

**4<sup>th</sup> BEREC Contact Network Meeting**  
**Hosted by SPRK**

## **Conclusions**

**Chair**

**Sven GSCHWEITL**

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

**15-16 November 2012, Jūrmala**

## Main results of the 4<sup>th</sup> BEREC Contact Network (CN) meeting

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

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

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

- 1.1. Draft Decision for the establishment of Expert Working Groups (EWGs) for the implementation of the 2013 BEREC Work Programme (WP) and draft project requirements definitions (PRDs) for each work item for which they are responsible.
- 1.2. Draft up-dated methodology and questionnaires on MTR and FTR for 2013.

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

- 2.1. Draft 2013 BEREC WP and the draft Report on the outcome from the relevant public consultation (PC).
- 2.2. The whole package of documents related to the review of the Common Positions (CPs) on Wholesale Local Access (WLA), Wholesale Broadband Access (WBA) and Wholesale Leased Lines (WLL), including the draft glossary and the draft Report on the results from the relevant PC.
- 2.3. The whole package of documents on net neutrality (NN), which were subject to PC from 29 May to 31 July 2012, and which include:
  - Draft BEREC Guidelines for quality of service in the scope of NN.
  - Draft report on differentiation practices and related competition issues in the scope of NN.
  - Draft BEREC Report 'An assessment of IP-interconnection in the context of NN'.
- 2.4. Draft BEREC High-level NN policy papers.
- 2.5. Draft BEREC Response to the Commission's NN questionnaire.
- 2.6. Overview of the national situations concerning transparency and detailed examples and illustrations.

### II. Documents to be submitted to the Management Committee (MC)

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

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

- 1.1. Draft MC Decision on temporary occupation of management posts.
- 1.2. Draft MC Decision on harassment.
- 1.3. Draft MC Decision on tele-working.
- 1.4. Draft MC Decision for the appointment of the BEREC Office Accounting Officer.

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

- 2.1. Draft BEREC Office Multi-annual Staff Policy Plan (MSPP) for 2014-2016.
- 2.2. Draft Internal Audit Service (IAS) Strategic Audit Plan for the period 2013-2015.

### III. Next meeting

The next meeting of the CN will take place on 7 and 8 February 2013 in Montreux (Switzerland) and will be hosted by ComCom.

## Contents

Main results of the 4 <sup>th</sup> BEREC Contact Network (CN) meeting.....	2
Introduction and participation .....	4
Items discussed .....	4
1. Opening of the meeting and adoption of the agenda.....	4
2. Information by the Chair.....	4
3. Draft 2013 BEREC WP .....	5
4. Benchmarking.....	5
5. Framework Implementation (FI) .....	6
5.1. NRAs' regulatory capacity and administrative requirements.....	6
5.2. OPTA request on USO .....	6
6. Convergence and Economic Analysis .....	6
7. Evaluation of BEREC and the BEREC Office.....	7
8. BEREC international activities .....	7
9. Information by the BEREC Office.....	7
10. BEREC Newsletter .....	8
11. Documents related to the functioning of the BEREC Office .....	8
11.1. 2012 BEREC Office Budget .....	8
11.2. BEREC Office Staff Policy.....	8
11.3. Recruitments to BEREC Office.....	8
11.4. IAS Strategic Audit Plan 2013-2015 .....	9
11.5. Upcoming Procurements .....	9
13. PRDs for the implementation of the BEREC 2013 WP .....	10
14. NN.....	10
14.1. Follow-up of Guidelines on transparency in the scope of NN.....	10
14.2. General Update on other NN Issues.....	10
14.2.1. Information on USD Article 22(3) notification procedure.....	10
14.2.2. SamKnows Broadband Study .....	11
14.3. Outcome from the public consultation on NN topic and presentation of the final draft BEREC document .....	11
14.4. Response to the Commission NN questionnaire .....	11
14.5. BEREC High-Level NN Policy .....	12
15. Review of CPs on WLA, WBA and WLL .....	12
16. Information on the outcome from the Extraordinary BEREC meeting (15 November 2012, Brussels).....	13
17. Information from the Commission.....	13
18. AOB .....	13
18.1. Next BEREC Plenary Meetings (6-7 December 2012, Saint Julian's).....	13
18.2. BEREC Workshops (5 December 2012, Saint Julian's).....	14
18.3. Next CN meeting (7-8 February 2013, Montreux).....	14

## Introduction and participation

The BEREC CN held its 4<sup>th</sup> meeting for 2012 on 15 and 16 November 2012 in Jūrmala (Latvia), kindly hosted by the Latvian Public Utilities Commission - SPRK.

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.

## Items discussed

### 1. Opening of the meeting and adoption of the agenda

<i>Title(s)</i>	Draft BEREC CN Agenda
<i>Document No(s).</i>	BEREC CN (12) 106 rev. 1
<i>Information presented</i>	The CN Chair opened the meeting and presented the meeting agenda as mentioned above.
<i>Conclusions</i>	The CN approved the agenda.

### 2. Information by the Chair

<i>Title(s)</i>	Information by the Chair
<i>Document No(s).</i>	No
<i>Information presented</i>	<p>The CN Chair presented an oral report on the recent communication activities of the BEREC Chair and the significant meetings and other events, which took place after the last plenary meeting.</p> <p>In particular, the CN Chair focused his report on the following important meetings and events:</p> <ul style="list-style-type: none"><li>• The two meetings of the BEREC Chair and Vice-chairs conducted since the last plenary, one of which was organised via video conference.</li><li>• The second session of the CEO strategy dialogue, which was held on 2 October 2012 in Brussels; the minutes from the meeting will be made available soon.</li><li>• The address of the BEREC Chair to the FT ETNO Summit, which took place on 2 October 2012 in Brussels.</li><li>• The BEREC visit to South Korea, which was organised from 22 to 25 October 2012 in Seoul; the report from the mission will be tabled for the Malta Plenary.</li><li>• The visit of the BEREC Chair and the CN Chair to the BEREC</li></ul>

	<p>Office on 8 and 9 November 2012 in Riga.</p> <ul style="list-style-type: none"> <li>• A meeting between the BEREC Chairs and with Pilar del Castillo, MEP, on issues relating to the functioning of BEREC and the BEREC Office and improving the cooperation with the EP (13 November 2012, Brussels).</li> <li>• A meeting between the BEREC Chairs and the Vice-president of EC in charge of the digital agenda, Mrs Neelie Kroes, on the topics to be covered during the forthcoming extraordinary BEREC meeting, scheduled for 15 November 2012 (13 November 2012, Brussels).</li> </ul> <p>The CN Chair informed the CN that since the last plenary the BoR approved the following important documents via electronic voting:</p> <ul style="list-style-type: none"> <li>• BEREC input to the Commission on the BEREC and BEREC Office evaluation exercise.</li> <li>• BEREC's comments on the ETNO proposal for ITU/WCIT or similar initiatives along these lines.</li> <li>• BEREC statement on independence of NRAs.</li> </ul>
<i>Conclusions</i>	The CN took note of the information.

### 3. Draft 2013 BEREC WP

<i>Title(s)</i>	Draft 2013 BEREC WP
<i>Document No(s).</i>	BEREC CN (12) 109: Draft BEREC Report on the outcome from the PC on the draft 2013 BEREC WP BEREC CN (12) 110 rev. 1: Draft 2013 BEREC WP
<i>Information presented</i>	EETT presented the revised draft BEREC 2013 WP and the results from the PC on the aforementioned draft.
<i>Conclusions</i>	The CN discussed the two draft documents as presented above and invited the CN members to submit comments on them in writing by 20 November 2012, COB. The CN decided to pass them to the BoR for approval for publication and implementation subject to redrafting the drafts in line with the decision of the CN.

### 4. Benchmarking

<i>Title(s)</i>	Updated questionnaire and methodology for termination rates (TR) benchmarking report and sharing of information with the Commission
<i>Document No(s).</i>	BEREC CN (12) 111: Updated questionnaire MTR BEREC CN (12) 112: Updated questionnaire FTR
<i>Information presented</i>	The Benchmarking EWG Chair (CMT) presented the updated questionnaires and methodology to be used for the preparation of the benchmarking reports for fixed and mobile TR in 2013.
<i>Conclusion</i>	The CN took note of the presentation and decided to pass the drafts to the BoR for approval as an "A" item.

## 5. Framework Implementation (FI)

### 5.1. NRAs' regulatory capacity and administrative requirements

<i>Title(s)</i>	NRAs' regulatory capacities and administrative requirements
<i>Document No(s).</i>	No document
<i>Information presented</i>	The FI EWG Chair (AGCOM) gave an oral presentation on the ongoing work on the following topics: <ul style="list-style-type: none"><li>– Update on the fact-finding report benchmarking exercise on the NRAs' regulatory capacity</li><li>– Report on administrative authorisation requirements</li></ul>
<i>Conclusions</i>	The CN took note of the information and decided to pass it on to the BoR

### 5.2. OPTA request on USO

<i>Title(s)</i>	OPTA request on USO
<i>Document No(s).</i>	No document
<i>Information presented</i>	The FI EWG Chair informed the CN orally about the on-going activities in relation to the preparation of a BEREC response to the OPTA request regarding the interpretation of Article 25 of the Universal Service Directive (USD). In particular, the CN was informed about the establishment of a task force to study OPTA's request and draft a reply.
<i>Conclusions</i>	The CN took note of the information and decided to pass it on to the BoR

## 6. Convergence and Economic Analysis

<i>Title(s)</i>	<a href="#">PC on the update of the Recommendation on relevant markets</a>
<i>Document No(s).</i>	No document
<i>Information presented</i>	CMT informed the CN orally about the PC launched by the Commission on 16 October 2012 in relation to the review of the lists of product and service markets within the electronic communications sector subject to ex ante regulation <sup>1</sup> .
<i>Conclusions</i>	The CN took note of the information and decided to pass it to the BoR

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<sup>1</sup> Commission Recommendation № 2007/879/EC

## 7. Evaluation of BEREC and the BEREC Office

<i>Title(s)</i>	Evaluation of BEREC and the BEREC Office
<i>Document No(s).</i>	No document
<i>Information presented</i>	OPTA informed the CN orally about the outcome from the electronic voting in relation to the preparation of BEREC contribution to the evaluation of BEREC and the BEREC Office and also presented information on the next steps in the evaluation process.
<i>Conclusions</i>	The CN took note of the information and decided to pass it on to the BoR.

## 8. BEREC international activities

<i>Title(s)</i>	BEREC international activities
<i>Document No(s).</i>	No
<i>Information presented</i>	<p>The CN Chair presented information on the recent BEREC international activities with particular emphasis on the mission of the BEREC Chair 2012 and Incoming Chair for 2013 to South Korea.</p> <p>The CN was informed that a detailed report on the topic will be tabled for the Malta plenary.</p>
<i>Conclusions</i>	The CN took note of the information and decided to pass it on to the BoR.

## 9. Information by the BEREC Office

<i>Title(s)</i>	<ul style="list-style-type: none"> <li>- BEREC 2012 WP status</li> <li>- Request for resource commitments for 2013</li> <li>- Coordination of the preparation of the Annual report on developments in the electronic communications sector in 2012</li> <li>- Contact lists pack</li> </ul>
<i>Document No(s).</i>	<p>BEREC CN (12) 114: BEREC 2012 WP status</p> <p>BEREC CN (12) 115: Contact lists pack</p>
<i>Information presented</i>	The BEREC Office presented the state of play of the BEREC 2012 WP, the updated contact lists of the BEREC Heads and BEREC CN Members, information about the request for resource commitments for 2013 and the coordination of the preparation of the Annual Report for 2012.
<i>Conclusions</i>	The CN took note of the information.

## 10. BEREC Newsletter

<i>Title(s)</i>	Draft BEREC Newsletter
<i>Document No(s).</i>	BEREC CN (12) 116
<i>Information presented</i>	The BEREC Office AM presented the outline of the December 2012 BEREC Newsletter edition.
<i>Conclusions</i>	The CN took note of the information and decided to pass the draft newsletter to the BEREC Chair for approval for publication.

## 11. Documents related to the functioning of the BEREC Office

### 11.1. 2012 BEREC Office Budget

<i>Title(s)</i>	Update on the 2012 BEREC Office Budget
<i>Document No(s).</i>	BEREC CN (12) 117
<i>Information presented</i>	The BEREC Office AM presented the status of execution of BEREC Office budget for 2012.
<i>Conclusions</i>	The CN took note of the information and decided to pass it on to the MC.

### 11.2. BEREC Office Staff Policy

<i>Title(s)</i>	BEREC Office Staff Policy
<i>Document No(s).</i>	BEREC CN (12) 119: Draft MC Decision on temporary occupation of management posts BEREC CN (12) 120: Draft MC Decision on the harassment BEREC CN (12) 121: Draft MC Decision on teleworking BEREC CN (12) 122: Draft BEREC Office MSPP for 2014-2016 BEREC CN (12) 123: Draft MC Decision on the appointment of the BEREC Office Accounting Officer
<i>Information presented</i>	The BEREC Office AM presented the aforementioned BEREC Office staff policy draft documents, with a main focus of the draft MSPP.
<i>Conclusions</i>	The CN discussed the drafts and decided to submit them to the MC for approval, following a policy debate on the BEREC Office staff policy.

### 11.3. Recruitments to BEREC Office

<i>Title(s)</i>	Information on ongoing recruitment procedures.
<i>Document No(s).</i>	No document
<i>Information presented</i>	The BEREC Office AM presented an oral update on the ongoing re-

	<p>cruitment procedures.</p> <p>With a view to the forthcoming selection procedure for an SNE the AM invited the NRAs to attract more experts for the vacant SNE posts, as, recently, the number of applicants had been quite modest.</p>
<i>Conclusions</i>	The CN took note of the information.

#### **11.4. IAS Strategic Audit Plan 2013-2015**

<i>Title(s)</i>	IAS Strategic Audit Plan 2013-2015
<i>Document No(s).</i>	BEREC CN (12) 124
<i>Information presented</i>	<p>The BEREC Office AM presented the findings of the EC IAS risk assessment of July 2012 and of the IAS Strategic Audit Plan for the BEREC Office 2013-2015.</p> <p>The CN was informed about the willingness of the IAS to present its own findings and suggestions for follow-up action to the MC during the Malta plenary.</p>
<i>Conclusions</i>	The CN took note of the information presented and decided to pass it to the MC for approval.

#### **11.5. Upcoming Procurements**

<i>Title(s)</i>	Upcoming procurements in the BEREC Office
<i>Document No(s).</i>	BEREC CN (12) 142
<i>Information presented</i>	The BEREC Office AM presented information on the forthcoming procurements with a focus on the most critical ones.
<i>Conclusion</i>	The CN took note of the information.

#### **12. EWGs for the implementation of the 2013 BEREC WP**

<i>Title(s)</i>	EWG for the implementation of the 2013 BEREC WP
<i>Document No(s).</i>	BEREC CN (12) 125: Draft Decision on the establishment of EWGs for the implementation of the 2013 BEREC WP
<i>Information presented</i>	EETT presented the draft Decision for the establishment of EWGs for the implementation of the 2013 BEREC WP and communicated some changes in the Chairs of the EWGs, which have not been included in the draft distributed but which will be taken into account in the draft to be submitted to the plenary.
<i>Conclusions</i>	The CN discussed the draft and decided to pass it to the BoR for approval as an "A" item subject to introducing the changes agreed during the meeting.

### 13. PRDs for the implementation of the BEREC 2013 WP

<i>Title(s)</i>	FI EWG
<i>Document No(s).</i>	BEREC CN (12) 126: Draft PRDs for the implementation of the BEREC 2013 WP
<i>Information presented</i>	The prospective Chairs of the EWG to be established for the implementation of the BEREC 2013 WP presented the draft PRDs as mentioned above.
<i>Conclusions</i>	The CN discussed the drafts and decided to pass them to the BoR for approval as 'A' items.

### 14. NN

#### 14.1. Follow-up of Guidelines on transparency in the scope of NN

<i>Title(s)</i>	Follow-up of Guidelines on transparency in the scope of NN
<i>Document No.</i>	BEREC CN (12) 127: Summary Report of the national situations concerning transparency BEREC CN (12) 128: Detailed examples and illustrations BEREC CN (12) 129: Report on the outcomes from the meeting with stakeholders
<i>Background</i>	The NN EWG Co-chair (ARCEP) presented the document mentioned above as part of the monitoring activities regarding the implementation of the Guidelines on transparency in the scope of NN
<i>Action required by CN</i>	The CN took note of the findings and decided to pass them onto the BoR for information.

#### 14.2. General Update on other NN Issues

##### 14.2.1. Information on USD Article 22(3) notification procedure

<i>Title(s)</i>	USD Article 22(3) notification procedure
<i>Document No.</i>	No document
<i>Information presented</i>	NTP presented orally the activities under USD Article 22(3) notification procedure.
<i>Conclusions</i>	The CN took note of the information.

#### 14.2.2. SamKnows Broadband Study

<i>Title(s)</i>	SamKnows broadband study
<i>Document No.</i>	No document
<i>Background</i>	The NN EWG Co-chair (ARCEP) informed the CN orally about the ongoing study commissioned by the EC on broadband performance across Europe, which is executed by SamKnows.
<i>Conclusions</i>	The CN took note of the information and decided to pass it to the BoR.

#### 14.3. Outcome from the public consultation on NN topic and presentation of the final draft BEREC document

<i>Title(s)</i>	Outcome from PC on NN topic and presentation of the final draft BEREC documents
<i>Document No(s).</i>	BEREC CN (12) 130: Draft BEREC Report on the results from the BEREC PC on NN held in the period 29 May – 31 July 2012 BEREC CN (12) 131: Draft BEREC Guidelines for quality of service in the scope of NN BEREC CN (12) 132: Draft report on differentiation practices and related competition issues in the scope of NN BEREC CN (12) 133: Draft BEREC Report 'An assessment of IP-interconnection in the context of NN'
<i>Information presented</i>	NPT, ARCEP and BNetzA presented the outcome from the PC on NN and the final draft BEREC documents as specified above.
<i>Conclusions</i>	The CN took note of the drafts and decided to pass them to the BoR for approval for publication.

#### 14.4. Response to the Commission NN questionnaire

<i>Title(s)</i>	Response to the Commission NN questionnaire
<i>Document No(s).</i>	BEREC CN (12) 134: Draft BEREC Response to the EC questionnaire on specific aspects of transparency, traffic management and switching in an Open Internet
<i>Information presented</i>	The NN EWG Co-chair (NPT) presented the draft BEREC response to the <a href="#">Commission on-line public consultation on 'specific aspects of transparency, traffic management and switching in an open internet'</a> , prepared jointly by the NN EWG, NGN EWG and CAE EWG. Taking into account the fact that the draft was submitted to the CN rather late, the EWG Co-chair invited the CN to submit written comments and suggestions on the draft before 23 November 2012.
<i>Conclusions</i>	The CN took note of the draft and was invited to submit written com-

	<p>ments and suggestions on the draft before 23 November 2012.</p> <p>After that the draft will be passed to the BoR for approval for submission to the Commission and for publication, subject to adjustments, if needed.</p>
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#### 14.5. BEREC High-Level NN Policy

<i>Title(s)</i>	BEREC High-Level NN Policy Papers
<i>Document No(s).</i>	<p>BEREC CN (12) 135: Draft paper 'BEREC and NN: the doctrine summary'</p> <p>BEREC CN (12) 136: Draft paper 'High-Level overview of BEREC approach to NN'</p>
<i>Background</i>	<p>The NN EWG Co-chair (ARCEP) presented the two draft documents regarding NN mentioned above, which summarise the three-year BEREC activities in this domain.</p> <p>Similarly to the BEREC response on the Commission NN questionnaire, the CN was invited to submit written comments and suggestions on the draft before 23 November 2012.</p>
<i>Conclusions</i>	The CN took note of the draft and decided to pass them to the BoR for approval for publication.

#### 15. Review of CPs on WLA, WBA and WLL

<i>Title(s)</i>	Review of Common Positions on WLA, WBA and WLL
<i>Document No(s).</i>	<p>BEREC CN (12) 137: Draft BEREC Report on the results from the PC on the review of BEREC CPs held in the period 28 Sept. – 18 October 2012</p> <p>BEREC CN (12) 138 Draft CPs on WLA</p> <p>BEREC CN (12) 139: Draft CPs on WBA</p> <p>BEREC CN (12) 140: Draft CPs on WLL</p> <p>BEREC CN (12) 141: Draft Glossary</p>
<i>Information presented</i>	<p>The REM and NGN EWG Chairs (Ofcom and BNetzA) presented the revised BEREC CPs on WLA, WBA and WLL following the public consultation held in the period 28 September – 18 October 2012. The presentation also included an overview of the results from the PC.</p> <p>The EWG Chairs invited the CN members to review the drafts with a view to their finalisation during the forthcoming plenary and invited them to submit in writing their suggestions for further improvements with a focus on the Report on the results from the PC before 21 November 2012.</p>
<i>Action required by CN</i>	The CN took note of the drafts and decided to submit them to the BoR for approval for publication.

**16. Information on the outcome from the Extraordinary BEREC meeting (15 November 2012, Brussels)**

<i>Title(s)</i>	Information on the outcome from the Extraordinary BEREC meeting (15 November 2012, Brussels)
<i>Document No(s).</i>	No
<i>Information presented</i>	Ofcom and BNetzA made a short oral update on the outcome from the Extraordinary BEREC meeting, which took place on 15 November 2012 in Brussels.
<i>Conclusion</i>	The CN took note of the information.

**17. Information from the Commission**

<i>Title(s)</i>	Information from the Commission
<i>Document No(s).</i>	No document
<i>Information presented</i>	The Commission made an oral up-date on Commission initiatives not mentioned previously.
<i>Conclusions</i>	The CN took note of the information and decided to pass it to the BoR for information.

**18. AOB**

**18.1. Next BEREC Plenary Meetings (6-7 December 2012, Saint Julian's)**

<i>Title(s)</i>	- 13 <sup>th</sup> meeting of the Board of Regulators (6-7 December 2012, Saint Julian's) - 13 <sup>th</sup> meeting of the Management Committee of the BEREC Office (6 December 2012, Saint Julian's)
<i>Document No(s).</i>	BEREC CN (12) 107 BEREC CN (12) 108
<i>Information presented</i>	MCA and RTR presented information on the forthcoming plenary meeting. The CN was also informed about the possible documents that could be included in the list of 'A' items for the MC and BoR meetings.
<i>Conclusions</i>	The CN took note of the information presented.

### **18.2. BEREC Workshops (5 December 2012, Saint Julian's)**

<i>Title(s)</i>	BEREC Workshops (5 December 2012, Saint Julian's)
<i>Document No(s).</i>	No document
<i>Information presented</i>	ANCOM and Ofcom presented oral information on the BEREC Workshops to be held on 5 December 2012 in Saint Julian's, prior to the 13 <sup>th</sup> plenary meetings, as follows:  BEREC workshop on internal governance;  Workshop on BEREC strategy.
<i>Conclusions</i>	The CN took note of this information.

### **18.3. Next CN meeting (7-8 February 2013, Montreux)**

<i>Title(s)</i>	Information by BAKOM on the next CN meeting (7-8 February 2013, Switzerland)
<i>Document No(s).</i>	No document
<i>Information presented</i>	BAKOM presented information on the venue of the next CN meeting, which will be held on 7 and 8 February 2013 in Montreux (Switzerland).
<i>Conclusions</i>	The CN took note of the information.