

Outcomes of BEREC Plenary meeting 27/28 May 2010

John Doherty, Chair

Brussels, 3 June 2010

Board of Regulators Meeting

Update from Chair

- BEREC Expert Working Group Structure
Decision adopted and will be published
11 working groups

Benchmarking	BEREC-RSPG Co-operation	Convergence and Economic Analysis
Framework Implementation	End-User	International Roaming
Net Neutrality	NGN	Remedies monitoring
Regulatory Accounting	Termination Rates	

Electronic Clearance procedures

3 clearance procedures since launch

- International Roaming BEREC Benchmark Data Report
- BEREC 2010 Work Programme
- BEREC response to Commission's questionnaire on US

Board of Regulators Meeting

2010 Work Programme Update

- **NGN Project Team**
 - Future Charging Mechanisms
 - Open Access
 - Opinion on draft NGA Recommendation
- **Framework Implementation Team**
- **Benchmarking Project Team**
- **Remedies Project Team**
- **End User Project Team**
 - USO
 - Switching

NGN Project Team

Future Charging Mechanisms

- Continues work previously published on IP I/C
- Includes response to consultation (ERG (09) 34)
- Document sets out the pros and cons of moving to an interconnection charging mechanism based on Bill and Keep
- Some merit in this, but a number of practical issues mean that it is not possible to recommend this as a Common Position
- BoR decision is to publish a common statement and the response to the consultation

NGN Project Team

Regulatory aspects of Open Access

- Project is to consider the regulatory aspect of open access, in the context of the recently published Community Guidelines on State Aid Rules and the rapid deployment of broadband networks in different contexts across Member States.
- Project is currently underway; oral update given to the meeting.
- BEREC Report due to be completed Q4 2010

NGN Project Team

BEREC Opinion on the draft NGA Rec

- April 28th - Opinion requested by Commission, to be delivered by May 31st.
- BEREC welcomes the many improvements in the new draft, particularly:
 - Deletion of Annex III and the relevant articles
 - Deletion of exemption of cost orientation in the “duopoly scenario”
 - Less prescriptive wording for the “non-SMP scenario”
 - Explicit recognition that symmetric measures are an option to complement SMP regulation

BEREC Opinion on the draft NGA Rec

Areas needing improvement

- Primacy of the Market Analysis Procedure enshrined in the Regulatory Framework
- Cost orientation
- Pricing flexibility
- Risk assessment
- Geographic de-averaging of prices
- Geographic variations

Framework Implementation Project Team

Access to BEREC/Office documents

- Guidelines setting out the transparency and access to documents produced by BEREC
- Decision taken by BoR to publish these guidelines

BEREC public consultation procedures

- Decision taken by BoR to consult on draft public consultation procedures

Status of ERG outputs in BEREC context

- Investigation ongoing to determine whether to “import” ERG outputs into a BEREC context or not

Benchmarking Project Team

MTR benchmark report

- Report sets out a collection of data supporting the calculation of benchmarks on a range of indicators
- Document approved for publication

Remedies Project Team

Symmetry of termination rates

- A draft Action Plan to ensure conformity with the ERG CP on symmetry of termination rates (ERG (07) 83) was put before the plenary meeting;
- Both fixed and mobile termination rates should move to a symmetric basis:
 - Subject to a reasonable transposition period
 - Derogation in respect of mobile termination, where unavoidable cost differences arise from spectrum endowment
- Current position:
 - Mobile: 10 NRAs fully symmetric, 12 partly symmetric, 8 asymmetric;
 - Fixed: 12 NRAs fully symmetric, 4 partly symmetric, 14 asymmetric.

End-User Project Team

Universal Service – reflections for the future

- Overview of the current status of the universal service system in BEREC countries
- Includes national plans for stimulating broadband and their relation to universal service.
- Provides baseline study to inform BEREC input to debate on future scope of USO

End-User Project Team

Best practices to facilitate switching

- Switching is a key indicator of consumer welfare and influences competition
 - Concerns among policy-makers and NRAs regarding ease of switching process and contractual issues
 - Framework Review - faster porting and tariff transparency provisions
- Key obstacles include
 - contractual issues,
 - lack of consumer information,
 - irresponsible selling and
 - technical issues

End-User Project Team

Best practices to facilitate switching

- Principles to support a positive consumer experience
 - Minimisation of unnecessary switching costs / barriers so that there is minimal effort on the part of the consumer in order to switch
 - Minimisation of instances of mis-selling / slamming and other unfair practices
 - Accurate, clear and accessible information on switching to be given to consumers, before, during and after the switching process
 - Publication of guidance by NRAs to ensure service providers comply with all obligations relating to national legislation and best practice principles
 - Support competition in retail markets
 - Cost efficiency of the switching process
- BoR approved publication of consultation

Management Committee plenary

Recruitment

- Recruitment of Administrative Manager
 - Mr. Ando Rehema was selected for appointment as the Administrative Manager
 - This process will continue with a hearing before the European Parliament after which the Parliament may issue a non-binding opinion.
- Recruitment of other staff – legal, HR, executive support officers
- Office administration
 - Staff implementing measures
 - Multi-annual staff policy plan
 - BEREC website – www.berec.europa.eu/

Documents approved for publication

Decision of the Board of regulators on BEREC expert working groups	BoR (10) 23
BEREC Common Statement on NGN Future charging mechanisms / long-term termination issues	BoR (10) 24 Rev1
Consultation report annexed to the Common Statement on NGN future charging mechanisms	BoR (10) 24b
BEREC Opinion to the draft recommendation on NGA	BoR (10) 25 Rev1
Decision of the Board of regulators on access to documents	BoR (10) 26
Decision of the Management Committee on access to documents	MC (10) 28
BEREC Report on Universal Service – Reflections for the future	BoR (10) 35
MTR Benchmark report	BoR (10) 30
BEREC action plan to achieve conformity with ERG Common position on symmetry of termination rates	BoR (10) 31
Draft BEREC report on best practices to facilitate switching (<u>for public consultation until 2 July</u>)	BoR (10) 34
BEREC consultation procedures (<u>for public consultation until 2 July</u>)	BoR (10) 27