Public debriefing
45th BEREC Plenary meeting

Dan Sjöblom, BEREC Chair

Virtual meeting 15 December 2020

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Information on the appointment of WG Co-Chairs and the BEREC Public Consultations

Final BEREC Work Programme 2021 by incoming BEREC Chair 2021

Perspectives for WP 2022 first inputs by elected BEREC Chair 2022

BEREC Guidelines on the criteria for a consistent application of Article 61 (3) EECC – FNE WG Co-Chairs

BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments: Phase II: Verification - SAI WG Co-Chairs

BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76 (1) and Annex IV EECC) - MEA WG

Q & A

BEREC 5G radar, as an extension to the BEREC Report on the impact of 5G on regulation - PFT WG Co-Chairs

BEREC response on the targeted public consultation on the evaluation of the state aid rules for the deployment of broadband networks – FNE WG Co-Chairs

Executive summary concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of   suppliers and strengthening national resilience) - Ad hoc 5G Cybersecurity WG Co-Chairs

Q & A

The appointment of WG Co-Chairs 2021

BEREC Working Groups:

Fixed Network Evolution Working Group:
Co-Chair: Lars-Erik Axelsson, PTS
Co-Chair: Wilhelm Schramm, RTR

Market and Economic Analysis Working Group:
Co-Chair: Chiara Caccinelli, ARCEP
Co-Chair: Jorge Infante, CNMC

Open Internet Working Group:
Co-Chair: Klaus Nieminen, FICORA
Co-Chair: Véronique Ney, ILR

End-User Working Group:
Co-Chair: Paolo Lupi, AGCOM
Co-Chair: Therese Hourigan, ComReg

Regulatory Framework Working Group:
Co-Chair: Antonio de Tommaso, AGCOM
Co-Chair: Ervin Kajzinger, NMHH

Remedies Working Group:
Co-Chair: Annegret Groebel,BNetzA
Co-Chair: Sławomir Olszewski, UKE

Roaming Working Group:
Co-Chair: Elisabeth Felber, RTR
Co-Chair: Ioanna Choudalaki, EETT

Statistics and Indicators Working Group:
Co-Chair: Begoña García Mariñoso, CNMC
Co-Chair: Iulia Zaim-Grigore, ANCOM

Wireless Network Evolution Working Group:
Co-Chair: Joe Lynch, ComReg
Co-Chair: Bo Andersson, PTS

Planning and Future Trends Working Group:
Co-Chair: Jean-Marie Mifsud, MCA
Co-Chair: Bert Klaassens, ACM

BEREC Ad-hoc Working Groups:

5G Cybersecurity Working Group:
Co-Chair: Katja Kmet Vrčko, AKOS
Co-Chair: Tim Masy, BIPT

Sustainability Working Group:
Co-Chair: Katerina Dekanovska, CTU
Co-Chair: Anaïs Aubert, ARCEP

Public Consultation

WG	Project	Launch date of PC	Closing date of PC	Duration
SAI WG	Draft BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments: Phase II: Verification	15 Dec 2020	27 Jan 2021	42 days

BEREC Work Programme 2021

Michel Van Bellinghen,
incoming BEREC Chair 2021

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- Initial call for early inputs (as part of the strategy 2021-25 PC)

- The PC ran from 6 October until 5 November

- 14 non-confidential contributions from **Openfiber; GSMA; Qualcomm; Allan Brennan; TeleCoop; ETNO; FTTH Council Europe; DigitalEurope; Liberty Global; ECTA; eir; BEUC; Huawei; MVNO Europe**

BEREC publishes all individual contributions on its website, as well as the summary report with BEREC responses!

What are the main priorities for the stakeholders?

Promoting full connectivity

Thriving sustainable and open digital markets

Empowering end-users

Cooperation with EU institutions and institutional groups

BEREC obligatory and ad hoc work

Consistent Application of the EECC

Sustainability

Stakeholder Engagement

- BEREC thanks the stakeholders for the **broad support for the objectives and priorities** of the WP21

- Substantial part **remains successful implementation of the Code**

- Broad support of stakeholders to BEREC's commitment to tackle the new challenges
  - The transition to **digitalisation** and **sustainability**
  - BEREC's new focus on the issues related to COVID-19 pandemic regarding the resilience of the European electronic communication and the **digital divide**

- Many stakeholders are keen to engage further with **BEREC requiring additional consultations** beyond those already planned by BEREC in 2021.

- BEREC will do so on an ongoing basis through BEREC's many interim consultations, webinars, workshops, questionnaires etc. on the work set out in the BEREC WP 2021!

Update on Outline Work Programme 2022 and Stakeholder Forum

Annemarie Sipkes
ACM, incoming chair 2022

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- End of January submission of Outline WP 2022 to EP, Council and EC.

- It will include projects stemming from EECC or specific regulation, and carry-over projects, from WP 2021.

- But also prospective projects for 2022 and beyond of which some are proposed by stakeholders.

- A call for input will be launched in Q1 2021.

- In 2021 BEREC is planning to hold two stakeholder forums.

- A virtual SHF will be held on 1 April.
    - Call for input WP 2022.

- A second SHF will be held in Brussels on 28 October,
    - the launch of the public consultation of the Work Programme 2022.

BEREC Guidelines on the Criteria for a Consistent Application of Article 61(3) EECC - Outcome of the public consultation

FNE WG Co-Chairs, (RTR/BNetzA)

Wilhelm Schramm, Björn Jonassen

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Published today by BEREC:

- BEREC Guidelines

- Report on the outcome of the public consultation

Discussed in this presentation:

- Input from the public consultation

- Changes made to the Guidelines <u>after</u> the public consultation

Stakeholder submission:

- 19 submissions were received

- Overall the submissions are very diverse and often express views contrary to each other

- Topics which received a high attention include "accessibility", "efficient access seeker", relation to SMP framework, "new" and "small" deployments

- Some topics are not within the scope of the Guidelines (e.g. nature of competition problems adressed)

Changes made to the Guidelines:

- NRA specifies assumptions on hypothetical efficient access seaker (GL 73; now 74)

- Data of individual operator is subject to NRA's assessment (74; now 75)

- Actual evidence from areas were network replication already took place can inform NRA's assessment (66 new)

- No changes to the definitions of "new" and "small"

- Futher minor clarifications/ amendmends (e.g. relation to SMP)

BEREC Draft Guidelines on Geographical surveys of network deployment. Verification.

SAI WG Co-Chairs, (ANACOM/CNMC)

Rita Vala, Begoña Garcia-Mariñoso

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Draft BEREC Guidelines on Geographical surveys of network deployment. Verification

- BoR (20) 40 detailed the indicators that characterise the reach of broadband networks (Art 22 EECC).

- Ensuring the quality of data is an integral part of the processes leading to reliable broadband maps.

- The draft GL deal with the verification of the current broadband reach information.

- They describe verification methods and provide recommendations for Authorities, that may choose amongst those considering their needs and the information available.

- The verification process should be objective, transparent and non-discriminatory.

- Authorities should publish their verification methodologies and a regular outline of the verification results.

Next steps:

- Draft Guidelines for public consultation **until 27 January 2021.**

- Final BEREC Guidelines on verification to be approved in the second BoR meeting of 2021

BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new VHCN elements

BEREC Report on the outcome of the PC on the Draft above-mentioned Guidelines

MEA Co-Chairs,

Jorge Infante (CNMC), Chiara Caccinelli (Arcep)

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PUBLIC CONSULTATION ON DRAFT BEREC GUIDELINES

❑ From 16 June 2020 to 4 Sept 2020 (> 2,5 months)

❑ **15 respondents** (AIIP, BREKO, CETIN, DT, ECTA, ELFA, ETNO, FTTH Council Europe, Open Fiber, OXERA, TIM, VATM, VKU, Vodafone, 1 confidential contribution)

❑ Summary feedback received:

  ❑ Smaller actors using wholesale inputs concerned on the implications of lifting SMP regulation as a result of a co-investment agreement as well as on the application of the criteria for qualifying for Article 76

  ❑ ETNO and large players ask for more flexibility

  ❑ BEREC has maintained the balance between being specific and flexibility

❑ In the next years, once the Guidelines will be applied and NRAs will gain relevant experience on application of Art. 76, appropriate to revisit Guidelines at the light of experience gained

MAIN ISSUES RAISED AND BEREC RESPONSES

❑ Stressing on BEREC rationales on co-investments publicly announced before December 2018: to be assessed by NRAs if substantial changes are made after December 2018 and networks were not deployed

❑ No further specification on valid co-investment models (but more precise definition on joint-ventures).

❑ further specifications on structural and governance issues considered over-restrictive by BEREC

❑ Lifetime of the network: no specific timeframes can apply to all projects, should be individual and be set in the co-investment agreement

❑ Relation between timing of entering into the co-investment agreement and the corresponding risk associated: valid for all models (previously just in one-way access model)

❑ Significant changes during the commitment procedure: BEREC considers appropriate not to refer to an automatic restart of the six-month period. NRAs to assess reasonable additional notice period on a case-by-case basis not to slow down VHCN deployment

OTHER ISSUES ADDRESSED IN THE GUIDELINES

❑ Clarifications in some of the guidelines to avoid misunderstandings or ambiguity

❑ Clarification on the lifetime of the network not being shorter than period established for the binding co-investment commitments approved by the NRA

❑ Former guidelines 57-58 deleted due to different interpretations on the exhaustiveness of the list in Art. 76 (1) (b)

❑ If changes to the offer necessary, these must be notified in advance to NRAs and interested parties.

❑ Clarification on access for co-investors when upgrading FTTC networks and additional rationale on number of accessible lines limited by co-investment share.

❑ Significant changes in the commitment period: additional notice period to be assessed case-by-case by NRAs

❑ **All changes and rationales for adoption/non adoption in the summary of responses**

Questions & Answers session
on the first part of the debriefing

BEREC 5G radar, as an extension to the BEREC Report on the impact of 5G on regulation

PFT WG Co-Chairs (PTS/ACM)
Bo Andersson, Bert Klaassens

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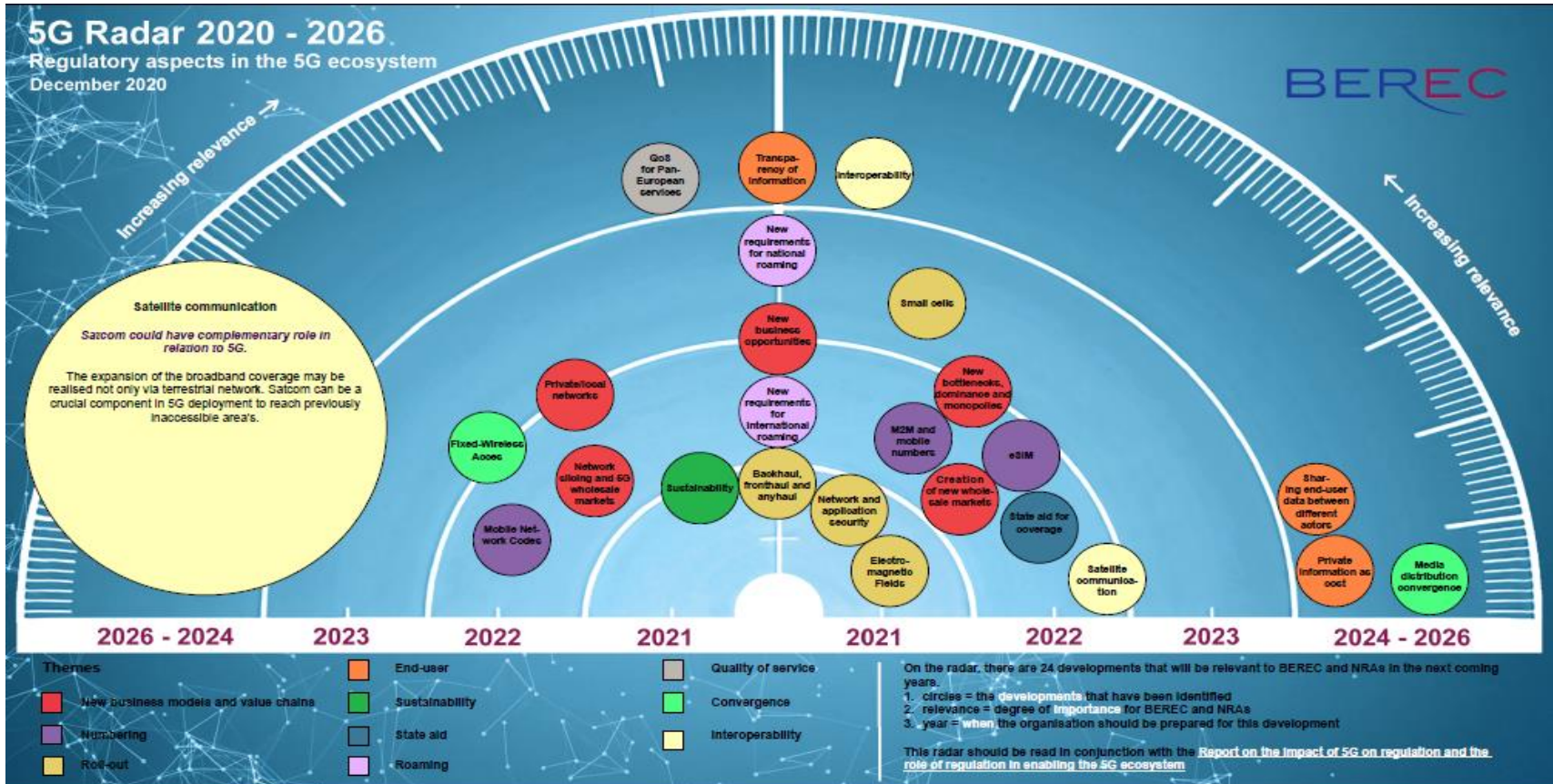for Electronic Communications
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- Mostly agreement on priorities with some arguments for earlier prioritisation.

- Stakeholders' appreciates BEREC's role in supporting the 5G deployment and fully agree with BEREC's view that 5G has a strategic priority to promote competition.

- One **additional topic** is added to the 5G Radar on satellite communication, making the 5G Radar illustration more comprehensive.

  – Satellite communications (space-to-earth and earth-to-space communications) are frequently associated with 5G connectivity use cases, and BEREC considers that there may be some benefit to adding it to the final radar.

5G Radar 2020 - 2026
Regulatory aspects in the 5G ecosystem
December 2020

- The 5G Radar is developed to help BEREC and NRAs to plan addressing requirements according to their occurrence and urgency.

  - Essentially the 5G Radar should be seen as a complement to the yearly Work Programme, to help BEREC and NRAs to plan ahead, further than 1 year WPs.

  - BEREC would like to emphasize that the 5G Radar does not show projects, but developments that lead to issues that may require regulatory attention.

- BEREC emphasizes that it values the input from stakeholders on issues related to 5G and therefore will continue asking for involvement.

  - For 2021 one possibility is in the public workshop planned for Q1/Q2.

BEREC response on the targeted public consultation on the evaluation of the state aid rules for the deployment of broadband networks

FNE WG Co-Chairs, (RTR/BNetzA)

Wilhelm Schramm, Björn Jonassen

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Published today by BEREC:

- BEREC response

Consultation of the European Commission

- Open from 08 September 2020 to 05 January 2021

- Questionnaire requests information on application of

  – 2013 Broadband State Aid Guidelines (BBSA GL)

  – 2014 General Block Exemption Regulation (GBER)

BEREC response

- BEREC adresses topics where NRAs have experiences in state aid rules and/or sector regulation

- Involvment of NRAs should be enhanced, because of experiences in/ relation to sector regulation and BCRD

- BEREC informs the Commission on relevant definitions (e.g. type of speed, VHCN)

- BEREC regards it as important that in principle a full set of access obligations is imposed and that conditions are consistent with other provisions

BoR (20) 227 Internal Report on the EU 5G Cybersecurity Toolbox SM05 and SM06

BoR (20) 228 Report on BEREC recent activities concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and strengthening national resilience)

Ad hoc 5G Cybersecurity WG (AKOS/EETT)
Katja Kmet-Vrčko, Vassiliki Gogou

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- To gather relevant information about SM05 and SM06, the ad hoc 5G Cybersecurity BEREC WG compiled 2 questionnaires for: NRAs and Mobile Network Operators (MNOs)

- Responses gathered during September and October 2020

- Also organised series of webinars with stakeholders – during September 2020 to have a deeper understanding of vendors/associations perception on SM05 and SM06 (Huawei, Ericsson, Nokia, ECTA, ETNO, O-Ran alliance, GSMA).

Two documents adopted:

- BoR (20) 227 Internal Report on the EU 5G Cybersecurity Toolbox SM05 and SM06

- BoR (20) 228 Report of BEREC recent activities concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and strengthening national resilience)

BoR (20) 227 Internal Report on the EU 5G Cybersecurity Toolbox SM05 and SM06

- BEREC explored:

- national competent authorities' perception of the 5G Toolbox SM05 and SM06

- the existing or planned national activities concerning the relevant legislation drafting for the implementation of the 5G Toolbox SM05 and SM06

- perception of the European Mobile Network Operators (MNOs) on SM05 and SM06

- the current situation about vendor- diversification of the technical equipment and software in the MNOs networks,

- the (present) MNO criteria for vendor 5G equipment selection.

- the open issues observed with this survey

- views of different vendors/associations which participated also in the webinars organised by BEREC WG during September 2020 – (Huawei, Ericsson, Nokia, ECTA, ETNO, O-Ran alliance, GSMA).

BoR (20) 228 Report of BEREC recent activities concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and strengthening national resilience)

- A summary of the main findings from the Internal Report.
- Planned publication on 18 December (TBD) and presented at BEREC-ENISA EC WS on 21 December.
- Anonymised data.
- Main observations presented.
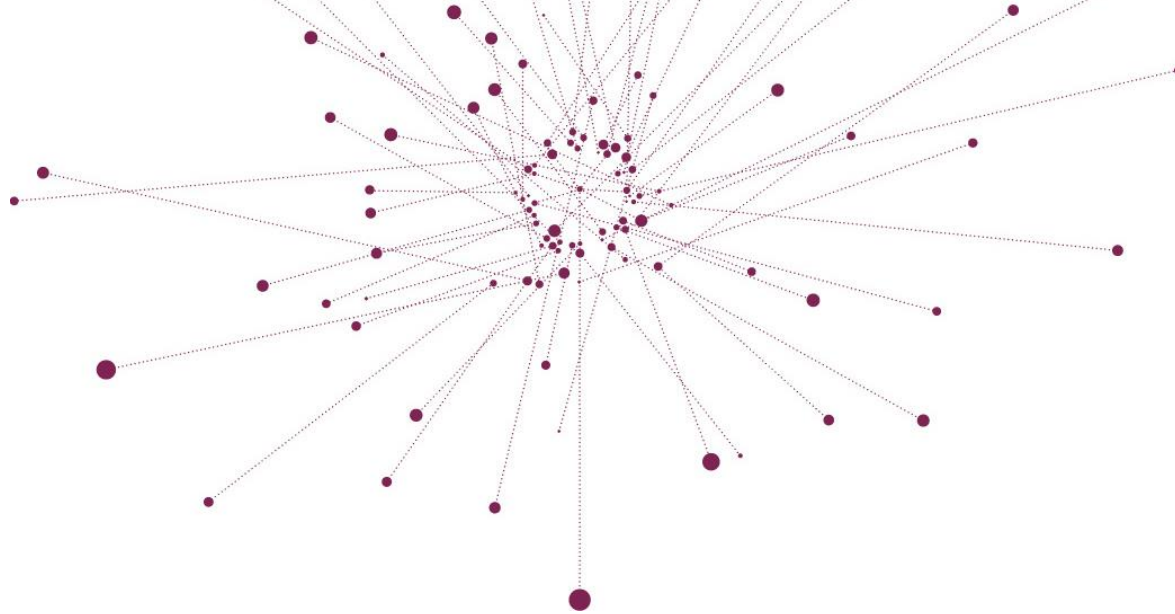- Open issues identified by the WG presented.

Important for BEREC to have a public version of the work done

- **BEREC** WG is planning a joint **virtual live-streamed event** with **ENISA** and **EC** - each presenting its own recent activities on:

- ➢ EU-wide 5G Cybersecurity toolbox implementation process (DG Connect)

- ➢ Implementation of the 5G Cybersecurity toolbox Technical Measures (ENISA)

- ➢ 5G Cybersecurity toolbox Strategic Measures 5 and 6 – a market and regulatory perspective (BEREC)

Date: **21 December 2020** (14.00 to 16.00 CET)

Questions & Answers session
on the second part of the debriefing

Thank you!

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