

- Up-dated BEREC Medium-term Strategy Outlook;
- Draft 2014 BEREC Work Programme (WP).

2.2. For approval for publication and implementation: draft Methodology for monitoring the implementation of the BEREC Common Positions (CPs) on Wholesale Local Access (WLA), Wholesale Broadband Access (WBA) and Wholesale Leased Lines (WLL).

2.3. For consideration and agreement on the next steps:

- Ecosystem dynamics in NN developments from an end-user perspective;
- Internal interim report on M2M;
- Data strategy on electronic communications services - towards a joint information sharing system between DG CONNECT, BEREC and NRAs.

2.4. For approval for signature: draft BEREC - REGULATEL MoU.

2.5. For approval for internal use:

- Mid-term Review of BEREC WP 2013;
- Draft Internal Guidelines for the provision of BEREC's assistance to NRAs on regulatory issues pursuant to Articles 2(b), 3(1)(e) and (l) of the BEREC Regulation;
- Implementation and development of Article 21 of the Framework Directive. Draft BEREC internal Guidelines.

2.6. For information only:

- BEREC WP 2013 status update;
- Conclusion from the 6th assessment of the recent Article 7/7a Phase II cases.

II. Documents to be submitted to the BEREC Office Management Committee (MC):

The CN agreed to submit the following draft documents to the MC:

1. **As 'A' items (without discussion):** draft 2014 BEREC Office WP.

2. **As regular items (with presentation and discussion):**
 - For approval: draft reply by the MC to ECA's observations on the Final Account of the BEREC Office for 2012;
 - Draft BEREC Intranet Concept Paper.
- 2.1. For consideration and information:
 - Execution of the BEREC Office budget for 2013
 - Report on the limited review by the Commission Internal Audit Service on BEREC Office internal control standards and planned actions

III. Next meeting

The next meeting of the CN will take place on **14 and 15 November 2013 in Berlin, Germany**, and will be kindly hosted by the German [Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway](#) - BnetzA.

Introduction and participation

The BEREC CN held its 3rd meeting for 2013 on 5 and 6 September 2012 in The Hague (The Netherlands), kindly hosted by the [Authority for Consumers and Markets](#) (ACM) of the Netherlands.

The meeting was attended by senior representatives of the National Regulatory Authorities (NRAs) established in each EU Member State, EFTA States and the States that are candidates for accession to the EU with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. The European Commission also took part in the meeting and was also represented at an appropriate level.

The meeting was held in compliance with the meeting agenda presented in document [BEREC CN \(13\) 42](#) (publicly available on the BEREC web site).

Items discussed

1. Opening of the meeting and adoption of the agenda

Document(s)	BEREC CN (13) 42 Draft BEREC CN Agenda
Introduction by	The BEREC CN Chair
Information presented	The BEREC CN Chair opened the meeting and congratulated the representatives of Croatia for their first participation in the CN as full members. The Chair presented the agenda for approval by the CN meeting. The CN members were invited to suggest any additional issues to be raised or presented under AOB.
Discussion	The BEREC Office Administrative Manager (AM) suggested withdrawing agenda item No 18.5 concerning the secondment of national experts due to the need for additional consultations with the Commission services.
Conclusions	The CN agreed with the proposal made and approved the meeting agenda.

2. Information by the Chair – oral update

Document(s)	No document
Introduction by	The BEREC CN Chair – Dr Minas KARATZOGLOU
Information presented	The BEREC CN Chair updated the meeting on the recent communication activities of the BEREC Chair and key meetings with EU Institutions and stakeholders, as follows:

	<p>12 June 2013 The BEREC Chair and other BEREC representative met the Commission to explain BEREC's considerations on the draft Commission Recommendation for non-discrimination and costing methodology;</p> <p>13 June 2013 The BEREC Chair presented the outcome from the 15th plenary meeting (6-7 June 2013) at a public debriefing;</p> <p>24 June 2013 The BEREC Chair met representatives of some stakeholders;</p> <p>25 June 2013 The BEREC Chair addressed the ECTA Conference on Single European market;</p> <p>26 June 2013 The BEREC Chair met the Chairs of the BEREC Expert Working Groups (EWGs) with whom he discussed the state of the work of the EWGs headed by them;</p> <p>2 July 2013 The BEREC Chair took part in the XII BEREC-REGULATEL Summit during which it both sides discussed signing a MoU for cooperation;</p> <p>2 July 2013 The BEREC Chair took part in a BEREC-REGULATEL regulatory conference;</p> <p>4 July 2013 The BEREC Chair chaired a panel dedicated to the national broadband interconnection charges;</p>
Conclusions	The CN took note of the update and decided to pass it on to the BoR for information.

3. Information by the BEREC Office

Document(s)	<p>BEREC CN (13) 43 Contact lists pack</p> <p>BEREC CN (13) 44 WP 2013 status update</p> <p>BEREC CN (13) 45 Report on the recent Article 7/7a Phase II cases</p>
Introduction by	BEREC Office representative
Information presented	<p>The BEREC Office presented the updated contact lists of the BEREC Heads, BEREC CN Members and the BEREC Office and the implementation status of the 2013 BEREC WP.</p> <p>Special attention was paid to the conclusions of the recent Article 7/7a phase II cases, which are presented in the 6th assessment report.</p> <p>The report provided an overview of the participation of the NRAs in the Phase II EWGs. The information presented demonstrates that the participation of the NRAs still remains relatively unbalanced.</p>
Conclusions	The CN took note of the information and decided to pass it on to the BoR for consideration

4. BEREC Medium-term Strategic Outlook – an update

Document(s)	BEREC CN (13) 46 Updated BEREC Medium-term Strategic Outlook
Introduction by	The BEREC CN Chair
Information presented	<p>The BEREC CN Chair made a short presentation of the updated BEREC Medium-term Strategic Outlook. He reminded to the meeting that the BEREC Medium-term Strategy was adopted in February 2012 and emphasised that while the original priorities as defined in the strategy were still valid, some recent regulatory and policy developments needed to be taken into account, which required the current review. The most important developments determining the current review are: the adoption of BEREC's Common Position on key access products, the draft Commission Recommendation on non-discrimination and costing methodologies (expected to be adopted in September 2013), the Commission's new legislative single market initiative, the Trautmann Report and others, which is expected to call for a review of the strategy.</p> <p>The review is not based on a massive re-think but rather on minor updates, reflecting the changes in the past 18 months.</p> <p>The main changes relate to the following:</p> <ul style="list-style-type: none"> – Monitoring the process foreseen in the draft Recommendation on non-discrimination and costing. – Assisting the legislator in the development of new legislative acts, including an eventual review of the regulatory framework. – Establishing a stakeholder forum for enhancing the dialogue with stakeholders.
Conclusions	The CN discussed the updated strategy and was invited to provide additional written input by 10 September 2013. The revised draft will be submitted to the BoR for approval for public consultation to be completed by mid-December 2013.

5. BEREC WP 2014

Document(s)	BEREC CN (13) 47 Communication on the draft BEREC WP for 2014
Introduction by	The incoming CN Chair (PTS)
Information presented	<p>The incoming CN Chair reminded the CN that in compliance with Article 5(4) of the BEREC Regulation, the BoR has to adopt the BEREC annual WP before the end of the year, following public consultation. For this reason, the incoming CN Chair circulated a first draft of the 2014 BEREC WP to the CN for preliminary consideration in the begging of August 2013.</p> <p>Following the receipt of several written contribution the draft was revised to accommodate most of the suggestions made.</p>

	<p>He communicated that the draft WP BEREC was developed on the basis of the Medium-term strategy adopted in February 2012. It develops further the strategy, it also aims at making BEREC more proactive in improving the internal market, taking into account the permanent tasks of BEREC arising on ad hoc basis. In that respect, taking into account the expected work on the forthcoming new legislative proposal, the Chair has tried to reduce the number of work streams with a view to optimising the structure of EWGs. The Chair proposed undertaking some additional work on Article 7/7a phase II cases with a view to ensuring deeper analysis and reflection of their outcome.</p>
Conclusions	<p>The CN discussed the draft BEREC 20144 WP and was invited to submit further written comments by 10 September 2013.</p> <p>Based on the written input the incoming Chair was requested to submit a revised draft to the BoR for approval for public consultation.</p>

6. BEREC Mid-term Review

Document(s)	BEREC CN (13) 48 Mid-term Review of BEREC WP 2013
Introduction by	The Chair's Office
Information presented	<p>There have been some recent changes in the Commission's planned documents, including the freezing of draft Recommendation on net neutrality (NN); the forthcoming legislative proposal for a Regulation on the single telecoms market, which is expected to be approved by April 2014 and others which affect the implementation of the 2013 BEREC WP.</p> <p>There are 3 main departures in BEREC from the WP in force, namely:</p> <ul style="list-style-type: none"> – The BEREC Opinion on draft NN Recommendation has to be postponed for 2014 or even abandoned, depending on the Commission further decision on this act (NN EWG). – The draft report on platforms for measuring the Quality of Broadband Access Services had been rescheduled from December 2013 to March 2014 (NN EWG). – Methodology and questionnaire for the second round of TMI postponed from December 2013 to June 2014 (NN EWG). <p>Furthermore there is need to further address the forthcoming STM initiative.</p> <p>Although any work on the single market initiative could be undertaken by an ad hoc team, this will require additional resources. Therefore in the current mid-term review, the Chair's Office proposes postponing some of the deliverables of the FI EWG (revision of the RoP), in order to free up resources for the work on the single market initiative. The work on the single market initiative could be used also to start preparation for the forthcoming framework review dialogue. Such a task is likely to involve several EWGs and could be led by an ad hoc team, which could act as an umbrella structure and</p>

	<p>coordinate all EWGs contributing to this task.</p> <p>The paper suggests also undertaking further reflection on the structure and names of the EWG with a view to optimising their structure and linking it to the actual work done.</p>
Conclusions	The CN discussed the proposal and decided to pass it on to the BoR for approval (for internal use).

7. BEREC Evaluation

Document(s)	No document
Introduction by	The Evaluation EWG Chair (ACM)
Information presented	<p>The Evaluation EWG Chair reminded the CN that in compliance with Article 25 of the BEREC Regulation in 2012, the Commission initiated an evaluation of the performance of BEREC and the BEREC Office. In the beginning of 2013, the Commission published a study prepared by external consultants. The European Parliament decided to prepare its own report on the BEREC evaluation and has appointed a rapporteur to lead the evaluation process. The EP has to prepare its report by November 2013.</p> <p>BEREC has supported the evaluation process from the start and will continue to cooperate with the EU institutions in this exercise. Moreover, BEREC is prepared to address any final recommendations arising from it.</p>
Conclusion	The CN took note of the information.

8. Framework Implementation (FI)

8.1. Review of BEREC internal procedures

Document(s)	<p>BEREC CN (13) 49 Revised BEREC internal procedures for the elaboration of the BEREC Opinion in Article 7/7a Phase II</p> <p>BEREC CN (13) 50 Internal Guidelines for the provision of BEREC's assistance to NRAs on regulatory issues pursuant to Articles 2(b), 3(1)(e) and (l) of the BEREC Regulation</p> <p>BEREC CN (13) 51 Implementation and development of Article 21 of the Framework Directive. BEREC internal Guidelines</p>
Introduction by	The FI EWG Chair (AGCOM)
Information presented	Some BEREC duties provided for in the BEREC Regulation have not yet arisen, or have only recently been activated by single NRA requests, such as assistance to NRAs on regulatory issues pursuant to Articles 2(b), 3(1)(e) and (l) of the BEREC Regulation, which require specific internal BEREC procedures to be defined to tackle such cases.

	<p>Assessment of the functioning of the Article 7/7a phase II case procedures has also underlined the need for further streamlining the procedures in place.</p> <p>In that respect, the FI EWG presented the above-mentioned proposals to deal with these situations for consideration first by the CN, and afterwards by the BoR.</p>
Discussion	<p>The CN took note of the revised BEREC internal procedures for the elaboration of the BEREC Opinion in Article 7/7a Phase II and decided to pass it to the BoR for approval (for internal use) as an "A" item.</p> <p>The CN discussed the other two documents and decided to pass on both documents to the BoR for approval (for internal use) as regular items..</p>

8.2. Review of BEREC Rules of Procedure of the BoR

Document(s)	BEREC CN (13) 52 Draft discussion paper on possible areas of amendment of the BEREC BoR RoPs
Introduction by	The FI EWG Chair (AGCOM) - Mr Antonio DE TOMMASO
Information presented	The FI EWG Chair presented a draft discussion paper on the BoR RoPs. He presented briefly the draft discussion paper which should be used to trigger a discussion on the issues and which could be addressed during the review of the BoR RoP.
Discussion	<p>Following the discussions on previous topics and in particular those related to the mid-term review of the 2013 BEREC WP, it was generally agreed by the CN to postpone the discussion on the review of the RoP for 2014, since it could be affected by the new legislative proposals expected to be tabled by the Commission in mid-September. Further, at the external communication level, one NRA suggested adding provisions on the development of non-papers without the "BEREC" brand as well as on the framework of the external intervention of the BEREC Chair.</p> <p>The Commission also agreed in general with the proposal for postponing the review of the BoP but at the same time pointed out that there might be a need for a short-term limited review in order to address the participation of the EEA/EFTA countries in the work of BEREC.</p> <p>In that respect the CN Chair invited the EEA/EFTA countries to approach the FI EWG Chair bilaterally and to discuss further on this. In the case of such a need, such a limited review could be submitted to the 2013 December plenary for approval.</p>
Conclusions	The CN took note of the draft discussion paper and decided to postpone the discussion on the review of the RoP for 2014. This decision will be reflected also in the draft BoR agenda.

8.3. Authorisation regimes for cross-border providers – update

Document(s)	No document
Introduction by	The FI EWG Chair (AGCOM)
Information presented	<p>The FI EWG Chair reminded to the CN that BEREC has committed itself in its 2013 programme to carrying out additional work in relation to the authorisation regimes for cross-border providers. In that respect the FI EWG Chair reported on the analysis done, with a focus on the possibility of improving the authorisation regime in compliance with the conclusions already drawn in the BEREC report BoR (11) 56.</p> <p>The FI EWG Chair informed the CN that for the time being there is no need for any further activity in the domain but, if needed, any additional work on the subject will be executed only in agreement with the BoR.</p>
Conclusion	The CN took note of the information

8.4. Machine to Machine (M2M) – internal document

Document(s)	BEREC CN (13) 53 Internal interim report on M2M
Introduction by	Representative of AGCOM, on behalf of the FI EWG Chair
Information presented	<p>The drafting leader, on behalf of the FI EWG Chair, presented the Interim report on M2M. The main purpose of this document is to present the results of a first preliminary investigation into M2M services, which identifies the main regulatory issues and challenges identified by the take up of M2M.</p> <p>In that respect, the CN was informed about the intention of the Work Stream to organise a public workshop with stakeholders in November 2013 to further discuss the situation with M2M services. The idea of the Work Stream is to use the interim report either for preparation of a public report or for making a comprehensive presentation at the kick-off of the workshop, for which the approval of the BoR will be asked during the September plenary meeting.</p>
Conclusions	The CN discussed the Interim Report and decided to pass it on to the BoR for agreement on the next steps.

9. International Roaming (IR)

9.1. BEREC IR compliance report

Document(s)	BEREC CN (13) 54 BEREC IR compliance report
Introduction by	The IR EWG Chair (CMT)

Information presented	<p>The IR EWG Chair presented the draft BEREC IR compliance report. He emphasized that in the current report, BEREC notes an overall high level of compliance with the new Roaming Regulation. The data gathered shows that the vast majority of mobile network operators (MNOs) comply with the obligation to provide wholesale access to other MNOs, MVNOs and re-sellers. Access seekers mostly used existing wholesale bilateral roaming agreements and, for that reason, reference offers provided by the MNOs were rarely requested. According to the MVNOs' responses, there is some threat of discriminatory conduct and misuse of market power in the domestic market from host MNOs, such as trading domestic prices for contract terms for wholesale resale roaming, or in some specific cases not allowing MVNOs to make use of the wholesale roaming access reference offer.</p> <p>Some further work may be needed by operators to technically adapt the techniques to provide transparency measures to new devices such as tablets. In some very specific cases, BEREC has identified issues also with potential non-compliance with the regulation in applying alternative tariffs by default to new customers without the deliberate option for them by customers.</p> <p>There is need to confirm the data for some countries and therefore there will be some last minute changes before the plenary but they are not expected to affect significantly the current figures presented and will not affect the final main conclusions.</p>
Conclusions	<p>The CN took note of the draft report and decided to pass it on to the BoR for approval for publication as an "A" item</p>

9.2. IR BEREC Benchmark Data Report

Document(s)	<p>BEREC CN (13) 55 IR BEREC Benchmark Data Report July 2012 – March 2013</p>
Introduction by	<p>The IR EWG Chair (CMT) - Mr Jorge INFANTE GONZÁLEZ</p>
Information presented	<p>Article 19(4) of the Roaming regulation requires BEREC to collect data regularly from the NRAs on the development of retail and wholesale charges for voice, SMS and data roaming services. These data has to be sent to the Commission at least twice a year. In that respect the IR EWG has prepared a draft of the 11th BEREC IR Benchmark Report, which covers the period 1 July 2012 – 31 March 2013. The report contains data from the EEA countries (the European Economic Area (EEA), the EU Member States (MS), Iceland, Liechtenstein, and Norway) and Switzerland.</p> <p>The main findings are as follows:</p> <ul style="list-style-type: none"> – For voice-roaming services, the average EEA prices are close to the regulated caps. This suggests that providers see little attraction in competing on Eurotariff rates, despite the fact that there is a significant

	<p>margin between typical wholesale prices and retail caps.</p> <ul style="list-style-type: none"> – It is notable that the average European price per minute for voice calls under alternative tariffs was not, as would be expected, below the average price for the Eurotariff. These results were also reported in the previous Benchmark Reports. Moreover the gap widened, especially for incoming calls. – In almost half of the MS, the national average price for incoming calls for alternative tariffs is significantly above the Eurotariff average price (a factor of 2 is typical for those MS). – The Eurotariffs account for the majority of voice and SMS traffic. Nevertheless, there is a substantial minority of customers who use alternative tariffs. In the first quarter of 2013, 33% of calls made and 29% of calls received were based on non-Eurotariffs. For text messages sent in roaming within EEA countries, unregulated non-Euro SMS tariffs accounted for 14% of the total volume. – There is a significant difference in the case of data-roaming services. Only 60% of customers used data Eurotariffs in roaming in the first quarter of 2013. Such a difference may be a result of long-term subscriptions for alternative roaming plans, especially from corporate customers who make intensive use of data services. <p>Finally, the EWG Chair pointed out that there is need for some further streamlining the data, for which the NRAs concerned have been notified.</p>
Conclusions	The CN took note of the draft report and decided to pass it on to the BoR for approval for publication as an “A” item.

10. Benchmarking - revenue indicators in relation to bundled services

Document(s)	No document
Introduction by	Drafting leader (CMT), on behalf of the Benchmarking (BMK) EWG Chair
Information presented	<p>Drafting leader presented an oral update on the work in the field of collection of data for the bundled services and the challenges in that domain.</p> <p>The CN was informed that the BMK EWG had collected some initial information and had started a discussion on the issues raised by the bundle revenue allocation practices, especially with reference to the international benchmarking of revenue information.</p> <p>The findings showed some divergences in the national practices and identify a few areas where there may be some room for improvement, especially if the aim is to come up with international benchmark indicators.</p> <p>As the BEREC WP 2013 does not envisage a deliverable for approval, the preparation of any formal document could be considered as part of the 2014 BEREC WP. However, the EWG intends to submit a short overview of the status of work, which will be presented during the next CN meeting for</p>

	<p>information only.</p> <p>The EWG has started also exchange of information with the Commission and in particular with the respective Sub-group established to the Communications Committee (COCOM) on that matter.</p>
Conclusions	The CN took note of the information and to pass to BoR for information

11. Regulatory Accounting (RA) in Practice 2013

Document(s)	BEREC CN (13) 56 BERE Report on Regulatory Accounting in Practice 2013
Introduction	The RA EWG Co-chair (BNetzA)
Information presented	<p>The RA EWG Co-chair presented an overview of the draft BERE Report on Regulatory Accounting in Practice 2013.</p> <p>It was pointed out that in general the 2013 data confirmed the trend towards an increasingly consistent approach to regulatory accounting obligations among NRAs. The CN was informed about the clear preferences by the NRAs for price control methods (cost orientation alone or in combination with price caps), cost base (current cost accounting – CCA) and allocation methodologies (mainly long run incremental costs (LR(A)IC) with fully distributed costs (FDC) preferred only in a few – mainly retail – markets).</p> <p>The RA EWG Co-chair emphasised that the report contains a new element summarizing the results on the calculation of the cost of capital, as presented in a relevant Annex.</p>
Conclusions	The CN discussed the report's findings and decided to pass it on to the BoR for approval for publication as an "A" item.

12. Remedies (REM) - Methodology for monitoring the implementation of the BERE Common Positions on WLA, WBA and WLL

Document(s)	BEREC CN (13) 57 Methodology for monitoring the implementation of the BERE Common Positions (CPs) on Wholesale Local Access (WLA), Wholesale Broadband Access (WBA) and Wholesale Leased Lines (WLL)
Introduction	The REM EWG Chair (OFCOM)
Information presented	<p>The REM EWG Chair presented a draft methodology for monitoring the compliance with the revised BERE CPs on WLA, WBA and WLL, as adopted by BERE in 2012.</p> <p>The meeting was informed that the key objectives of this monitoring exercise are to:</p> <ul style="list-style-type: none"> – contribute to the achievement of the internal market by promoting implementation of the revised CPs.

	<ul style="list-style-type: none"> – understand how NRAs have implemented the revised BEREC CPs (individual BPs and overall regulatory approach). – understand the reasons for divergences from CPs. – capture new and innovative emerging best regulatory practices. <p>The REM EWG Chair explained that according to the proposal BEREC expects NRAs to explain in their notified draft measures:</p> <ul style="list-style-type: none"> – how they have analysed the objectives identified in the CPs and the related competition issues; – how the chosen remedies provide an effective and proportionate regulatory solution to those issues in the national legal context; and – how those competition issues have been addressed and give reasons when their regulatory solutions depart from the best practice remedies (BPs) identified in the CPs. – The first questionnaire will be launched in the 1st quarter of 2014 and yearly thereafter for 2015/2016 (to capture a complete cycle of new market reviews). BEREC will analyse the responses and publish the results yearly.
Conclusions	The CN discussed the draft methodology and decided to pass it on to the BoR for approval for publication

13. Convergence and Economic Analysis (CEA) - review of BEREC CP on geographic aspects of market analysis

Document(s)	BEREC CN (13) 58 Draft Review of BEREC CP on geographic aspects of market analysis (definition and remedies)
Introduction by	The CEA EWG Co-chair (ARCEP)
Information presented	The CEA EWG Co-chair presented the main ideas behind the review of the CP on geographic aspects of market analysis (definition and remedies).
Conclusions	The CN discussed the draft and decided that it needs further discussion and revision by the CEA EWG. For that reason the CN decided to postpone the approval of the document for public consultation for the next plenary.

14. Net Neutrality (NN)

14.1. Ecosystem dynamics in NN developments from an end-user perspective

Document(s)	BEREC CN (13) 59 Report on ecosystem dynamics and demand side forces in NN developments from an end-user perspective - Overview of methodological approaches.
Introduction by	The Drafting Leader (OFCOM)
Information presented	<p>The Drafting Leader presented the suggested approach to be applied to the draft Report on ecosystem dynamics and demand side forces in NN developments from an end-user perspective.</p> <p>The NN EWG was of the opinion that there is a need to gather additional empirical data on the behaviour of all players in the chain, notably the end users (e.g. their understanding of information related to net neutrality , the impact of direct commercial relations with Content Application Providers (CAPs)), operators, CAPs, equipment suppliers, etc.</p> <p>The NN EWG in that respect proposed the following methods for gathering evidence:</p> <ul style="list-style-type: none">i) NRA questionnaire and a desk research on how consumers use Internet;ii) NRA questionnaire, a desk research, a consumer research and stakeholder meetings to assess the value of NN for consumers;iii) NRA questionnaire and a desk research to assess how the ecosystem responds to the characteristics of consumer demand.
Conclusions	The CN discussed the paper and decided to pass in on to the BoR for approval of the proposed approach

14.2. SamKnows study

Document(s)	No document
Introduction by	The Drafting Leader (OFCOM)
Information presented	<p>The Drafting Leader presented short information about phase 2 of the SamKnows study on broadband quality of service measurements across Europe, which is about to start. The study is commissioned by the Commission, nevertheless, BEREC considers that it could provide a wealth of valuable information on broadband services both at member state level as well as more generally across Europe and therefore invited the NRAs to assist the contractor as far as possible.</p>
Conclusions	The CN took note of the information

15. BEREC Intranet development

Document(s)	BEREC CN (13) 60 Draft BEREC Intranet Concept Paper
Introduction by	CMT – on behalf of the BEREC Ad Hoc EWG
Information presented	CMT, on behalf of the BEREC Ad Hoc EWG, presented the draft Concept Paper on the BEREC Intranet, which has the objective to define the user needs and requirements to the BEREC Intranet. It also describes the technical, content and collaborative aspects of the project.
Conclusions	The CN discussed the draft concept paper and decided to pass it on to the MC for consideration.

16. Other topics relating to BEREC Office functions

16.1. Update from the BEREC Office Task Force

Document(s)	No document
Introduction by	Incoming CN Chair (PTS)
Information presented	<p>The incoming CN Chair informed the CN that in compliance with the Athens MC decisions, a special BEREC Office Task Force has been established. Its first meeting will take place in Riga, at the BEREC Office, on 11 and 12 September 2013.</p> <p>The 1st mission of the Task Force will be to establish Action Groups of the Task Force to focus in details on specific topics, such as HR and recruitment, procurement, IT issues, tasks of the MC, budget issues, etc.</p> <p>The Incoming BEREC Chair will visit the Office on 18 September 2013 to follow-up on the work done.</p>
Conclusions	The CN took note of the information.

16.2. Update on the recruitment of the BEREC Office Administrative Manager (AM)

Document(s)	No document
Introduction by	The incoming CN Chair (PTS)
Information presented	<p>The incoming CN Chair informed the CN that following the approaching end of the mandate of the BEREC Office AM, and in compliance with the decisions of the 15th MC meeting, on 6 August 2013 the BEREC Office published in the Official Journal (OJ) a vacancy notice for the post of the AM, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:227A:0001:0009:EN:PDF</p> <p>The deadline for submission of applications is the 19 September 2013.</p>
Conclusions	The CN took note of the information.

17. Information by the Commission

17.1. Update on issues not mentioned before

Document(s)	No document
Introduction by	Commission representative
Information presented	<p>The Commission informed the CN that the proposal for a Regulation concerning the European single market for electronic communications is expected to be adopted on 11.09.2013</p> <p>The Commission Recommendation on non-discrimination and costing methodology is expected to be adopted also on 11.09.2013 as part of a whole package dedicated to the connected continent.</p> <p>The Commission informed the CN that the approval of the Recommendation on NN and the universal service has been put on hold due to the fact that most of the items that were originally planned to be addressed by the NN Recommendation will be covered by the STM initiative, while the scope of the universal service will be reviewed in 2014, as required by the framework.</p>
Conclusion	The CN took note of the information and decided to pass it on to the BoR

17.2. Proposal for enhanced data collection and benchmarking

Document(s)	BEREC CN (13) 61 Data strategy on electronic communications services - towards a joint information sharing system between DG CONNECT, BEREC and NRAs
Introduction by	Commission representative
Information presented	<p>The Commission presented its proposal for data strategy on electronic communications services - towards a joint information sharing system between DG CONNECT, BEREC and NRAs.</p> <p>It proposes the creation of a structured, real time data exchange system at the disposal of DG CONNECT, BEREC and NRAs to harness the collective knowledge and understanding of the electronic communication services market.</p>
Conclusions	The CN discussed the proposal and decided to pass it on to the BoR for consideration of the next steps

18. Topics for the Management Committee (MC) consideration

18.1. 2014 BEREC Office WP

Document(s)	BEREC CN (13) 62 Draft 2014 BEREC Office WP
Introduction	The BEREC Office AM
Information presented	<p>The BEREC Office AM presented the draft BEREC Office 2014 WP. The activities suggested for inclusion in the draft 2014 BEREC Office WP are divided into the following three main categories:</p> <ul style="list-style-type: none">– Support for implementing the 2014 BEREC WP;– Horizontal activities and other support;– Administrative functions and activities of the BEREC Office. <p>The WP of the Office is equivalent to a financing decision for the activities it covers and therefore it contains some specific provisions for the activities to be financed under Title 3 “Operational Expenditure” of the BEREC Office Budget.</p> <p>The budgetary division tables annexed to the draft were elaborated on the basis of activity-based-budget (ABB) model, which implementation started in the summer of 2013.</p>
Conclusions	The CN took note of the draft 2014 BEREC Office WP and decided to pass it on to the MC for approval for publication and implementation as an “A” item

18.2. Report on the limited review by the Commission Internal Audit Service on BEREC Office internal control standards and planned actions

Document(s)	MC (13) 51 Final Report on the Limited Review of the Implementation of Internal Control Standards in the Office D 2013-07-26 ES 01 ep BEREC Office Action Plan following the IAS Final Report MC (13) 58 IAS reply to BEREC Office Action Plan
Introduction	The BEREC Office AM
Information presented	The BEREC Office AM presented the Final Report on the Limited Review of the Implementation of Internal Control Standards in the Office and the action plan prepared by the BEREC Office. It was pointed out that the role of the MC in this whole process is to monitor the implementation of the Action plan.
Conclusions	The CN took note of the information and decided to pass it on to the MC for consideration

18.3. Execution of the BEREC Office budget for 2013

Document(s)	BEREC CN (13) 63 Execution of the BEREC Office budget for 2013
Introduction	The BEREC Office AM
Information presented	<p>The BEREC Office AM presented information on the budget execution for the period from the beginning of the current year until 31.07.2013.</p> <p>The update is based on budget lines and fund sources and contains additional information about the implementation level in percentages for each budget line, the amounts committed and paid, and the remaining budget for the rest of year to be spent.</p> <p>The AM underline that although Titles 1 and 2 have been underspent, there has been significant increase in the expenditure under Title 3 and for that reason there has been a transfer of financial resources from Titles 1 and 2 to Title 3.</p>
Conclusions	The CN took note of the information and decided to pass it on to the MC for information

18.4. Reply by the MC to the observations of the European Court of Auditors (ECA) on the Final Account of the BEREC Office for 2012

Document(s)	BEREC CN (13) 64 Draft reply by the MC to the ECA's observations on the Final Account of the BEREC Office for 2012
Introduction	The BEREC Office AM
Information presented	<p>As required by the BEREC Regulation (Article 9) the MC has to reply to the ECA's observations by 15 October. This reply has to be sent also to the European Parliament and the Commission.</p> <p>In that respect the BEREC Office AM presented briefly the observations of the ECA and a draft reply to these observations, which has to be considered and approved by the MC.</p>
Conclusions	The CN took note of the draft reply presented and decided to pass it on to the MC for approval (for submission to ECA, the European Parliament and the Commission).

18.5. Amendment to Decision MC (10) 25 on the secondment to the BEREC Office of national experts and national experts in professional training – this agenda item has been withdrawn

18.6. Recent developments in the BEREC Office staff policy

Document(s)	No document
Introduction	The BEREC Office AM
Information presented	The BEREC Office AM gave an update on the recent developments in the BEREC Office staff policy.
Conclusions	The CN took note of the information and decided to pass it on to the MC

19. International Activities

19.1. BEREC - REGULATEL MoU

Document(s)	BEREC CN (13) 68 Draft BEREC - REGULATEL MoU
Introduction by	Representative of the BEREC Vice-chair (RTR)
Information presented	A representative of the BEREC Vice-chair in charge of international relations from RTR presented the draft BEREC - REGULATEL MoU on cooperation. The meeting was reminded that BEREC and REGULATEL had been actively cooperating since 2001. In that respect during the XII BEREC-REGULATEL Summit both sides discussed the possibility for signing MoU for cooperation. The draft MoU is based on the MoU already signed by BEREC with FCC and will be in force for 2 years. The cooperation can be extended after the 2 year period depending on the result of the cooperation.
Conclusion	To CN took note of the draft MoU and decided to pass it on to BoR for approval for signature

19.2. Update on BEREC international activities

Document(s)	No document
Introduction by	Representative of the BEREC Vice-chair (RTR)
Information presented	A representative of the BEREC Vice-chair in charge of international relations from RTR presented an update on the forthcoming international BEREC activities with focus on the forthcoming visit to the USA, the cooperation activities with EMERG and the Eastern partnership.
Conclusions	The CN took note of the information and decided to pass it on to the BoR

20. AOB

20.1. Update on the [1st meeting of the BEREC Stakeholder Forum](#) (25 September 2013, Riga)

Document(s)	No document
Introduction by	Representative of FICORA
Information presented	<p>FICORA, as a representative of the Ad Hoc team on the BEREC Stakeholder Forum, presented an update on the preparation status of the forthcoming meeting.</p> <p>It was pointed out that in there had been 104 participants registered for participation in the event out of which 17 - representative of the stakeholders.</p> <p>The event will take place in Riga on 25 September 2013, back-to-back with the 16th BEREC plenary meeting.</p>
Conclusions	The CN took note of the information

20.2. Update on the [BEREC accessibility workshop](#) (15 October 2013, Brussels)

Document(s)	No document
Introduction by	The End-user EWG Co-chair (ANCOM)
Information presented	<p>The End-user EWG Co-chair presented information on the BEREC accessibility workshop to be held on 15 October 2013 in Brussels. He informed the CN that the main objective of the Workshop will be to discuss the accessibility challenges from an end-users' perspective, the role of regulators and service providers in promoting accessibility, and to present some manufacturers' initiatives for improving accessibility for disabled end-users.</p> <p>The speakers will be from the NRAs, the European Commission, the terminal manufacturers, telecom operators, and user groups, who will present information on different aspects and measures for accessibility of disabled users to electronic communications services.</p> <p>The EWG Co-chair informed that the agenda is almost final with a view to confirming all speakers.</p>
Conclusions	The CN took note of the information and decided to pass it on to the BoR

20.3. [Next BoR and MC meeting](#) (26-27 September 2013, Riga)

Document(s)	BEREC CN (13) 66 Draft agenda of the 16 th BoR meeting BEREC CN (13) 67 Draft Agenda of the 16 th BEREC Office MC meeting
Introduction by	The BEREC CN Chair and BEREC Office representative
Information presented	The CN Chair present the draft agendas and made a proposal for submitting as “A” items four documents to the BoR and one document to MC, as identified earlier by the meeting. The draft agendas will be adjusted also to the decision taken to postpone several agenda items. The BEREC Office provided brief information on the logistics for the meeting.
Conclusions	The CN took note of the information presented

20.4. Information by BNetzA on the [next CN meeting](#) (14-15 November 2013, Berlin)

Document(s)	PowerPoint presentation circulated
Introduction by	Host of the meeting (BNetzA)
Information presented	BNetzA presented information on the next CN meeting to take place on 14 and 15 November 2013 in Berlin, at the Berliner Congress Centre. More information about this meeting will be available on the BEREC web site.
Conclusion	The CN took note of the information

Done on 16 September 2013 at Riga.

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