

## **20<sup>th</sup> meeting of the Board of Regulators**

Hosted by the [Autorità per le Garanzie nelle Comunicazioni \(AGCOM\)](#)

# **Conclusions**

**Chair:** **Mr Göran Marby**  
Director-General of the  
Swedish Post and Telecom Authority (PTS)

***25-26 September 2014, Rome (Italy)***

## Main Results of the 20th Meeting of the Board of Regulators

### I. Documents approved for publication:

- [BoR Decision on BEREC Expert Working Groups](#) (EWGs);
- [International Roaming BEREC Benchmark Data Report April 2013 – September 2013](#);
- [BEREC Report on monitoring the quality of internet access services in the context of net neutrality](#);
- [Consultation report for BEREC report Monitoring quality of Internet access services in the context of net neutrality](#);
- [BEREC Regulatory Accounting in Practice Report 2014](#);
- [BEREC Report "Case Studies on regulatory decisions regarding vectoring in the European Union"](#)

### II. Documents approved for public consultation (to be held in the period 29 September – 24 October 2014):

- [Draft BEREC Strategy 2015-2017](#);
- [Draft BEREC Work Programme 2015](#);
- [Draft BEREC Guidance on the regulatory accounting approach to the economic replicability test \(ex-ante margin squeeze tests\)](#).

All the documents approved for public consultation will be presented during the [2<sup>nd</sup> BEREC Stakeholder Forum meeting](#) to be held on 16 October 2014 in Brussels.

### III. Documents approved for internal use:

- BEREC Report on the proposal for creating an information-sharing portal among NRAs and other institutions.
- BEREC reply to the request from the Electronic and Postal Communications Authority of Albania (AKEP) for obtaining observer status.

### IV. Documents approved for signature: draft Memorandum of Understanding between BEREC and the Group of Eastern Partnership Regulators for Electronic Communications Networks and Services ([EaPeReg Network](#)); the document will be submitted also to the MC for approval.

## **V. Discussion on other important topics:**

The BoR discussed the future of roaming and decided to prepare the documents necessary for the stakeholder forum on the future of roaming and to include the topic for consideration during the next plenary meeting.

The BoR also considered a proposal on the BEREC working structure for 2015 and requested the Framework Implementation EWG to prepare a proposal for amending the BoR Rules of Procedure and Guidelines for future work of the EWGs in line with the proposal for reviewing the BEREC working structure. The final proposal for the BEREC working structure for 2015 will be submitted for approval by the BoR during its 21<sup>st</sup> plenary meeting.

## **VI. Information provided to the BoR**

The BoR was briefed in relation to the recent developments of the Project on the ecosystem dynamics and demand side forces in net neutrality (Ecodem); and on the preparation of the 2nd BEREC Stakeholder Forum meeting (16 October 2014, Brussels).

The REGULATEL Chair 2015 made a short overview of the BEREC- REGULATEL cooperation in 2014 and outlined the topics of interest for REGULATEL Members to be considered during the 2015 as possible cooperation could include the following: continuation of the work on net neutrality; user rights and quality of service; and broadband-related topics and benchmark indicators.

The Commission provided the BoR with information on the set-up and the structure of the new Commission and other important on-going or forthcoming activities not included in the meeting agenda.

## **VII. Next meeting**

The next BoR meeting will take place on **4 and 5 December 2014 in Brussels (Belgium)** and will be organised by the BEREC Office. The meeting will be preceded by Heads' workshops on the forthcoming review of the EU Regulatory Framework for electronic communications and the future of roaming.

## Introduction and participation

The BoR held its 20th meeting on 26 September 2014 in Rome (Italy), kindly hosted by the Italian National Regulatory Authority (NRA) - [Autorità per le Garanzie nelle Comunicazioni](#) (AGCOM). The meeting was attended by high-level representatives of the NRAs established in each EU Member State which have primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. High-level representatives of the NRAs from the EFTA States and the States that are candidates for accession to the EU, the Commission, the EFTA Surveillance Authority and US FCC also took part in the meeting. Following the granting of candidate status to Albania, the Albanian NRA – AKEP- took part for the first time in a BoR meeting as an observer.

The list of final documents approved by the meeting to be published in compliance with the BEREC Regulation and the BoR transparency rules are included in the Annex to the Conclusions.

## Items discussed

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

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

<b>Document(s)</b>	<a href="#">BoR (14) 109</a> Draft BEREC CN Agenda
<b>Introduction by</b>	BEREC Chair
<b>Information presented</b>	<p>The BEREC Chair opened the meeting and presented the draft agenda for approval by the BoR meeting. The BoR members were invited to suggest any additional issues to be raised or presented under “Any other businesses” (AOB). As there were no proposals for change, the agenda was adopted as circulated by the Chair.</p> <p>A representative of the meeting host (AGCOM) presented information on the logistics of the meeting and the social event.</p>
<b>Conclusions</b>	The BoR adopted the meeting agenda as proposed.

### 2. Information from the Chair on important activities since the last meeting

<b>Document(s)</b>	<a href="#">BoR (14) 110</a> Information on the recent electronic voting procedures (without presentation) <a href="#">BoR (14) 111</a> 2014 BEREC Work Programme (WP) status update (without presentation)
<b>Introduction by</b>	BEREC Chair

<b>Information presented</b>	<p>The BEREC Chair informed the BoR that the afore-mentioned documents had been circulated for information and expressed his view that there was no need to further present them.</p> <p>Then he informed the BoR about his meeting the day before with the Italian Presidency of the Council of the EU during which both sides discussed the recent developments in relation to the Telecoms Single Market (TSM) initiative<sup>1</sup>.</p> <p>In view of the forthcoming ITU Plenipotentiary Conference 2014 (PP-14), to take place in the period 20 October – 7 November 2014, in Busan, Republic of Korea, and taking into account the fact that many NRAs will take part in the event, the Chair suggested arranging informal meetings between the BEREC Members and Observers during the PP.</p> <p>And last but not least, the BEREC Chair welcomed the newcomers and gave them the floor to introduce themselves.</p>
<b>Conclusions</b>	The BoR took note of the information.

### 3. Adoption of the “A” items

<b>Document(s)</b>	<p><a href="#">BoR (14) 112</a> Draft BoR Decision amending Decision BoR/2014/01 on the BEREC Expert Working Groups</p> <p><a href="#">BoR (14) 113</a> Note from the Chair in relation to the request from Electronic and Postal Communications Authority of Albania (AKEP) for obtaining observer status</p> <p><a href="#">BoR (14) 114</a> Draft BEREC RA in Practice Report 2014</p> <p><a href="#">BoR (14) 115</a> Draft BEREC Benchmark Data Report on IR Q4 2013 – Q1 2014</p> <p><a href="#">BoR (14) 116</a> Draft Consultation report for BEREC report monitoring quality of internet access services in the context of net neutrality</p> <p><a href="#">BoR (14) 117</a> Draft BEREC Report on monitoring the quality of internet access services in the context of net neutrality</p>
<b>Introduction by</b>	BEREC Chair
<b>Information presented</b>	<p>The BEREC Chair presented the list of “A” items as listed above. The list of “A” items has been drawn up on the basis of the conclusions of the CN according to which approval by the BoR should be possible without further discussion. The BEREC Chair informed the BoR members that, if needed, they still could make statements for the minutes on any of the “A” items.</p> <p>The BEREC Chair requested the consent of the BoR members for including all items in the “A” list and asked the BoR to approve the “A” items.</p>
<b>Conclusions</b>	The BoR approved the “A” items.

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

#### 4. Oral up-date on the key regulatory developments on the Italian market for eCommunications networks and services

Document(s)	No documents
Introduction by	President of AGCOM
Information presented	The President of AGCOM presented brief information about the Italian markets for electronic communication networks and services. The presentation made has been distributed to the meeting participants for information.
Conclusions	The BoR took note of the information presented.

#### 5. International Roaming (IR)

Document(s)	<a href="#">BoR (14) 118</a> International Roaming – draft BEREC Input to EC request
Introduction by	BEREC Chair and IR EWG Chairs (RTR/CNMC)
Information presented	<p>- <b>On procedural issues</b></p> <p>The BEREC Chair made a short introduction to the topic by addressing some procedural issues. He proposed to the BoR to agree on the following way forward:</p> <ol style="list-style-type: none"> <li>1. Continuing the work on the BEREC answer to the Commission concerning the wholesale roaming costs and fair use criteria by the IR EWG with a view to its submission for consideration and approval during the next CN and plenary meetings.</li> <li>2. Elaboration by the IR EWG of a discussion paper (a paper and/or PowerPoint presentation) to be presented during the forthcoming Stakeholder Forum meeting, which will be circulated for approval by the BoR by electronic voting procedure.</li> <li>3. Starting work by the IR EWG on a draft BEREC opinion on the future of roaming in the context of the TSM - to be submitted for consideration and approval for public consultation during the next CN and plenary meetings; the draft opinion should take into account the fact-finding exercise undertaken for the preparation of the afore-mentioned answer to the Commission and the views of the stakeholders expressed during the forthcoming Stakeholder Forum meeting.</li> </ol> <p>- <b>On matters of substance</b></p> <p>The IR EWG Chairs (RTR/CNMC) presented some findings to the Commission request to BEREC for advice in relation to the wholesale roaming costs and fair use criteria (registered under BoR (14) 44). The request from the Commission was stimulated by the EP legislative resolution adopted on 3 April 2014 on the TSM, in which the EP proposes to abolish retail roaming surcharges as of 15 December 2015 in order to allow consumers to “Roam Like at Home”.</p> <p>The IR EWG Chairs recalled that after examining the Commission request, on 26 May 2014, BEREC had circulated a questionnaire to the operators and NRAs in order to gather additional information to be used for assessing the impact of the new legislative texts on the future roaming market.</p>

	BEREC received almost 140 replies from operators and answers from all NRAs. An overview of the information received and the preliminary analysis of the possible future scenarios were presented to the CN and have been submitted to the BoR for consideration.
<b>Conclusions</b>	<p>The BoR discussed the future of roaming in the context of a request for input from the Commission to BEREC in relation to wholesale roaming and retail fair use and requested the IR EWG to undertake the following next steps:</p> <ul style="list-style-type: none"> <li>- to prepare the necessary documents on the future of roaming for the stakeholder forum to be submitted for approval by electronic voting;</li> <li>- to consult the Commission at expert level to further discuss the scope of the work to be executed by BEREC in preparing BEREC's answer to the Commission's request for input in relation to the wholesale roaming market and defining the fair use criteria for the use of roaming services;</li> <li>- to revise the draft BEREC answer to the Commission and to submit it to the next CN/plenary meetings for consideration and approval;</li> <li>- to start preparing a BEREC opinion on the future of roaming to be submitted for approval by the BoR for public consultation;</li> <li>- to organise a Heads' workshop on the future of roaming prior to the next plenary meeting.</li> </ul>

## 6. Cooperation between BEREC and the Latin American Forum of Telecommunications Regulators (REGULATEL)

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BEREC Chair / REGULATEL Chair 2015 (Chairman at Telecommunications Regulatory Board, Puerto Rico)
<b>Information presented</b>	<p>The REGULATEL Chair 2015 recalled that in 2013, BEREC and REGULATEL signed a Memorandum of Understanding (MoU) on cooperation. Since then a lot of cooperation activities have been developed, as follows:</p> <ul style="list-style-type: none"> <li>- In March 2014, in Cartagena, Joint Working Groups (WGs) discussed roaming, net neutrality issues, user rights and quality of service (QoS); the progress made by the WGs will be presented during the next REGULATEL plenary meeting to take place in the period of 16-18 November 2014, in Puerto Rico.</li> <li>- The BEREC-REGULATEL Summit 2014 was held successfully in July 2014 in Argentina; this provided a fruitful exchange of views on all topics of mutual interest.</li> </ul> <p>The REGULATEL Chair 2015 informed BEREC that the topics of interest for REGULATEL Members to be considered during the 2015 cooperation could include the following: continuation of the work on net neutrality; user rights and quality of service; and broadband-related topics and benchmark indicators.</p> <p>In conclusion, the REGULATEL Chair 2015 assessed the BEREC-RegulateL cooperation as very successful and mutually beneficial and emphasised that enhancing the cooperation and the exchange of best practices is the key to the successful cooperation.</p>

	<p>Therefore he was convinced that 2015 should be used for promoting the transatlantic cooperation between the 2 organisations for the benefit of their people.</p> <p>At the end of his speech, the REGULATEL Chair 2015 invited all BEREC Members to the next REGULATEL plenary to take place on 16-18 November 2014 in Puerto Rico.</p> <p>The BEREC Chair thanked the REGULATEL Chair 2015 for joining the BEREC plenary and for the enthusiastic assessment of the cooperation with BEREC. He was of the opinion that the BEREC-REGULATEL cooperation is positive also for the EU, as the introduction of the EU standards and practice in Latin America provide the European industry with more and better investment opportunities.</p> <p>Consequently, the BEREC Chair confirmed BEREC's commitment to continue the cooperation in a constructive way and informed the BoR and REGULATEL representatives that the BEREC Vice-chair (HAKOM) will take part in the next REGULATEL plenary on behalf of BEREC.</p>
<b>Conclusions</b>	The BoR took note of the information presented.

## 7. BEREC Strategy 2015-2017

<b>Document(s)</b>	<a href="#">BoR (14) 119</a> Draft BEREC Strategy 2015-2017
<b>Introduction by</b>	BEREC Vice-chair (BIPT)
<b>Information presented</b>	<p>The BEREC Vice-chair (BIPT) presented the draft BEREC Strategy for the period 2015-2017. He made a short overview of the process, which has led to the elaboration of the current draft and emphasised that the document aims to enhance BEREC's effectiveness, by adjusting the overall strategy and setting a clear direction for all activities, in view of the challenges ahead.</p> <p>The document is intended to be used as a guiding document for all BEREC activities, which should be replaced in the annual BEREC Work Programmes.</p> <p>The document proposes a new BEREC <b>mission statement</b> and outlines the <b>3 strategic pillars</b> for BEREC's activities:</p> <ol style="list-style-type: none"> <li>1. Promoting competition and investment;</li> <li>2. Promoting the Internal market;</li> <li>3. Empowering and protecting end-users;</li> </ol> <p>Subsequently, the document gives an overview of the <b>major trends and developments</b> that will have an impact on the regulatory requirements of the sector. These important developments that will need to be addressed are technology, market and end-user developments and the EU regulatory developments, in particular the next Framework review.</p> <p>Finally the document discusses the importance of the quality of BEREC output and the operational efficiency. It is important to ensure that BEREC's output continues to contribute directly to its strategic vision. BEREC will reflect its vision in its work programmes, and seek to improve its work planning in order to make optimum use of its resources.</p> <p>The draft Strategy also proposes that BEREC should develop a Strategy on its international relations.</p>



	<p>At the end of the presentation, the BEREC Vice-chair (BIPT) proposed the following way forward:</p> <ul style="list-style-type: none"> <li>- launch a public consultation on the draft in order to collect the views of the stakeholders simultaneously with the consultation on the draft BEREC WP 2015;</li> <li>- presentation of the document during the 2<sup>nd</sup> Stakeholder Forum meeting in Brussels on 16 October 2014;</li> <li>- summarising the input received during the public consultation and the Stakeholder Forum and adjusting the draft Strategy with a view to its approval during the 21<sup>st</sup> BEREC plenary meeting (4-5 December 2014, Brussels).</li> </ul>
<b>Conclusions</b>	<p>The BoR discussed the draft BEREC Strategy 2015-2017 and approved it for public consultation to run during the period 29 September – 24 October 2014.</p> <p>The BoR agreed also to hold a Heads' workshop on the forthcoming review of the EU Regulatory Framework on electronic communications prior to the next BEREC plenary meeting.</p>

## 8. BEREC WP 2015

<b>Document(s)</b>	<a href="#">BoR (14) 120</a> Draft BEREC WP 2015
<b>Introduction by</b>	BEREC Chair 2015 (ANACOM)
<b>Information presented</b>	<p>The BEREC Chair 2015 (ANACOM) presented the draft BEREC WP 2015. She recalled the whole process of preparing the draft, which started with a call for input sent to EWG Chairs, the Commission, the NRAs, stakeholders and the Office, followed 2 rounds of prioritisation and in depth discussion during the 2<sup>nd</sup> CN, the 19<sup>th</sup> BoR plenary and 3<sup>rd</sup> CN meetings.</p> <p>The BEREC Chair 2015 emphasised that the structure of the draft BEREC WP has been aligned with the draft BEREC Strategy.</p> <p>The BEREC Chair 2015 informed the BoR that the draft WP envisages 16 reports (compared with 20 reports in 2014), 6 opinion/position papers/inputs/CPs/guidance (1 less than in 2014), 10 workshops and other meetings (1 workshop less than in the 2014 WP), making a total of 33 outputs (compared to 41 outputs envisaged for 2014).</p> <p>The BEREC Chair 2015 proposed to the BoR to approve the draft for public consultation to run during the period from 29 September to 24 October 2014 with an oral hearing in Brussels scheduled for 16 October 2014, within the 2<sup>nd</sup> Stakeholder Forum Meeting.</p> <p>The final approval of the BEREC WP 2015 and the report on the outcome of the public consultation is envisaged for the 21<sup>st</sup> BEREC plenary meeting (4-5 December 2014, Brussels).</p>
<b>Conclusions</b>	<p>The BoR discussed the draft BEREC WP 2015 and approved it for public consultation to run during the period 29 September – 24 October 2014, with a public hearing on 16 October 2014 within the 2<sup>nd</sup> meeting of the BEREC Stakeholder Forum meeting.</p>

## 9. Oral update on the Ecosystem dynamics and demand side forces in net neutrality (Ecodem) Project

Document(s)	No document
Introduction by	Ecodem Team Leader (Ofcom)
Information presented	<p>The Team Leader (Ofcom) provided an update on the Ecodem project, which is due to be completed in the first half of 2015.</p> <p>He recalled the steps already undertaken and additionally informed the CN that the BEREC Office signed a contract with the successful bidder (a consortium led by WIK Consult, supported by YouGov and Deloitte) on 9 June 2014</p> <p>Due to time and budgetary constraints the scope of the project has been limited only to "at home" usage.</p> <p>The project has been split into the following 2 stages:</p> <ul style="list-style-type: none"> <li>- Stage A: draw up a list of test countries and design and conduct cluster analysis; this stage is over and the test countries chosen have been: Sweden, the Czech Republic, Greece and Croatia; the study is meant to provide a snapshot of the main similarities and differences;</li> <li>- Stage B (currently under way): produce the information to be provided to test subjects to ensure they can make informed hypothetical decisions; this stage is underway and is expected to finish in mid-October 2014; it includes also meetings with focus groups and NRAs; the stage will be complete following an expert workshop to take place on 14 October 2014;</li> <li>- Stage C: collect empirical data about the behaviour of individuals when confronted with the choice of different IAS packages in order to measure the value of Net Neutrality to consumers.</li> </ul> <p>The final report is due on 20 January 2015.</p>
Conclusion	The BoR took note of the information presented and thanked the EWG and the BEREC Office for the work done.

## 10. Review of the BEREC working structure

Document(s)	<a href="#">BoR (14) 121</a> Review of the BEREC working structure and orientation debate on designation of Chairs of EWGs
Introduction by	BEREC Chair / BEREC Vice-chair (FICORA) / BEREC CN Chair
Information presented	<p>The BEREC Chair, BEREC Vice-chair (FICORA) and BEREC CN Chair presented a proposition on the BEREC working structure.</p> <p>The Chair recalled that the current debate was a follow-up to the discussion already held by the BoR during its 18<sup>th</sup> meeting (27-28 February 2014, Stockholm) and the orientation debate held during the 19th meeting (5-6 June 2014, Dublin) on the need for improving the EWG structure.</p> <p>The Chair pointed out that the paper tabled for the CN meeting (4-5 September 2014, Liechtenstein) had raised some concerns due to the timing of its distribution caused by the late meeting of the BEREC Chair and Vice-chair. However, the Chair emphasised the importance of tackling this topic, including the consideration of rules for the appointment of EWG Chairs in future.</p> <p>The proposal has been based on the so called "evolutionary approach", which means that the number of EWGs would be moderately reduced (from 11 to 8).</p>

	<p>According to the proposal, the EWGs should be clustered around 4 main groups aligned with the BEREC Strategy 2015-2017. Each cluster will be supported and monitored by a BEREC Vice-chair.</p> <p>It is proposed that the implementation of the new working structure takes place at the beginning of 2015. A smooth transition from the current to the new structure should include the following elements: there should be two co-chairs of each EWG and the current chairs and co-chairs of the eight EWGs would continue to perform their tasks for a fixed period, the length of which will be determined in the Rules of Procedure (RoP).</p> <p>The document contains also a proposal for amending the current RoP to be tabled for the next Contact Network / Plenary meetings.</p>
<b>Conclusions</b>	<p>The BoR discussed the proposal and requested the BEREC Chair and BEREC Vice-chair (FICORA) to further develop it in line with the meeting conclusions and to submit it for consideration and approval during the next CN and plenary meetings.</p> <p>The Framework Implementation EWG was requested to prepare a proposal for amending the BoR Rules of Procedure and to draft Guidelines for future work of the EWGs in line with the proposal and the meeting conclusions.</p>

#### 11. Update on the 2<sup>nd</sup> stakeholder forum meeting (16 October 2014, Brussels)

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Vice-chair (FICORA)
<b>Information presented</b>	<p>The BEREC Vice-chair (FICORA) informed the BoR about the state of preparation of the 2<sup>nd</sup> meeting of the BEREC Stakeholder Forum (16 October 2014, Brussels).</p> <p>The meeting will take place at <a href="#">Sheraton Brussels Airport Hotel</a>, Brussels National Airport, Belgium. It will focus on the following topics:</p> <p><b>Session 1: BEREC Medium Term Strategy and Work Programme 2015</b></p> <ul style="list-style-type: none"> <li>- BEREC Vice-Chair (BIPT) will present the draft Medium Term Strategy and the BEREC 2015 Chair will present the draft Work Programme 2015;</li> <li>- All the invited organisations have been requested to express their interest in making a short intervention on these themes.</li> </ul> <p><b>Session 2: Margin Squeeze test – what and how</b></p> <ul style="list-style-type: none"> <li>- The RA Co-chairs will present the draft Guidance document, which will be published also for public consultation;</li> <li>- Interventions and comments have been requested from ETNO, ECTA, EuroISPA, VON Europe, FTTH Council Europe.</li> </ul> <p><b>Session 3: Looking for the future model for roaming</b></p> <ul style="list-style-type: none"> <li>- The IR EWG Co-chairs will present the BEREC views on the future of roaming;</li> <li>- The following stakeholder organisations have been invited to give a short presentation/comments: BEUC, INTUG, ETNO, EAFM, GSMA, VON Europe.</li> </ul>
<b>Conclusions</b>	The BoR took note of the information.

## 12. Emerging challenges in Next Generation Networks (NGN)

Document(s)	<a href="#">BoR (14) 122</a> Draft BEREC Report "Case Studies on regulatory decisions regarding vectoring in the EU"
Introduction by	NGN EWG Chair (BNetzA)
Information presented	<p>The NGN EWG Chair (BNetzA) presented the draft BEREC Report "Case Studies on regulatory decisions regarding vectoring in the EU", based on the experience of several EU Member States (Austria, Belgium, Denmark and Germany).</p> <p>The BoR was informed that with vectoring the bandwidth of VDSL2 subscriber access lines can be increased without significant investment. However, in order to achieve the full advantages of vectoring, at least currently, only one operator can deploy and use vectoring on VDSL2 subscriber access lines of a cable (binder). This is a serious drawback as it may have a negative impact on current competition based on local loop unbundling (LLU) and/or sub-loop unbundling (SLU) and therefore should be carefully monitored by regulators.</p> <p>All of the four countries examined promote the rollout of vectoring by ensuring that the operator deploying vectoring can use it exclusively. However, each NRA has used a different regulatory approach to the introduction of vectoring, in order to take into account the national circumstances. The regulatory decisions which enable a single operator to use vectoring exclusively on the sub-loop depend on the sub-loop unbundling (SLU) penetration, as follows:</p> <ul style="list-style-type: none"> <li>- no SLU and no future SLU demand expected; in addition, the SMP operator plans to roll-out vectoring rather quickly and broadly: in this situation the SLU obligation is entirely lifted on the national market and the regulatory decision regarding vectoring is asymmetric, i.e. only the SMP operator can use vectoring exclusively (BE);</li> <li>- low SLU penetration and low SLU demand expected: the SLU obligation is lifted on a case-by-case basis and the regulatory decision regarding vectoring is also asymmetric (AT, DK);</li> <li>- relatively high SLU penetration and relatively high future SLU demand expected: the SLU obligation is also lifted on a case-by-case basis but the regulatory decision regarding vectoring is symmetric, i.e. an ANO can also use vectoring exclusively (DE).</li> </ul> <p>The NGN EWG Chair emphasised that the information provided in the BEREC Report has a descriptive character and does not aim at being normative. It is not intended to recommend a best practice, as there still is not sufficient experience to draw stable conclusions. Since the vectoring roll-out has just begun in the countries considered in this report, it remains to be seen how these rules would be implemented and if any best practices could be drawn up.</p>
Conclusions	The BoR discussed the BEREC Report "Case Studies on regulatory decisions regarding vectoring in the EU" and the recent and future regulatory developments of vectoring and approved the BEREC Report for publication.

### 13. Regulatory Accounting (RA) - margin squeeze tests

<b>Document(s)</b>	<a href="#">BoR (14) 123</a> Draft BEREC Guidance on the RA approach to the economic replicability test (ex-ante margin squeeze tests)
<b>Introduction by</b>	RA EWG Co-Chair (BNetzA) and Drafting Team Leader (AKOS)
<b>Information presented</b>	<p>The RA EWG Co-Chair (BNetzA) and the Drafting Team Leader (AKOS) made a detailed presentation of the draft BEREC Guidance on the RA approach to the economic replicability test (ex-ante margin squeeze tests) prepared with the objective to set out the possible methodologies for NRAs to run the economic replicability test (ERT)<sup>2</sup> in accordance with current practice concerning ex-ante/sector specific margin squeeze tests.</p> <p><a href="#">Recommendation 2013/466/EU</a> requires NRAs to put in place obligations to ensure economic replicability of SMP operators' retail offers and therefore prevent them from engaging in margin squeeze practices.</p> <p>The purpose of the Guidance document is to set out the possible methodologies for NRAs to run the ERT in accordance with current practice concerning ex-ante/sector specific margin squeeze tests.</p> <p>The Guidance document aims to compare the similarities and differences between the ERT and ex-ante margin squeeze tests and therefore describes the common methodologies already used by NRAs in practice.</p> <p>The Guidance document takes into consideration all existing documents of the Commission, BEREC, ERG and also contains a chapter on margin squeeze tests in competition law practice (including ECJ jurisdiction).</p> <p>The draft Guidance has been prepared to stimulate an in-depth discussion between the BEREC members and the stakeholders during the public consultation and the forthcoming 2<sup>nd</sup> Stakeholder Forum meeting (16 October 2014).</p>
<b>Conclusions</b>	The BoR discussed the draft BEREC Guidance on the RA approach to the ERT (ex-ante margin squeeze tests) and approved it for public consultation to run during the period 29 September - 24 October 2014, subject to the adjustments agreed during the meeting.

### 14. Benchmarking

<b>Document(s)</b>	<a href="#">BoR (14) 124</a> Draft BEREC Report on the proposal for creating an information sharing portal among NRAs and other institutions
<b>Introduction by</b>	Benchmarking EWG Chair (CNMC)
<b>Information presented</b>	The Benchmarking EWG Chair (CNMC) presented the draft BEREC Report on the proposal for creating an information-sharing portal among NRAs and other institutions This document analyses the possibility of creating an information sharing portal between all NRAs, the Commission and BEREC, where the main publications and outputs being produced and published by each institution

<sup>2</sup> The Recommendation on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment 2013/466/EU foresees the ERT as one the elements to safeguard competition in case of non-imposition of regulated wholesale access prices.

	<p>related to the regulation and monitoring of the electronic communications industry can be shared and presented in an integrated way.</p> <p>The Report assessed the feasibility of creating such a common portal and provided information about the basic elements of the portal, such as: structure, content to be included, properties and some functionalities, development stages, the maintenance of the portal, resources needed and other relevant issues. The portal should be established as a catalogue of public documents, where newly published documents by all participants should be found easily.</p> <p>The assessment report is intended to help in deciding on the desirability or not of creating such a common portal among all NRAs, the Commission and BEREC.</p> <p>If the portal is created, it is important that the project is not very costly and, hence, the scope of the project should be constrained.</p> <p>When deciding upon which information, documents and reports should be shared among all parties, it has to be borne in mind that some documents and information are already shared and published. Therefore it should be ensured that there will be no replication of already published documents in this common portal.</p>
<b>Conclusions</b>	<p>The BoR discussed the BEREC Report on the proposal for creating an information-sharing portal among NRAs and other institutions and approved it for internal use.</p> <p>The Benchmarking EWG, in cooperation with the BEREC Office, was requested to prepare additional information about the financial and HR implications of the project to all parties concerned.</p> <p>The BEREC Office was requested to consider different options to develop the information-sharing portal together, preferably, with the planned redesign of the BEREC website.</p>

#### 15. Cooperation between BEREC and the Group of Eastern Partnership Regulators for Electronic Communications Networks and Services (EaPeReg Network)

<b>Document(s)</b>	<a href="#">BoR (14) 125</a> Draft Memorandum of Understanding for cooperation between BEREC and the EaPeReg Network
<b>Introduction by</b>	Representative of RRT
<b>Information presented</b>	<p>A Representative of RRT made a short overview of the cooperation with EaPeReg Network, which has been gradually developed since 2010 in the form of technical workshops (under platform 4 'Research and Innovation' of the <a href="#">Eastern Partnership Initiative</a>).</p> <p>Since the official establishment of EaPeReg Network, BEREC members had taken active part in the Network activities and, consequently, during the EaPeReg Plenary Meeting in Tbilisi, 1-2 April 2014 both sides discussed the possibilities for further expanding the cooperation between BEREC and EaPeReg Network, including by signing a MoU for cooperation. Such an act would facilitate the dialogue and exchange of information and make it more effective. It would also promote consistency in BEREC's third party dialogues as there are respective MoUs with EMERG and REGULATEL.</p> <p>The BEREC Chair suggested to the BoR to approve the draft MoU for cooperation with EaPeReg Network on the matters falling within the</p>

	competence of BEREC. The draft MoU will be submitted for approval also to the MC in view of its implications for the BEREC Office budget arising from the fact that the costs for each party resulting from the implementation of the MoU shall be borne by each one of them.
<b>Conclusions</b>	The BoR took note of the draft MoU with EaPeReg Networks and approved it for signature, subject to assimilation of some drafting comments to be provided by the Commission.

## 16. Information from the Commission

<b>Document(s)</b>	<a href="#">BoR (14) 129</a> Note to the BEREC Board of Regulators
<b>Introduction by</b>	Commission Representative
<b>Information presented</b>	<p>A Commission Representative presented information on the following topics not included in the agenda:</p> <ul style="list-style-type: none"> <li>- General information on the establishment of the new Commission;</li> <li>- TSM;</li> <li>- Recommendation on relevant markets;</li> <li>- Cost Reduction Directive;</li> <li>- Review of the scope of universal service;</li> <li>- <a href="#">Study on the future trends and business models in communications services and their regulatory impact</a>;</li> <li>- <a href="#">2014 Report on implementation of the EU regulatory framework for electronic communications, published on 14 July 2014</a>.</li> </ul>
<b>Conclusions</b>	The BoR took note of the information provided.

## 17. AOB

### 17.1. Calendar of 2015 meeting

<b>Document(s)</b>	<a href="#">BoR (14) 126</a> Preliminary Schedule for the ordinary BEREC and CN meetings in 2015
<b>Introduction by</b>	BEREC Chair 2015 (ANACOM)
<b>Information presented</b>	The BEREC Chair 2015 (ANACOM) presented the revised schedule for the ordinary BEREC and CN meetings in 2015. She informed the BoR that the update is related to the switch of the locations of the 3 <sup>rd</sup> and 4 <sup>th</sup> plenary meetings in 2015
<b>Conclusions</b>	The BoR took note of the information provided.

## 17.2. Information on the next BoR meeting, 4-5 December 2014, Brussels (Belgium)

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BEREC Chair
<b>Information presented</b>	The BEREC Chair informed the BoR that the forthcoming appointment of a new Commission and recent changes to the EP have led to an increased interest in BEREC. Both the European Commission and the EP are eager to interact with BEREC and take part in a BEREC Plenary session. As a result of this, the BEREC Chair has decided to propose a change in the location of the last Plenary for 2014 from Istanbul to Brussels.
<b>Conclusions</b>	The BoR took note of the information provided.

Rome, 26 September 2014



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