

BEREC 3rd Contact Network Meeting for 2012
6-7 September 2012, Stockholm

Hosted by PTS

Conclusions

Chair: Sven Gschweidl
Head of International Relations
Austrian Regulatory Authority for
Broadcasting
and Telecommunications (RTR-GmbH)

Main Results from the BEREC 3rd Contact Network Meeting for 2012

The BEREC CN held its 3rd meeting for 2012 on 6 and 7 September 2012 in Stockholm, kindly hosted by the PTS. The CN considered all documents to be submitted to the forthcoming plenary meeting to be held in Limassol on 26 and 27 September, as follows:

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

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

1. As "A" items (without discussion) for approval:

- Draft Report on mobile broadband tariff benchmarking - for publication;
- Draft TR integrated report snapshot as of July 2012 - for publication;

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

The CN agreed to submit to the BoR for approval for submission to the Commission and for publication the following documents:

- Draft BEREC opinion on the Commission Implementing Regulation on separate sale of regulated roaming services to be adopted pursuant to Article 5.2 of the Roaming Regulation;

- Draft BEREC Opinion on the draft revision of the EU Guidelines for the application of state aid rules in relation to the rapid deployment of broadband networks;

The CN agreed to submit to the BoR for approval for publication the following documents:

- Draft Summary of responses received during the public consultation on the choice of the decoupling method under the Roaming Regulation and the views of BEREC on the issues raised by stakeholders;
- Draft Summary of responses received during the public consultation on the draft BEREC Guidelines pursuant to Article 3 of the Roaming Regulation and the views of BEREC on the issues raised by stakeholders;
- Draft BEREC Guidelines on the application of Article 3 of the Roaming Regulation - Wholesale roaming access;
- Draft BEREC report on the results from the public consultation on issues relating to non-discrimination as a first stage of the review of the Common Positions (CPs) on wholesale local access (WLA), wholesale broadband access (WBA) and wholesale leased lines (WLL);
- Draft BEREC Report Regulatory Accounting in Practice 2012.
- The follow -on the information on numbering ranges associated with voice and SMS communications subject to the price caps defined in the Roaming Regulation will be decided by the Chair after consulting the legal basis in place.

The CN agreed to submit to the BoR for approval for public consultation the following documents:

1. 2013 draft BEREC Work Programme
2. A package of documents on the review of common positions (CPs), as follows:
 - Draft umbrella document on the BEREC's review and update of the CPs on WLA, WBA and WLL;
 - Draft BEREC CP on WLA;
 - Draft BEREC CP on WBA;
 - Draft BEREC CP on WLL;
 - Glossary to accompany the afore-mentioned documents.
3. A consultation paper on the harmonised BEREC cooperation process in applying Article 28(2) Universal Service Directive.

The CN agreed to submit to the BoR for approval for internal use the following documents:

- Draft procedures for the elaboration of BEREC opinions in Article 7 and 7a phase II cases;
- Draft Guide on the Article 7/7a procedure – steps and best practices.

The CN decided to pass to the BoR for information all information items presented to CN.

B. Documents to be submitted to the Management Committee (MC) of the BEREC Office

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

1. As “A” items (without discussion) for approval:

- Draft MC Decision on Staff Committee - for publication;
- Draft MC Decision on flexi-time - for submission to the Commission for obtaining its agreement;
- Draft MC Decision on direct service agreements with the international Early Childhood Centre in the Republic of Latvia to cover kindergarten fees for children of the BEREC Office staff - for submission to the Commission for obtaining its agreement;
- Draft MC Decision adopting implementing rules concerning the tasks, duties and powers of the Data Protection Officer pursuant to Article 24.8 of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the EU and on the free movement of such data (for publication);

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

The CN agreed to submit to the MC for approval for publication the following documents:

- Draft BEREC Office WP for 2013
- Draft MC Decision for appointing external experts by the BEREC Office
- Draft MC reply to the observations for the European Court of Auditors on the BEREC Office final account for 2011.

The CN decided to pass to MC for information all information items presented to CN.

Next meeting of the CN

The next meeting of the CN will be held in Jurmala (Latvia) on 15 and 16 November 2012 and will be hosted by SPRK in cooperation with the BEREC Office.

Introduction and participation

The BEREC CN held its 3rd meeting for 2012 on 6 and 7 September 2012 in Stockholm, kindly hosted by the Swedish Post and Telecommunications Agency – PTS.

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 appropriate level.

Items discussed

1. Opening of the meeting and adoption of the agenda

- Draft CN Agenda

BEREC CN (12) 68 rev. 1

Information presented:

The BEREC CN Chair presented the draft agenda for the meeting laid down in the document mentioned above and asked for any suggestions for items to be included under AOB.

Conclusions

With the addition of the suggested item under AOB, the agenda was adopted.

2. Information by the Chair

Information by the Chair

Information presented:

The BEREC CN Chair presented information on the BEREC Chair's communication activities and significant meetings conducted since the last Plenary, amongst which the most important events were: 2 meetings with the Vice-president of the European Commission (EC) and Commissioner for Digital Agenda, Mrs Neelie Kroes, bilateral meetings with some BEREC members (ARCEP a meeting with DG Competition and visits to the BEREC Office, including a visit of a team from the Chair's Office.

The CN Chair presented also information about some activities related to fostering the cooperation between BEREC and US FCC.

CN Chair informed about the forthcoming BEREC-Regulatel Summit to take place in Costa Rica.

In additional to the information presented by the Chair, the BEREC Office Administrative Manager (AM) communicated that the Office will not be able to reimburse the expenditure for participation.

Conclusions

The CN took note of the information presented and decided to pass it to the BoR for information, as well.

3. Information by the BEREC Office

- BEREC 2012 Work Programme (WP) status

BEREC CN (12) 69

- Article 7a, phase II recent cases – conclusions

BEREC CN (12) 70

- Contact lists pack

BEREC CN (12) 71

Information presented:

In compliance with the BEREC 2012 Work Programme (WP) the Benchmarking EWG prepared the aforementioned draft documents and presented them to the Contact Network (CN) meeting, held on 6 and 7 September 2012 in Stockholm.

Conclusions

The CN took note of the information and decided to pass it to the BoR for consideration.

4. NGN – BEREC input on the draft revision of the EU Guidelines for the application of state aid rules in relation to the rapid deployment of broadband networks

Draft BEREC input on the draft revision of the EU Guidelines for the application of state aid rules in relation to the rapid deployment of broadband networks

BEREC CN (12) 72

Information presented:

The NGN EWG Chair presented the draft BEREC opinion on the review of the Commission Guidelines for state aid rules in relation to deployment of broadband networks.

The NGN EWG Chair also informed the CN about a forthcoming workshop with the stakeholders on this topic, which is organised by the Commission to take place on 13 September 2012 in Brussels and asked for mandate to present the preliminary BEREC views based on some of the non-controversial statements contained in the paper distributed to CN.

Conclusions

The CN discussed the draft opinion and agreed on submitting the draft to BoR for approval for submission to the Commission and for publication subject to some adjustments in the context of the discussion held.

5. Remedies Review of CPs on and WLA, WBA and WLL

Review of Common Positions on WLA, WBA and WLL

BEREC CN (12) 73

BEREC CN (12) 74

BEREC CN (12) 75

BEREC CN (12) 76

BEREC CN (12) 77

BEREC CN (12) 78

Information presented:

The Remedies and NGN EWG Chairs presented drafts of the revised BEREC CPs on WLA, WBA and WLL. The presentation included also a short overview of the results from the

public consultation on issues relating to non-discrimination held by BEREC in the period 1 – 30 March 2012.

Conclusions

The CN took note of the drafts presented and was invited to submit written comments to the EWG Chairs until 12 September 2012.

Afterwards the drafts will be submitted to BoR for approval for publication of the report on the outcome from the public consultation on non-discrimination and for public consultation of the revised BEREC CPs on WLA, WBA and WLL.

6. BEREC's contribution to the implementation of the new Roaming Regulation

BEREC's contribution to the implementation of the new Roaming Regulation

BEREC CN (12) 79

BEREC CN (12) 80

BEREC CN (12) 81

BEREC CN (12) 89

Information presented:

IR EWG Chair presented the following draft BEREC documents:

- 1) Draft BEREC opinion on article 5 implementing act;
- 2) Draft BEREC summary of responses received during the public consultation on choice of decoupling method;
- 3) Draft BEREC Guidelines on the application of Article 3 of the Roaming Regulation;

Draft BEREC Summary of responses received during the public consultation on Guidelines - art 3.

Conclusions

The CN discussed all documents related to the implementation of the new Roaming Regulation and made some suggestions for improvements.

The CN was invited to submit any other written considerations by 12 September 2012.

Afterwards the drafts will be submitted to BoR for approval for publication and/or submission to the Commission. The legal basis for publishing the information on the numbering ranges will be verified.

7. Telco OTT - Level Playing Field

Information presented:

The CN Chair informed about the next steps on this issue and particularly on a preparatory meeting to be held on 20 September 2012 and the main meeting on 2 October when input received from some operators, which were passed to the Commission for information. To

this aim, CN Chair prepared a summary of the input received and highlighted some issues to which need more attention such as: Net neutrality.

Conclusions

The CN held a discussion on the topic and decided to pass it to BoR for further considerations.

8. Benchmarking

8.1. Mobile broadband prices: benchmarking methodology

BEREC CN (12) 82

Information presented:

The Benchmarking EWG Chair presented a draft Report on mobile broadband tariff benchmarking.

Conclusions

The CN took note of the draft and decided to pass it for approval by the BoR for publication as an “A” item.

8.1. MTR & SMS benchmark reports

TR integrated report snapshot as of July 2012

BEREC CN (12) 83

Information presented:

The Benchmarking EWG Chair presented the afore-mentioned documents.

Conclusions

The Commission underlined the importance of this document not to be underestimated and therefore the data it presents has to be reliable. In this respect the Commission pointed out some examples in which the data provided by the NRAs were not precise.

Taking into account the fact that there were no major remarks, the CN Chair suggested including this topic in the list of BoR “A” items.

The suggestion was accepted.

9. Regulatory Accounting - Report in Practice

BEREC Report on Regulatory Accounting (RA) in Practice

BEREC CN (12) 86

Information presented:

The RA EWG presented the draft BEREC Report on RA in Practice.

Conclusions

The CN took note and decided to pass it for approval by the BoR (possibly as an “A” item”).

10. Framework Implementation (FI)*10.1. BEREC internal Procedures for the elaboration of the BEREC Opinion in article 7 and 7a Phase II*

BEREC CN (12) 87

BEREC CN (12) 88

Information presented:

The FI EWG Chair presented the draft BEREC internal Procedures for the elaboration of BEREC Opinions in Article 7 and 7a Phase II cases and of the BEREC draft manual “Hand-out for Art 7 and 7a Phase II EWG”. In particular, the EWG Chair underlined that the review is on the basis of the experience from 2011, of a collection of suggestions and remarks both from BEREC Office and individual NRAs. The main goal is to align the procedures according to the real needs, and to suggest possible relevant amendments to the RoP.

Conclusions

The CN discussed the proposed review of the procedures and decided to submit the draft to BoR for approval subject to some adjustments in the content of the agreement reached during the meeting.

*10.2. Oral update on the future developments related to Framework Implementation’s working streams**Information presented:*

The FI EWG Chair (AGCOM) up-dated orally the CN on some issues related to the future developments in relation to the Framework Implementation’s working streams.

Conclusions

The CN took note of the information without discussion

10.3. Article 28(2) Universal Service Directive: A harmonised BEREC process. Consultation paper.

Article 28(2) Universal Service Directive: A harmonised BEREC process. Draft consultation document.

BEREC CN (12) 90

Information presented:

ComReg presented a BEREC consultation document on a harmonised BEREC process under the Article 28(2) USD.

Conclusions

After discussion CN decided to submit the draft to BoR for approval for public consultation.

11. BEREC Newsletter

BEREC CN (12) 93

Information presented:

Presentation by the BEREC Office AM of the outlines of the October 2012 BEREC Newsletter edition.

Generally, the newsletter should include a summary of the main outcomes from the Plenary, a calendar on future events and 3 or 4 articles about interesting topics. We are finalising the format with a style guide to help drafters in carrying out their commitments. For the time being we will start with a .pdf format, taking into account Cullen reports example. From the content point of view, the first issue, released immediately after the debriefing, will deal with BEREC Report on Regulatory Accounting Report in Practice, International Roaming), BEREC Report on mobile broadband prices: benchmarking methodology.

Conclusions

The CN discussed the draft BEREC Newsletter and decided to pass it to BoR for approval for publication.

12. 2013 Work Programmes (WP)**12.1. Draft 2013 BEREC WP**

BEREC CN (12) 91

Information presented:

The incoming CN Chair (EETT) presented the draft BEREC 2013 WP and invited the CN to:

- raise any substantial comments during the discussion to follow;
- send written comments welcome by Wednesday, 12/9/2012, COB;
- agree to submit the draft BEREC WP 2013 to Plenary for approval for public consultation;

At the end of the presentation the incoming Chair informed the CN that the target would be to finalised the WP-2013 together with the PRDs for 2013 during the Malta Plenary meeting. For this reason, the incoming CN intends, without prejudice to the outcomes of the public consultation, to invite the EWG Chairs to submit PRDs by late October.

Conclusions

The CN discussed the draft BEREC 2013 WP and made some suggestions for further improving the document. The CN was invited to send written comments until 12 September 2012.

The revised draft 2013 BEREC WP will be passed to BoR for approval for public consultation.

12.2. Draft 2013 BEREC Office WP

BEREC CN (12) 92

Information presented:

The BEREC Office AM presented of the draft 2013 BEREC Office WP.

Conclusions

The CN discussed the draft BEREC Office WP for 2013 and made some suggestions for further improvements of the draft.

The CN was invited to send written comments until 14 September 2012.

The revised draft will be passed to MC for approval for publication.

13. Evaluation of BEREC and the BEREC Office*Information presented:*

Oral up-date by the Chair of Evaluation of BEREC and BEREC Office EWG(OPTA) on the status of preparation of the evaluation of BEREC and the BEREC Office

Steering committee meeting on 12 September 2012

Meeting of the EWG on 11 September 2012

The EWG is considering preparation of its own assessment and will prepare an outline of the assessment.

Most probably the document will need to be approved

The Commission informed that on the basis of the final report they will produce its own assessment which has to be submitted to the European Parliament and the Council in January 2013.

In this respect the Commission stated that they should receive the input from BEREC at the latest in October 2012.

Conclusions

CN took note and decided to pass it for information to the BoR

14. Information from the Commission

Information presented:

The Commission services reported on the Recommendation on Non Discrimination and on Cost Accounting. Following the Impact Assessment Board, the Draft Recommendations will be submitted to BEREC for the opinion, eventually in November. The draft Recommendations will then be discussed and voted upon in COCOM.

On the Recommendation on Relevant Markets no official timeline had been adopted, but internal preparations have started. The Commission services assured BEREC that they would be involved in the process and according to current planning the consultation of BEREC on the draft Recommendation is scheduled for October 2013. On NN the Commission informed about the launch on the public consultation (closing 15 Oct.) and that BEREC will be consulted on the draft Recommendation early 2013.

On ways to reduce administrative burden for the provision of cross-border service, following an exchange of letters between RM and BEREC's chairman G. Serentschy on proposals to increase transparency of administrative requirements in the provision of cross-border services, the EETT's chair agreed to include in the forthcoming 2013 BEREC's Workplan a new section envisaging a work stream aiming at building appropriate guidelines in this regard. The Commission asked to look at ways to reduce administrative burden for cross border services.

On Universal Service, the Commission informed BEREC that discussion on the future US Guidance is ongoing. BEREC will be informed about the next steps. Results of the new study are expected soon.

Conclusions

CN took note and decided to pass it to BoR for information

15. Documents related to the functioning of the BEREC Office

15.1. 2012 BEREC Office Budget

BEREC CN (12) 94

Information presented:

The BEREC Office AM presented the status of execution of BEREC Office budget for 2012 and of information on the outcome from the written procedure for approving the 2012 budget amendments.

Conclusions

CN took note and decided to pass it to MC for information

15.2. MC reply to the observations of the Court of Auditors on the Final Account for 2011 – oral up-date

Information presented:

BEREC Office AM gave an oral information by the on the need for the MC to reply to the observations of the Court of Auditors on the Final Account for 2011, when received.

ECA conducted their regular audit in the end of May 2012 and have submitted 4 preliminary comments.

On 6 September 2012 ECA adopted its final opinion and it will be received in the forthcoming day at the BEREC Office. On the basis of the document to be received the draft MC reply will be prepared in the forthcoming days and submitted for approval during the next plenary meeting.

Conclusions

The CN took note of the information.

*15.3. Recruitments to BEREC Office**Information presented:*

BEREC Office AM gave an oral up-date by the on-going recruitment procedures

Conclusions

The CN took note of the information.

15.4. Draft BEREC Office implementing rules

Draft MC Decision on Staff Committee;

BEREC CN (12) 95

Draft MC Decision on flexi-time;

BEREC CN (12) 96

Draft MC Decision on direct service agreements with the international Early Childhood Centre in the Republic of Latvia to cover Kindergarten fees for children of the BEREC Office staff.

BEREC CN (12) 97

Information presented:

BEREC Office AM gave a presentation by the of the afore-mentioned draft MC decisions

Conclusions

CN took note and submitted to MC for approval.

15.5. Discussion on the appointment of external experts by the BEREC Office

BEREC CN (12) 98

BEREC CN (12) 99

Information presented:

BEREC Office AM presented of a discussion paper by the in relation to a revised draft MC Decision on the appointment of external experts by the BEREC Office

Conclusions

After discussion CN decided to submit the draft MC Decision to MC for approval subject to its redrafting with a focus only on BEREC Office activities.

*15.6. BEREC Office rules on data protection**Information presented:*

The BEREC Office AM informed the CN that the Office has prepared draft rules of the BEREC Office on data protection.

Conclusions

CN took note and decided to pass it for information to MC

*15.7. Presentation of the new BEREC web site**Information presented:*

BEREC Office AM presented the new BEREC web site.

Conclusions

After discussion, CN considered the possibilities for facing the issues raised by some NRAs during CN3 and reporting back to the upcoming Plenary

16. AOB*16.1. Information on the recent developments on the field of net neutrality**Information presented:*

One NRA on behalf of the EWG Chair presented information on several issues related to the recent developments in the field of net neutrality, as follows:

- Outcome from the public consultations on net neutrality held in the period 29 May – 31 July 2012

During the afore-mentioned consultation BEREC received in total 72 responses, in regard to 3 draft BEREC reports which were subject to consultation.

The 3 EWGs engaged in the topic will have a coordination meeting on 19 September 2012 on which they will decide on the way forward.

The final deliverables will be ready for Plenary 4.

- On-line public consultation on "specific aspects of transparency, traffic management and switching in an Open Internet" organised by the Commission in the period 23.07.-15.10.2012

On 23 July 2012 the Commission launched a public consultation on the preservation of the open internet (net neutrality). The consultation will be closed on 15 October 2012 and the input received will be used by the Commission for its future guidance on net neutrality that the Commission intends to publish in 2013.

The Commission agreed to receiving the BEREC answer at the end of the year in order to ensure consistency with the final BEREC deliverables to be adopted during the last plenary in 2012.

- Follow-up activities related to the implementation of the Transparency Guidelines

BEREC envisages some monitoring activities as a follow-up to the Transparency Guidelines adopted by BEREC in December 2011. In that respect the NN EWG held a consultation with the stakeholders with a view to gathering data on the implementation but it turned out that stakeholders didn't provide much significant input. In that respect the EWG decided to distribute a questionnaire to NRAs to provide information on the implementation of the guidelines, on the basis which the EWG will decide if there would be need to propose any changes of the guidelines or not.

- Other initiatives of the EC

Commission has prepared a Recommendation on the implementation of Article 22.3 USD, which will be submitted to COCOM for opinion during its next meeting.

Conclusions

The CN took note of the information.

16.2. Information by OCECPR/RTR on the next BEREC Plenary Meeting

BEREC CN (12) 100

BEREC CN (12) 101

Information presented:

OCECPR presented oral information on the forthcoming plenary meetings to take place on 27 and 28 September 2012 in Limassol, and on the organisational aspects of the workshops, which will precede the Plenary and will be held on 26 September 2012.

Conclusions

The CN took note of the information.

16.3. *BEREC Workshops (26 September 2012, Limassol)*

Information presented:

Ofcom and AK provided oral up-date on the state of play of the preparation of the Workshops on security and fraud and on BEREC Strategy, which will take place on 26 September 2012 in Limassol, as follows:

- BEREC Strategy Workshop

Ofcom presented information on the state of preparation of the Workshops on the BEREC Strategy to be held on 26 September 2012 from 14.30 to 18.00.

It was communicated that the workshop is envisaged to be organised at heads level but CN members could participate as observers. The participants will be split in 3 groups to work in parallel.

Additional paper to elaborate on the questions that Heads will be expected to answer will be distributed together with the documents for the Plenary.

- BEREC Workshops on security and fraud

AK presented information on the state of preparation of the Workshops on security and fraud. It was communicated that the workshop will be organised on 26 September 2012 from 9.00 to 13.15.

AK also mentioned some of speakers, which are listed in the workshop agenda.

Conclusions

The CN took note of the information provided.

*16.4. Information by SPRK on the next CN meeting (15-16 November 2012, Jurmala)**Information presented:*

SPRK presented information on the next CN meeting to be held on 15 and 16 November 2012, in Jurmala, which will be the first event jointly organised by SPRK and the BEREC Office.

SPRK informed the CN members that the registration for the next meeting will be done fully on-line and therefore no paper document will be distributed. The invitation is expected to be sent out after the next Plenary meeting.

Conclusions

The CN took note of the information.

*16.5. Visit of ITRE delegation to BEREC Office**Information presented:*

The BEREC Office AM presented information on the outcome from the visit of ITRE delegation to BEREC Office held on 29 August 2012.

Conclusions

CN took note