

Public debriefing

41st BEREC Plenary meeting

Jeremy Godfrey, BEREC Chair 2019

Brussels, 11 December 2019

Body of European Regulators
for Electronic Communications

BEREC

Overview 1 of 3 – Public Consultations & Guidelines

For public consultation:

- Draft BEREC Guidelines on how to assess the effectiveness of public warning systems transmitted by different means
- Draft BEREC Report on Member States' best practices to support the defining of adequate broadband IAS

For publication:

- BEREC Guidelines on the minimum criteria for a reference offer relating to obligations of transparency
- BEREC Guidelines for the notification template for General Authorisations

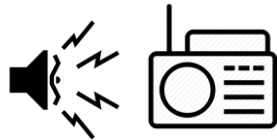
Overview 2 of 3 - Other BEREC publications

- BEREC Work Programme 2020
- BEREC Preliminary report on the harmonised collection of data from both Authorised Undertakings and OTT operators
- Report on Call for Inputs to the BEREC Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem
- Study on the determinants of investment in very high capacity networks
- BEREC report on Termination Rates at the European level
- 7th BEREC report on transparency and comparability of international roaming tariffs
- BEREC Report on Regulatory Accounting in practice 2019 (including WACC chapter)

Overview 3 of 3 – Other BEREC publications

- **BEREC Internal Workshops – summary reports**
 - Summary report on the outcomes of the internal workshop on the migration from legacy infrastructures to fibre-based networks
 - Summary Report on the outcomes of the internal workshop on margin squeeze tests applied by NRAs
 - Summary Report on the outcomes of internal workshop on the use of E.164 numbers in cross-border fraud and misuse
- **Other BEREC work**
 - Summary of the 7th BEREC Stakeholders' Forum
 - Memoranda of Understanding with Regulate!

Draft BEREC Guidelines on how to assess the effectiveness of public warning systems transmitted by different means



Legacy-PWS

Sirens
Radio broadcast
TV broadcast



Relevant ECS-PWS 110(1) based systems

Cell Broadcast (CB)
acc. to ETSI EU-ALERT standard
Location Based SMS (LB-SMS)



ECS-PWS 110(2) based systems

Mobile Applications (IAS-PWS)

- The draft Guidelines are produced in accordance with Article **110** of the Code and shall be used by Member States to guide:
 - how to assess the effectiveness of an IAS-PWS i.e. 110(2) PWS compared to an ECS-PWS i.e. 110(1) PWS
- Public consultation until **24 January 2020**
 - Authorities in charge of Public safety answering points (PSAPs) will be informed of the consultation in parallel

BEREC Guidelines on the minimum criteria for a Reference Offer

- BEREC considers that at a minimum a ref. offer should include the following core elements -
 - *General terms and conditions of the agreement;*
 - *Terms and conditions for network access services;*
 - *Details of operational processes;*
 - *Service supply and quality conditions; and*
 - *Price list for access services.*
- BEREC ran a public consultation (19 June to 19 July 2019)
 - 10 responses reflecting differing viewpoints e.g. provide more detailed guidelines versus reducing the detail as proposed
- Post consultation edits based on feedback included –
 - confirming application to the SMP regime,
 - ref. offers should include all relevant terms and conditions, etc.
- A workshop to assess need/demand for reviewing and updating these guidelines.

BEREC Guidelines for the notification template for General Authorisations pursuant to article 12(4)

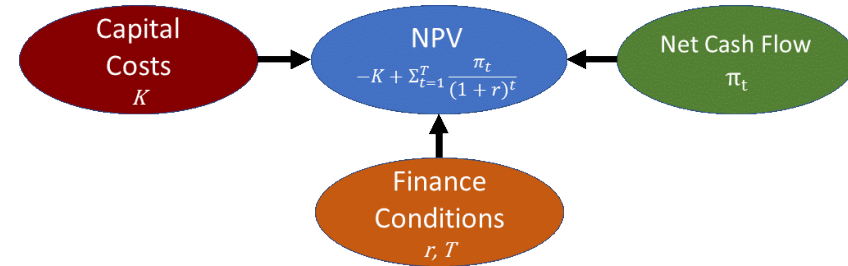
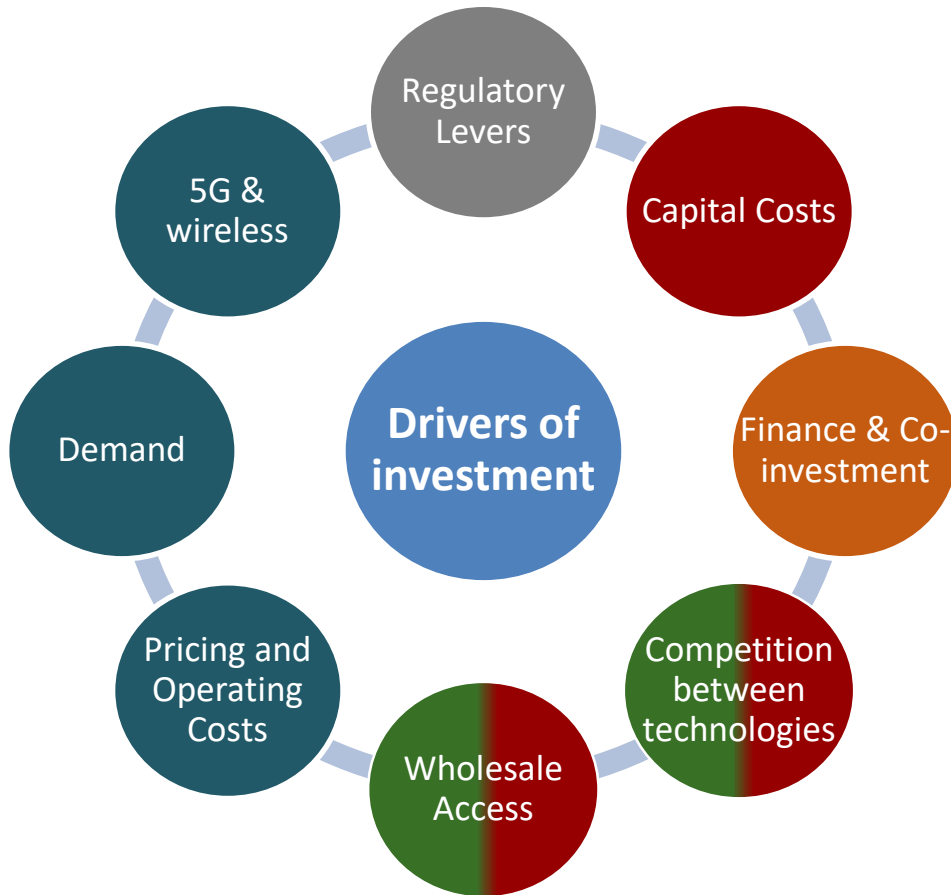
- The notification template is comprised:
 - Table 1 – Purpose of the notification
[Commencement of new activity of provision of networks and/or services, changes to the networks/services already notified, change to provider identification data, change to the commencement date..]
 - Table 2 – Identification data
[Name of the provider, geographical address of the provider, provider's website address..]
 - Table 3 - Contact person and contact details
[Full name of the Contact Person, Telephone No, Email Address..]
 - Table 4 - Short description of the network(s) or service(s)
[Fixed IAS, Mobile IAS, Fixed NB- ICS, Mobile NB-ICS..]

Preliminary report on the harmonised collection of data from both Authorised Undertakings and OTT operators

- EECC provides **new data collection powers** for NRAs and OCAs.
- **Legal considerations**
 - Article 2: new definition of ECS includes number independent interpersonal communications services (NI-ICS)
 - Article 20: allows NRAs/OCAs to request information (substantiated and proportionate) from NI-ICS and “other OTT services”
- **NRAs’ reasons to collect data from NI-ICS and other OTT-services** in order to perform their tasks
 - General understanding of the market
 - Assessing impact on traditional communication services
 - Market analysis procedures
- **Challenges of OTT data collection** and experiences of NRAs
 - Legal: which services fall under new definition of NI-ICS?
 - Practical: how to identify who is providing services and where to contact providers?
 - Different metrics: residence of consumer, multi-platform consumption, criteria of activity bundling

BEREC Study on the determinants of investment in very high capacity networks

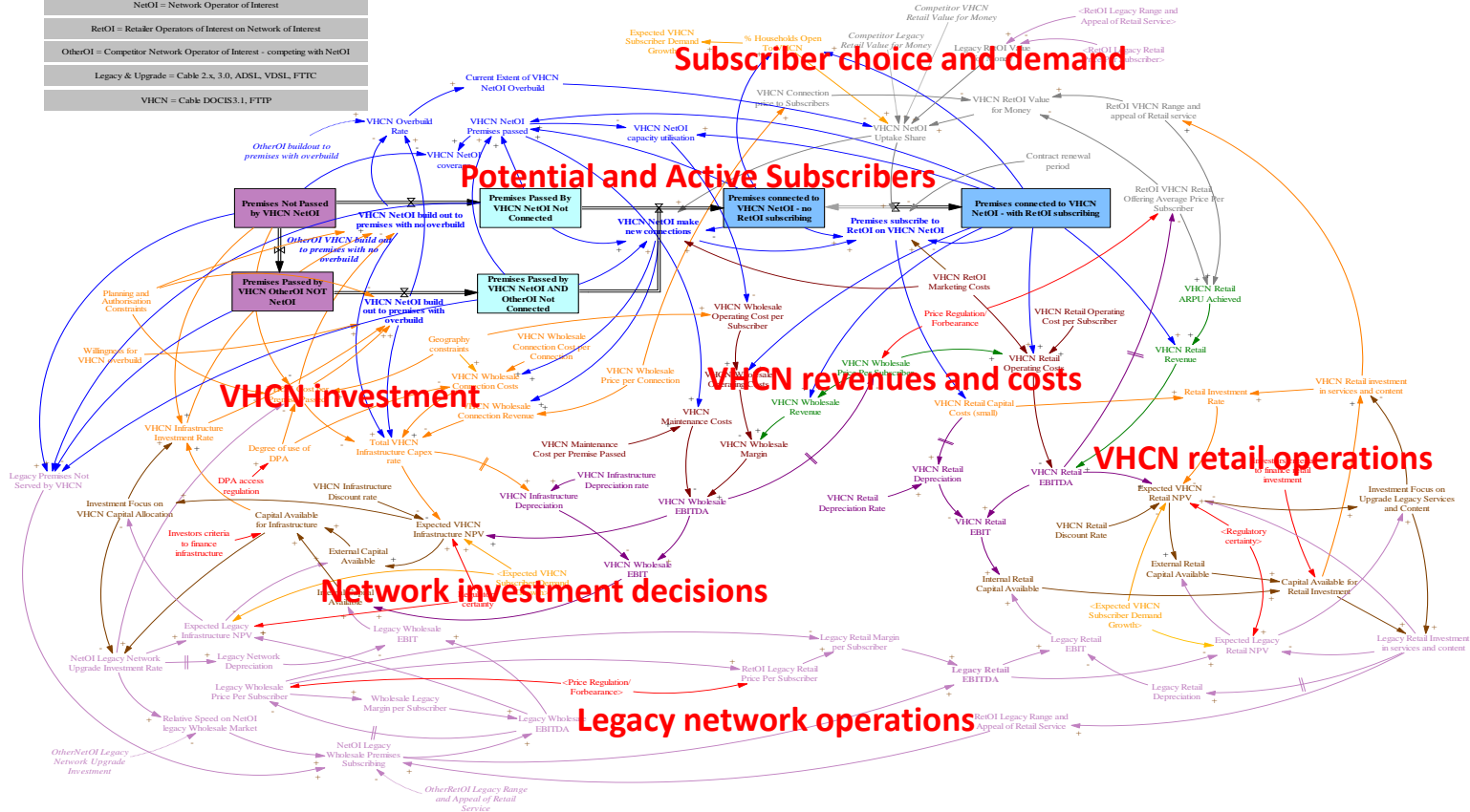
Wide range of factors explored



BEREC Study on the determinants of investment in very high capacity networks

The detail is more complicated!

Glossary	
NetOI	= Network Operator of Interest
RetOI	= Retailer Operators of Interest on Network of Interest
OtherOI	= Competitor Network Operator of Interest - competing with NetOI
Legacy & Upgrade	= Cable 2.x, 3.0, ADSL, VDSL, FTTC
VHCN	= Cable DOCSIS3.1, FTTP



BEREC Study on the determinants of investment in very high capacity networks

Systems thinking generates insights

**One size
does not fit
all**

- Wide range of investment drivers
- Importance depends on specific market characteristics
- No universal strategy

**Ecosystems
are dynamic**

- Changes in capital costs, revenue potential or finance have indirect effects that ripple through the system

**Regulatory
levers have
direct and
indirect
effects**

- Multiple drivers with effects on different operators
- Indirect effects can be amplified by feedback loops
- Multiple aspects to consumer welfare

Deployment cost matters

- Case for a review of BCRD
- Local planning issues

(Network) competition drives investment

- Threats from Cable, Alt-nets and wireless drive incumbent behaviour

“Patient capital” has a different risk appetite and time horizon

- Returns can be modest as long as regulatory uncertainty is minimised

Copper withdrawal affects business case

- VHCN take-up rate less risky if copper is to be withdrawn
- Pricing of “virtual legacy services” may be important

Access regulation not inherently an inhibitor of investment

- Appetite for wholesale-only investment
- Long-term approach to price controls may be important
- End-user interest in choice of retail service providers

End Users WG

BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service

Therese Hourigan

Body of European Regulators
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BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service

Background to BEREC BoR (19) 260

Legal Basis: in accordance with Article 84 (3) of the EECC,

- *“BEREC shall, in order to contribute towards a consistent application of this Article, after consulting stakeholders and in close cooperation with the Commission, taking into account available Commission (Eurostat) data, draw up a report on Member States’ best practices to support the defining of adequate broadband internet access service [...]”*
- Scope of the Report
 - Policy principle - Article 84 of the Directive (EU) 2018/1972
 - Relevant experience that BEREC can draw on
 - Common principles with respect to bandwidth, evaluation, eligibility designation mechanism, quality of service (QoS), monitoring of compliance and affordability measures, universal service providers (USPs), and the nature of funding across MS that have introduced a broadband USO
 - Recommendations for future reports

Consultation Questions

1. MS with BB USO in force took into account (list) – seek rating of importance (1 – 5).

"Where the data rate in question is used at national level by:

- i) at least 50% of all households; and
- ii) at least 80% of all households with a broadband connection. "

- Expected availability of broadband without public intervention
- Geographic survey
- Market distortion
- Estimation of the potential demand for a broadband USO
- Comparison with other EU countries
- Benefits of public intervention and effects on competition
- Timeframe to make available broadband under USO
- Social and economic disadvantages incurred by those without access to a broadband connection, including disabled end-use
- Estimation of the costs of intervention through USO versus other approaches

Consultation Questions

2. Are there any other relevant experiences and/or criteria that you consider useful to support Member States in defining the adequate broadband internet access service?

3. What are your views on the minimum bandwidth requirements of a connection at a fixed location to ensure that consumers have sufficient bandwidth to guarantee social and economic participation in society and to support the minimum set of services established in Annex V of Directive (EU) 2018/1972?

- 1) E-mail
- 2) search engines enabling search and finding of all types of information
- 3) basic training and education online tools
- 4) online newspapers or news
- 5) buying or ordering goods or services online
- 6) job searching and job searching tools
- 7) professional networking
- 8) internet banking
- 9) eGovernment service use
- 10) social media and instant messaging
- 11) calls and video calls (standard quality)

Consultation Questions

4. Do you have any specific observations on:

- (i) eligibility criteria; and/or
- (ii) quality of service (QoS); and/or
- (iii) affordability measures that might support the definition of the adequate broadband internet access service in your MS?

5. Do you have any other general observations on this draft report?

Summary report on Call for Inputs on Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem

Bo Andersson

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- **NRAs and BEREC seem to be thinking about the same things as are raised by stakeholders concerning commercial 5G deployments**
- For example;
 - New business models and value chains including network slicing and net neutrality
 - Rollout issues including planning, backhaul, coverage, small cells, infrastructure sharing and numbering
 - End user issues including possible impact on quality of service, consumer information and interoperability
 - Other aspects such as privacy, security and access to spectrum
- Some of the issues raised are currently being looked at in other BEREC WGs,

- **Next steps going forward**
- A few stakeholder comments are not within BEREC's remit to deal with
- Not all the received concerns and issues can be addressed at this moment since expected development is not yet clear
- This report is the first step for BEREC to achieve the objective of identifying and tracking relevant issues
- The report is a response document on the call for input
- Plan is to publish a new report after Plenary 2 for public consultation, with final report after Plenary 4

BEREC Work Programme 2020

Dan Sjöblom

Public debriefing on outcomes of the 41th
BEREC ordinary meetings

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Main themes of submissions

- Reiterated the importance of focusing on core/mandatory work
- 5G – including security
- VHCCN
- Digital Platforms
- Stakeholder engagement and transparency





Study on digital services and platforms

Scope:

- How consumers use, evaluate and choose between different digital services and platforms
- An assessment of how consumer behaviour affects the potential "risk" that economic platforms pose for competition in digital service markets



Further BEREC Work

Jeremy Godfrey

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Timeline for development of Strategy and Work Programme

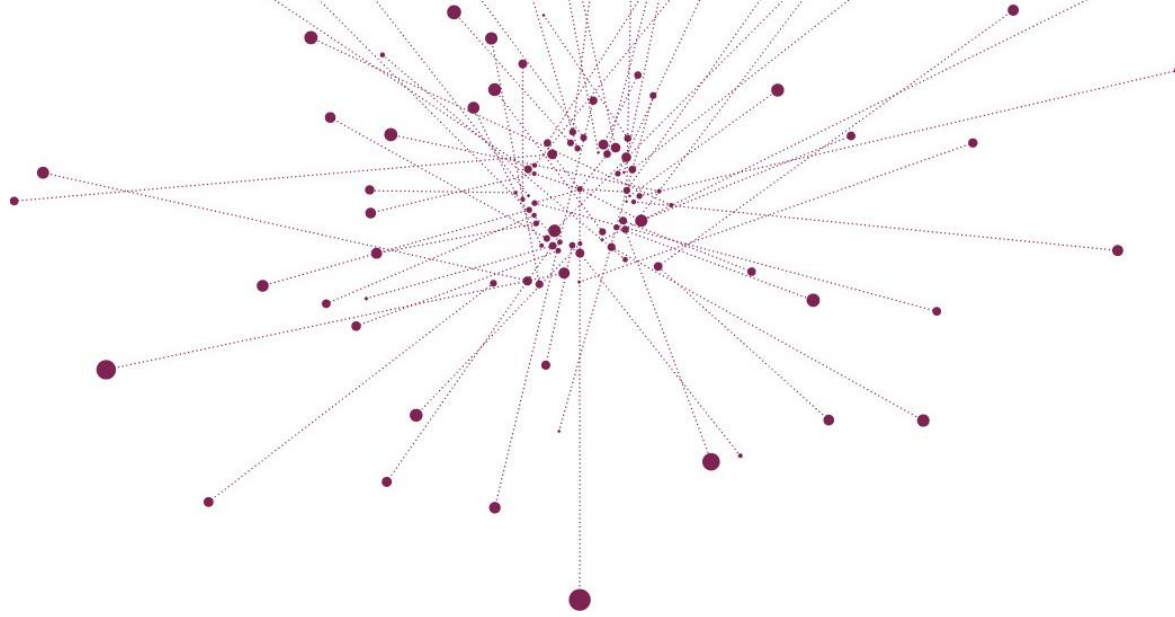
MTS Timeline	MTS
Early call for input	Q4 2019 (ends 6 November)
Presentation of outline MTS Orientation discussion on format/scope/developments	December 2019
Public Consultation	March 2020
Stakeholder Forum	1 April 2020
Report consultation	June 2020
Final adoption	October 2020

WP21 Timeline	WP21
Presentation of WP 2021 process	December 2019
Approve WP outline	31 January 2020
Early call for inputs	March 2020
Stakeholder Forum	1 April 2020
Public Consultation	October 2020
Final adoption + outline WP22	December 2020

Reminder - Dates for Public Consultations

- Draft BEREC Guidelines on how to assess the effectiveness of public warning systems transmitted by different means
 - Public consultation launched 11 December 2019
 - Public consultation closes 31 January 2020

- Draft BEREC Report on Member States' best practices to support the defining of adequate broadband IAS
 - Public consultation launched 11 December 2019
 - Public consultation closes 22 January 2020



Thank you!

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