

**BEREC 2013 Fourth Contact Network Meeting**  
*Hosted by Bundesnetzagentur (BNetzA)*

## **Conclusions**

**Chair**

**Dr Minas KARATZOGLOU**  
Head of Market and Competition  
Monitoring Department,  
Hellenic Telecommunications and  
Post Commission (EETT)

***14–15 November 2013, Berlin (Germany)***

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

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

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

- 1.1. Draft BoR Decision on BEREC Expert Working Groups (EWGs) (document No BEREC (13) 77);
- 1.2. Draft Project Requirements Definitions (PRDs) for the implementation of the BEREC 2014 Work Programme (WP);
- 1.3. Draft BEREC Termination Rates Benchmark Snapshot (as of July 2013);
- 1.4. Draft BEREC Mobile Termination Rates (MTR) Benchmark (as of July 2013) internal report;
- 1.5. Draft BEREC Short Message Service (SMS) benchmark (as of July 2013) internal report;
- 1.6. Draft BEREC report on transparency and comparability of different roaming tariffs.

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

##### 2.1. For approval for publication:

- Draft 2014 BEREC WP and draft Report on the outcome of the public consultation.

##### 2.2. For approval for public consultation:

- Revised Common Position on Geographic Aspects of Market Analysis.

##### 2.3. For approval for internal use:

- Revenue indicators in relation to bundled services.

##### 2.4. For consideration and agreement on the next steps:

- Treatment of requests for cooperation with stakeholders, including proposals for signing Memorandums of Understanding (MoUs) or any other documents for cooperation;
- Update of the work concerning the Ecorys study on markets subject to ex-ante regulation.

##### 2.5. For information:

- Oral overview of the recent developments on the Single Telecoms Market initiative;
- Work Programme 2013 status update;
- Report on the recent Article 7/7a Phase II cases.

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

The CN agreed to submit the following draft documents to the MC as regular items (with presentation and discussion):

1.1. For approval for publication:

- Draft BEREC Office Budget 2014.

1.2. For approval by electronic voting for submission to the European Court of Auditors (ECA), the European Parliament (EP) and the Commission:

- Draft reply by the MC to ECA's observations on the Final Account of the BEREC Office for 2012.

1.3. For guidance and decision on the way forward:

- Draft new Financial Regulation.

1.4. For consideration and information:

- Execution of the BEREC Office budget for 2013,
- Draft BEREC Intranet Concept Paper.

The CN also invited the BEREC Office Administrative Manager (AM) and the BEREC Office Task Force Chair to update the MC on the following issues:

- BEREC Office staff policy, including the Multi-annual staff policy plan for the period 2015–2017 and the new Staff Regulations,
- Outcome of the work of the Task Force.

## **III. Next meeting**

The next meeting of the CN will take place on **6 and 7 February 2013 in Latvia** and will be kindly hosted by the [Latvian Public Utilities Commission](#) (SPRK).

## Introduction and participation

The BEREC CN held its fourth meeting for 2013 on **14 and 15 November 2013 in Berlin, Germany**, kindly hosted by the German [Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway](#) (BNetzA).

The meeting was attended by 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

<b>Document(s)</b>	BEREC CN (13) 71 Draft BEREC CN Agenda
<b>Introduction by</b>	BEREC CN Chair
<b>Information presented</b>	<p>The Chair of the BEREC CN opened the meeting, presented the agenda for approval by the CN meeting and informed the CN about the following proposed changes:</p> <ul style="list-style-type: none"><li>- under agenda item 2, the Incoming Chair will present a short overview of the recent REGULATEL plenary meeting,</li><li>- the document under agenda item 15.2. is withdrawn and there will be only an oral update.</li></ul> <p>The agenda was adopted with the suggestions made.</p> <p>The meeting host presented practical information on the logistics of the meeting, including the social event.</p>
<b>Conclusions</b>	The CN approved the meeting agenda with the proposed changes.

## 2. Information by the Chair – oral update

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC CN Chair
<b>Information presented</b>	<p>The CN Chair gave a short overview of BEREC's achievements throughout the whole year. He reminded the meeting about the major contributions of BEREC to the improved regulatory environment, as follows:</p> <ul style="list-style-type: none"> <li>- the BEREC evaluation has just been concluded by the EP, which fully confirmed the value and the central role of BEREC,</li> <li>- BEREC presented its views and comments on the draft Commission Recommendation on non-discrimination and costing methodology, which was published by the Commission in September 2013,</li> <li>- BEREC has been very effective in responding to all Article 7/7a Phase II cases; in most cases, BEREC has confirmed the Commission's serious doubts but in a couple of cases BEREC has found out that the serious doubts of the Commission have not been justified, which clearly proves the value that BEREC can add to the regulatory process,</li> <li>- Following a request by Catherine Trautmann, MEP, BEREC provided its input to the EP report on the review of the Regulatory Framework; BEREC's input has been highly appreciated and was reflected in the final EP report,</li> <li>- BEREC has actively contributed to the Connected Continent Initiative in order to ensure that the outcome of the legislative process will be beneficial to the market and will not undermine regulatory achievements.</li> </ul> <p>The BEREC CN Chair also updated the meeting on the most important activities of the BEREC Chair and key meetings with EU institutions and stakeholders held since the last meeting.</p> <p>The Incoming CN Chair informed the meeting that REGULATEL had its 16<sup>th</sup> plenary meeting in Columbia. He informed the meeting that a BEREC delegation composed of representatives of PTS (heading the delegation), AGCOM, ANCOM and CNMC took part in the meeting.</p>
<b>Conclusions</b>	The CN took note of the information and decided to pass it on to the BoR.

### 3. BEREC WP for 2014

<b>Document(s)</b>	BEREC CN (13) 75 Draft BEREC report on the outcome of the public consultation of the draft WP 2014  BEREC CN (13) 76 Draft BEREC WP for 2014 – revised version after the public consultation
<b>Introduction by</b>	Incoming CN Chair (PTS)
<b>Information presented</b>	<p>The Incoming CN Chair presented the draft 2014 BEREC WP, revised after the public consultation, which was held during the period 1–25 October 2013, with a public hearing on 17 October 2013.</p> <p>He informed the meeting that, during the public consultation, BEREC received 24 contributions, which were summarised in the draft BEREC report on the outcome of the public consultation of the draft WP 2014. The draft report also explains how the opinions expressed during the consultation have been reflected in the draft 2014 BEREC WP. Most of the contributions received discussed the draft WP in substance and many of them suggested increasing the transparency of BEREC’s activities and methods of work. A minority of the contributions received commented on the Connected Continent Initiative.</p> <p>The draft WP and consultation report were presented to the CN for discussion with a view to their submission to the BoR for approval for publication and for submission to the EP, the Council of the EU and the Commission.</p>
<b>Conclusions</b>	The CN discussed the draft documents and was invited to submit written comments on them by 20 November 2013. Afterwards the documents will be redrafted and submitted to the BoR for approval for publication.

### 4. Expert Working Groups (EWGs) for the implementation of the BEREC 2014 WP

<b>Document(s)</b>	BEREC CN (13) 77 Draft Decision on the establishment of EWGs for the implementation of the 2014 BEREC WP and draft PRDs
<b>Introduction by</b>	Incoming CN Chair (PTS)
<b>Information presented</b>	<p>According to Article 11 of the BoR Rules of Procedure (RoP), the BoR may decide to create EWGs to assist with the performance of the tasks and functions of BEREC and request the Office to provide support. According to the same provision, the Chair of each EWG has to be designated by the BoR. In that respect, the Incoming CN Chair presented a draft BoR decision for nominating the Chairs of all EWGs.</p> <p>The CN was invited also to consider the draft PRDs for the EWGs to be</p>

	established by the draft BoR Decisions presented.
<b>Conclusions</b>	The CN took note of the draft Decision and the draft PRDs and decided to pass them on to the BoR for approval as an 'A' item.

## 5. Information by the BEREC Office

<b>Document(s)</b>	BEREC CN (13) 72 Contact lists pack BEREC CN (13) 73 WP 2013 status update BEREC CN (13) 74 Report on the recent Article 7/7a Phase II cases
<b>Introduction by</b>	Representative of the BEREC Office
<b>Information presented</b>	The BEREC Office presented the status of implementation of the 2013 BEREC WP and the conclusions of the recent Article 7/7a Phase II cases, which are presented in the seventh assessment report.  The report provides an overview of the participation of the NRAs in the Phase II EWGs. The information therein demonstrates that the participation of the NRAs remains relatively unbalanced; accordingly, the BEREC Office invited those NRAs that have not been actively contributing to the Article 7/7a Phase II case so far to consider a more active participation.
<b>Conclusions</b>	The CN took note of the presentations and decided to pass them on to the BoR for information.

## 6. Oral overview of recent developments on the Single Telecoms Market (STM) Initiative

<b>Document(s)</b>	No document
<b>Introduction by</b>	STM Ad Hoc EWG Chair (AGCOM)
<b>Information presented</b>	The Chair of the Ad Hoc EWG on the STM Initiative (Commission Proposal for a Regulation of the European Parliament and 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 <sup>1</sup> ) presented the status of BEREC's work on the proposed regulation, as follows:

<sup>1</sup> COM(2013) 627 final, Proposal for a Regulation of the European Parliament and the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending

	<p>During the Riga plenary meeting, the BoR established an Ad Hoc EWG to prepare the BEREC opinion on the proposed regulation. The Ad Hoc EWG started work immediately and on 17 October 2013, following approval by electronic voting procedure, BEREC published its views on the aforementioned proposal<sup>2</sup>.</p> <p>The BEREC opinion was sent to the European Council (EC) and key Members of the EP in order to contribute to the discussion held by the EC on 25 and 26 October 2013 and by the EP on 24 October 2013.</p> <p>The Ad Hoc EWG continues with the analyses of the proposal and follows closely the legislative process, mostly on the EP side, where the work has progressed more than in the Council of the EU.</p> <p>BEREC is ready to face any kind of request to provide the legislator with additional advice on specific issues.</p>
<b>Conclusions</b>	The CN took note of the presentation and decided to pass it on to the BoR for information.

## 7. Oral update on Framework Implementation (FI) working streams

<b>Document(s)</b>	No document
<b>Introduction by</b>	FI EWG Chair (AGCOM)
<b>Information presented</b>	<p>The FI EWG Chair made an oral update on the progress of the FI work streams. He informed the participants of the meeting that, following decisions of the 16<sup>th</sup> BEREC plenary meeting, the work on the review of the RoP has been frozen.</p> <p>The work on the authorisation regimes and, in particular, on the elaboration of a single notification model of the general authorisation will be renewed in compliance with the CN steering.</p> <p>The EWG Chair reminded the CN that on 19 November 2013 BEREC will organise a M2M workshop, a public event aimed at addressing any open questions on the regulatory side of the M2M communication services.</p> <p>Workshop speakers will include representatives from NRAs, Commission, manufacturing industry, operators, standardization organisations, academics and user groups who will present information on different aspects of emerging</p>

Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012, 11.9.2013; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0627:FIN:EN:PDF>

<sup>2</sup> BoR (13) 142, BEREC views on the proposal for a Regulation 'laying down measures to complete the European single market for electronic communications and to achieve a Connected Continent', 17.10.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/opinions/?doc=2922](http://berec.europa.eu/eng/document_register/subject_matter/berec/opinions/?doc=2922)



	M2M services and existing regulatory regimes, and their impact.
<b>Conclusions</b>	The CN took note of the information

## 8. International Roaming (IR)

### 8.1. BEREC IR compliance report

<b>Document(s)</b>	BEREC CN (13) 79 Draft BEREC report on transparency and comparability of different roaming tariffs
<b>Introduction by</b>	IR EWG Vice-chair (BNetzA)
<b>Information presented</b>	<p>The IR EWG Vice-chair presented the draft BEREC report on transparency and comparability of different roaming tariffs.</p> <p>The CN was informed that the report has been prepared in compliance with Article 19 (4) of the Roaming Regulation and it focuses on two key characteristics consumers look for when selecting tariffs for international roaming services, namely: <i>transparency</i> and <i>comparability</i>.</p> <p>The report was prepared on the basis of information gathered from the NRAs on customer complaints related to transparency issues, information provided by the operators on the transparency measures implemented by them and a survey carried out by BEREC IR EWG on the public availability of information. The EWG received the total of 27 replies from the NRAs and 113 replies from operators.</p> <p>The main findings indicate that, as most of the operators provide adequate information on the conditions and prices for each tariff on their websites and inform their customers about tariffs by sending out SMS or USSD (Unstructured Supplementary Service Data) messages, there are no major issues with <i>transparency</i>. BEREC identified only some operators not informing their customers on how services having specific tariff conditions are charged, for example, tariffs are limited in time and/or volumes are no longer valid, and/or customers are not notified when bundle traffic is exhausted (i.e. when different charge is applied).</p> <p>What concerns switching between tariffs, most providers offer this information on their website or through call centres.</p> <p>In general, providers supply information on the historical use of services, mainly through the bill. Some providers also provide e-bills and detailed information on their website and/or via specific applications. However, real-time roaming data is more challenging to provide, as it typically is based on the collaboration between the home network and the host network, and home network does not always have information on real-time consumption of all services. For those services where real-time information can be supplied</p>

directly (as it is the case for data services in most situations), the information is generally provided to the customer by the customer care service. Some providers use other methods such as showing service records in the customer area of their websites or using short codes to deliver the information to the customer on demand. Applications for smartphones and tablets are not commonly available, although some providers supply their customers with specific applications for this purpose, and there are applications available on the market for users of smartphones and tablets wanting to check their real-time consumption.

In general, there is room for improvement in this area, especially regarding the availability of applications for obtaining not only real-time data but also charges for data services.

With regard to the comparability of tariffs, the responses received show that there is a large variety of different types of tariffs, ranging from linear tariffs (such as the Eurotariff), to daily/weekly or monthly bundles of different services and specific tariffs where domestic prices are combined with different kinds of additional fees, most of them restricted only to the EEA area.

Furthermore, BEREC detected that information summarizing the features of each set of roaming tariffs offered by operators is very limited. Although some providers supply information and tips on how to estimate traffic consumption, apart from some cases, NRAs and consumer organizations generally do not provide tools helping customers estimate data traffic. As far as the operators are concerned, only some of them provide such tools on their websites, allowing customers to report estimated use of different internet services for a certain period, and providing as a result an estimation of the data traffic that will be used.

In the report BEREC identified the following areas for improvement:

- providing comprehensive overview, e.g. tables by operators (incl. both alternative tariffs and Eurotariff);
- enhancing existing graphic tools;
- notifying conditions of specific tariffs, e.g. prices or tariffs limited in time or volume;
- providing real-time information on usage by:
  - increasing supply of applications for smartphones and tablets;
  - setting up dedicated information on webpage pointing to such tools.
- providing more tools to estimate data traffic based on Internet services used.

BEREC will repeat this exercise each year to assess the evolution and advances in increasing the transparency and comparability of tariffs.

	<p>The IR EWG Vice-chair informed the CN that the IR EWG has started preparation of the 12<sup>th</sup> IR benchmarking report which covers the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2013 and will be submitted for approval by the 1<sup>st</sup> Plenary Meeting of 2014.</p> <p>The IR EWG Vice-chair also reported on the recent contacts with 3<sup>rd</sup> countries or 3<sup>rd</sup> country organisations on issues related to roaming.</p>
<b>Conclusions</b>	<p>The CN took note of the draft report and was requested to provide written proposal for rectification of the data, if needed. The draft report will be revised and will be submitted to the BoR for approval for publication as an “A” item.</p>

## 8.2. MoU with OMA (Open Mobile Alliance)

<b>Document(s)</b>	BEREC CN (13) 80 Draft MoU with OMA (Open Mobile Alliance)
<b>Introduction by</b>	IR EWG Vice-chair (BNetzA)
<b>Information presented</b>	<p>The IR EWG Vice-chair informed the CN that, following the fruitful cooperation established between BEREC and the Open Mobile Alliance (OMA) in relation to the implementation of the Roaming Regulation and the Commission Implementing Regulation (EU) No 1203/2012 on the separate sale of regulated retail roaming services within the Union, OMA has suggested to BEREC to sign a MoU for cooperation. The objective of the MoU is to enhance the exchange and sharing of relevant information, as well as to facilitate any future meetings related to the implementation of the decoupling measures.</p>
<b>Conclusions</b>	<p>The CN discussed the proposed signing of MoU with OMA and decided to take the general question to the BoR, asking how BEREC should treat various stakeholder requests for signing MoUs for cooperation.</p>

## 9. Convergence and Economic Analysis (CEA)

### 9.1. Update of the work concerning the Ecorys study on markets subject to ex-ante regulation

<b>Document(s)</b>	Oral update
<b>Introduction by</b>	CEA EWG Co-chair (ARCEP)
<b>Information presented</b>	<p>The CEA EWG Co-chair presented the views of the CEA EWG in relation to the final report ‘Future electronic communications markets subject to ex-ante regulation’ prepared by the Dutch company ECORYS and published on 10 October 2013 on <a href="https://ec.europa.eu/digital-agenda/news-redirect/12285">https://ec.europa.eu/digital-agenda/news-redirect/12285</a></p>

<b>Conclusions</b>	The CN took note of the issues related to the ECORYS study and decided to pass them on to the BoR for consideration and guidance.
--------------------	---

## 9.2. Review of the BEREC Common Position (CP) on geographic aspects of market analysis

<b>Document(s)</b>	BEREC CN (13) 81 Draft Review of BEREC CP on geographic aspects of market analysis (definition and remedies)
<b>Introduction by</b>	The CEA EWG Co-chair (ARCEP)
<b>Information presented</b>	<p>The CEA EWG Co-chair presented the revised draft CP on geographic aspects of market analysis.</p> <p>In her presentation she reminded that, in order to define under which circumstances a geographically-differentiated approach to market analysis (definition and remedies) could be deemed appropriate, in 2008 the ERG adopted a CP on geographic aspects of market analysis. Generally-speaking, the main ideas in relation to copper-driven competition that this document contains are still relevant and adequate. However, since 2008 there have been some major developments that have made BEREC consider whether or not there is a need to update that CP by reflecting the recent developments in the telecom section, including ones on the regulatory side.</p> <p>CEA has, therefore, undertaken a review of the 2008 CP, which, if approved by the BoR, will be published for public consultation. The review is developed by taking into account the following considerations:</p> <ol style="list-style-type: none"> <li>1. the key cases and market developments since the ERG's approval of the 2008 CP;</li> <li>2. the relevant indicators for assessing the necessity of undertaking a geographic analysis;</li> <li>3. the markets most likely to be affected by a geographical segmentation;</li> <li>4. the proposed analysis to assess geographical differences in the competitive situation;</li> <li>5. the implications of the upgrade of current networks on geographical analysis – Next Generation Access Networks (NGA);</li> <li>6. an SMP analysis and remedies differentiation;</li> <li>7. the Commission Recommendation on non-discrimination and costing methodologies.</li> </ol> <p>The EWG Chair reminded the CN that in 2014 the Commission will adopt a new list of markets subject to an <i>ex ante</i> regulation and may give new guidance on the way of integrating geographic aspects. Therefore, early</p>

	<p>adoption of a new Common Position implies that the document will become outdated even before it has been adopted. On the other hand, BEREC's guidance to NRAs in relation to geographic analysis of markets might be a valuable input.</p> <p>For that reason most NRAs believe that postponing the adoption of the revised CP would be a waste of useful information.</p>
<b>Conclusions</b>	The CN discussed the revised draft CP and decided to pass it on to the BoR for approval for public consultation.

## 10. Benchmarking (BMK)

### 10.1. Termination rates (TR)

<b>Document(s)</b>	<p>BEREC CN (13) 82 Draft BEREC mobile TR (MTR) benchmark internal report</p> <p>BEREC CN (13) 83 Draft BEREC SMSs TR benchmark internal report</p> <p>BEREC CN (13) 84 Draft BEREC TR snapshot report</p>
<b>Introduction by</b>	BMK EWG Chair (CNMC)
<b>Information presented</b>	<p>The BMK EWG presented the draft benchmarking reports on mobile and SMS TR as of July 2013, including a snapshot on TRs in Europe prepared jointly with the BEREC Office.</p> <p>The EWG Chair proposed submitting the reports for approval by the BoR as "A" items. However, he invited all NRAs to submit written proposals for rectification of the data contained in the report, if needed, by 20 November 2013.</p>
<b>Conclusions</b>	The CN took note of the draft documents and decided to submit them to the BoR for approval as "A" items.

### 10.2. Revenue indicators

<b>Document(s)</b>	BEREC CN (13) 85 Bundled service revenue indicators
<b>Introduction by</b>	BMK EWG Chair (CNMC)
<b>Information presented</b>	A representative of the BMK EWG Chair (CNMC) made a short overview of the internal BEREC report on the results of the work undertaken on revenue indicators of bundled services. It was pointed out that the revenue data and number of subscribers is the most wide-spread type of statistical data for analysing the development of the telecom sector. Such data is usually publicly available at national and international level and has recently been included in

	<p>the Commission's Digital Agenda (DA) Scoreboard. For that reason the Commission requires the NRAs to provide individual service categories' (ISCs) revenue data and has set general principles on how allocation of bundled revenues should be applied.</p> <p>However, for historical or other reasons, the NRAs do not use one and the same approach and/or methodology for gathering revenue data, and a large number of NRAs do not even provide guidance to their operators about how to perform bundle revenue allocation. There is, therefore, no guarantee that the Commission's principles and guidance will be or have been used in providing the data, which makes the ISCs data incompatible – both within the EU and internationally.</p> <p>With that in mind, the internal report contains the several short-term and middle term recommendations, which when implemented should lead to improvement of the quality of the statistical data gathered and published.</p>
<b>Conclusions</b>	The CN took note of the report and decided to pass it on to the BoR for approval as an internal document.

## 11. Oral update on recent BEREC International activities

<b>Document(s)</b>	No document
<b>Introduction by</b>	Representative of the BEREC Vice-Chair (RTR)
<b>Information presented</b>	<p>A representative of the BEREC Vice-Chair in charge of international relations (RTR) made an oral presentation on the outcome of the BEREC–EU study trip to Silicon Valley (USA) from 15 to 18 October 2013, which had as an objective obtaining information on the new technological development and market trends in the digital economy and exploring their future policy and regulatory implications for Europe.</p> <p>The representative of RTR informed the meeting that during the visit the BEREC delegation had the opportunity to meet senior officials of major global US players and academics and exchange with them informal views on issues such as the dynamics of new cloud-applications, investment opportunities, network monetisation strategies and big data analytics, together with competition, privacy and security aspects. In particular, the delegation met representatives of several US equipment manufacturers, software vendors, investors and academic institutions.</p>
<b>Conclusions</b>	The CN took note of the presentation and decided to pass it on to the BoR for information

## 12. Information from the Commission

<b>Document(s)</b>	No document
<b>Introduction by</b>	Commission representative
<b>Information presented</b>	The Commission informed that it has a legal obligation to start reviewing the scope of the universal service (US) next year and that the BEREC's input will be requested in that context. The Commission will send a questionnaire on the US to be filled in by BEREC early next year.
<b>Conclusions</b>	The CN took note of the presentation and decided to pass it on to the BoR for information

## 13. BEREC Intranet development

<b>Document(s)</b>	BEREC CN (13) 86 Draft technical specification for the tender for the BEREC collaboration and knowledge management platform
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM provided short overview of the recent development of the BEREC Intranet project, as follows:</p> <p>During the Riga Plenary, the MC approved the BEREC Intranet concept paper (MC (13) 64). The concept paper defined the overall goals and the main features and requirements of a future BEREC net. The paper defined the needs from a user perspective, including the functionalities, tools and features that members expected from a BEREC net.</p> <p>Based on the concept paper, the BEREC Office has drafted the first version of the technical specifications. The technical specifications focus on the functional and non-functional requirements and define different criticality levels for these requirements. The objective of the BEREC Office would be to procure a solution, which is ready available on the market.</p> <p>The next steps to follow will be to finalise the technical specification and the tender documentation with a view to launching the procurement procedure as soon as possible.</p>
<b>Conclusions</b>	The CN took note of the presentation and decided to forward it to the MC for information

## 14. BEREC Office budget and financial issues

### 14.1. Execution of the BEREC Office budget for 2013

<b>Document(s)</b>	BEREC CN (13) 87 Execution of the BEREC Office budget for 2013
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM provided a short overview of the execution of the BEREC Office budget for 2013 as per 31 October 2013.</p> <p>The update was based on budget lines and fund sources (C1 for 2013 and C8 for 2012) and provided additional information in percentages on the implementation level of each budget line, the amounts committed and paid, and the remaining budget for the rest of year by budget lines.</p> <p>Overall, by 31 October 2013 the BEREC Office spent 63% of its budget under Title 1, 41% under Title 2 and 52% under Title 3.</p>
<b>Conclusions</b>	The CN took note of the execution of the budget for 2013 and decided to forward the report to the MC for information.

### 14.2. BEREC Office budget for 2014

<b>Document(s)</b>	BEREC CN (13) 88 Draft Budget of the BEREC Office for 2014
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM presented the draft BEREC Office budget for 2014.</p> <p>He reminded the CN that in compliance with the requirement of Article 12 'Establishment of the budget' of the BEREC Regulation, the Preliminary Draft Budget for the BEREC Office for 2014 was approved by the MC during the Ljubljana Plenary on 8 March 2013. It was submitted to the Commission and to the Budgetary Authority in accordance with the EU legislation in place.</p> <p>The Budgetary Authority approves the overall budget (title 1 and title 2 together and title 3 separately), without going into the details on budget line level. The MC will therefore need to approve the 2014 budget at budget line level.</p> <p>The BEREC Office has been informed that the EP Budget Committee has approved the BEREC Office budget for 2014 as requested in the Preliminary Draft Budget for 2014: EUR 3 617 948. The approval of the Budgetary Authority is expected in November 2013, in time for MC approval in the beginning of December 2013. If there are any amendments to the proposed budget by the Budgetary Authority, the BEREC Office budget will have to be adjusted accordingly.</p> <p>The BEREC Office AM reminded the meeting that in 2013 the BEREC Office</p>



	<p>needed more financial resource for Title 3 and this, quite likely, will be the case also for 2014 due to the big forthcoming contracts (Ecodem and BERECnet) to be signed in the middle of the next year.</p> <p>The BEREC Office AM stated that the expenditure for Title 1, which is related to staff, has been stable and it will allow transferring part of the financial resources from Title 1 to Title 3.</p> <p>The BEREC Office AM made also an overview of the regular budgetary procedure.</p>
<b>Conclusions</b>	The CN discussed the draft and decided to submit it to the MC for approval for publication and implementation

### 14.3. New BEREC Office Financial Regulation and its implications

<b>Document(s)</b>	BEREC CN (13) 89 Draft BEREC Office Financial Regulation
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM provided a short overview of the proposed new Financial Regulation of the BEREC Office, as follows:</p> <p>At the end of 2012, the legislator and the Commission adopted the revised EU Financial Regulation<sup>3</sup> and its Rules of Application<sup>4</sup>, which entered into force on 1 January 2013.</p> <p>The revised Financial Regulation and its Rules of Application have brought changes mainly in terms of:</p> <ul style="list-style-type: none"> <li>- simplification, accountability: and- leverage:</li> </ul> <p>The BEREC Office is actively working on the draft with DG CONNECT and is trying to increase some of the thresholds for procurements and the deadlines for submitting the preliminary draft budget and the draft BEREC Office WP.</p> <p>The act has to be adopted by the MC by the end of 2013 in order to enter into force on 1 January 2014.</p>
<b>Conclusions</b>	The CN discussed the draft and decided to submit it to the MC for consideration.

<sup>3</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, *OJ L 298*, 26.10.2012, p. 1–96, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:01:EN:HTML>

<sup>4</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, *OJ L 362*, 31.12.2012, p. 1–11, 1 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:362:0001:01:EN:HTML>

#### 14.4. Reply by the Management Committee to the observations of the European Court of Auditors (ECA) on the Final Accounts of the BEREC Office for 2012

<b>Document(s)</b>	<p>MC (13) 69 ECA's Report on the annual accounts of the BEREC Office for the financial year 2012 together with the Office's replies</p> <p>BEREC CN (13) 93 Revised MC reply to the observations of the European Court of Auditors on the BEREC Office annual accounts for 2012</p> <p>BEREC CN (13) 94 Updated status of actions related to ECA observations</p>
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM informed the CN that according the provisions of Article 13(9) of the BEREC Regulation, the MC has to reply to the ECA's observations by 15 October. In that respect, during the Riga plenary, the BEREC Office MC approved a draft opinion based on the preliminary report from the ECA which could be deemed final, should the final Report of ECA does not deviate from the preliminary one. In order to comply with the deadline envisaged by the BEREC Regulation, the BEREC Office provided the ECA with the MC preliminary reply on 15 October 2013, clearly indicating in the cover letter that subject to the text of the final report the MC reply may change.</p> <p>The BEREC Office received ECA's final report only on the 6 November 2013.. The final ECA report deviates a little from the preliminary one, on the basis of which was prepared the draft MC opinion. The changes are minor and not in substance but will require revising the MC opinion due to the fact that the comments were re-grouped and their numbering was changed.</p> <p>In that respect the BEREC Office AM presented a revised MC opinion and revised action plan for overcoming the areas of concerns identified by the ECA.</p> <p>As the deadline for submission of the MC opinion to the ECA, EP and EC was 15 October 2013, the CN was requested to decide on the procedure for adopting the revised MC opinion: by e-clearance (with a view to speeding up the submission of the opinion) or by the next plenary meeting.</p>
<b>Conclusions</b>	The CN discussed the draft MC reply and to decide to submit it to the MC for approval by electronic voting.

## 15. BEREC Office Staff Policy

### 15.1. Multi-annual Staff Policy Plan (MSPP) for 2015-2017 – oral update

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM informed the CN that in compliance with Article 27(4) of the BEREC Office Financial Regulation, the BEREC Office has to send to the Commission and the Budgetary Authority by 31 March each year at the latest its updated MSPP, established in line with the guidelines set by the Commission.</p> <p>According to the practice established by the Commission Services, the draft MSPP has to be presented to the parent DG and DG HR by the end of January for preliminary review and comments in order to be finalised for formal transmission to the Commission and the Budgetary Authority by the end of March.</p> <p>That requires approval of the first draft either by the December plenary or by written procedure.</p> <p>Because of the recent changes in the Staff Regulations, the Commission has just circulated its guidelines for preparation of the MSPP and for that reason the BEREC Office has not been able to deliver the document for the CN. Due to the expected changes in the Staff Regulation, the BEREC Office will not be able to submit the document to the plenary either and therefore the MC will need to approve it by electronic voting procedure in the beginning of 2014.</p>
<b>Conclusions</b>	The CN took note of the information and decided to pass it on to the MC as part of the presentation dedicated to the BEREC Office staff policy.

### 15.2. Amendment to Decision MC (10) 38 on the delegation of staff powers to the Administrative Manager of the BEREC Office

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM informed the CN that in 2010 the BEREC Office MC Vice-Chair in charge of HR delegated some of the staff powers conferred on him by Article 10(3) of the BEREC Regulation to the BEREC Office AM (mainly on issues related to leaves, ethics, gifts, harassment and disclosing of information in legal proceedings).</p> <p>On many occasions, the MC has raised the issue of delegating more staff powers to the AM. In that respect, the BEREC Office in cooperation with DG CONNECT is preparing a revised version of the 2010 decision on the</p>

	<p>delegation of staff powers.</p> <p>The BEREC Office Legal Officer has made analysis which of the powers of the Vice-chair could be delegated to the AM but as this issue requires further consultations in relation to the expected amendments to the Staff Regulations, the submission of the amended draft will be postponed for the first plenary in 2014.</p>
<b>Conclusions</b>	The CN took note of the information and decided not to pass the subject to the MC at this point of time

### 15.3. New Staff Implementing Rules based on the modifications to the Staff Regulations and to be applied by analogy – oral update

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM informed the CN that on 1 January 2014 the new Staff Regulations will enter into force, which will require revision of the staff implementing rules. The MC will need to repeal all decisions introducing staff implementing rules and to adopt the new ones.</p> <p>In compliance with Article 10(2) of the BEREC Regulation, the MC has to adopt the necessary implementing measures in agreement with the Commission. For that reason, once adopted, the draft staff implementing rules have to be submitted to the Commission to obtain its agreement and only afterwards the measures can be adopted by the MC for implementation.</p> <p>However, as the new implementing rules have not been prepared by the Commission yet, there might be a need to submit them for approval by the MC by electronic voting procedure.</p>
<b>Conclusions</b>	The CN took note of the information and decided to pass it on to the MC.

### 15.4. Recent developments in the BEREC Office staff policy

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM made a short overview of the recent developments in BEREC Office staff policy. He emphasised 2 major issues:</p> <ul style="list-style-type: none"> <li>– the increasing workload for staff, which is in contradiction with the expected staff cuts;</li> </ul>

	<p>– the difficulty in hiring Seconded National Experts.</p> <p>The BEREC Office AM also informed the CN that the post of the Head of Programme Management will be vacant as per 16 January 2014 and asked the CN for further guidance.</p>
<b>Conclusions</b>	The CN discussed the issues related to the BEREC Office staff policy and decided to submit it to the MC.

### 15.5. Oral update on reimbursement of additional schooling costs to the BEREC Office staff

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Office AM Commission representative
<b>Information presented</b>	<p>The BEREC Office AM updated the CN on the issues related to the reimbursement of additional schooling costs to the BEREC Office staff.</p> <p>The Commission informed the CN that DG CONNECT will meet DG Budget and DG HR in order to clarify the issue and will report back on the outcome of the meeting during the forthcoming MC meeting.</p>
<b>Conclusions</b>	The CN took note of the information and asked the Commission input on this. When such input is available, the topic will be passed on to the MC for information and guidance.

### 16. Oral update on the recruitment of the BEREC Office AM

<b>Document(s)</b>	No document
<b>Introduction</b>	Incoming CN Chair (PTS)
<b>Information presented</b>	<p>The Incoming CN Chair, on behalf of the BEREC Vice-chair in charge of HR (PTS), presented information on the status of the recruitment of the BEREC Office AM, as follows:</p> <p>On 6 August 2013 the BEREC Office published in the Official Journal (OJ) a vacancy notice for the post of the AM, available <a href="#">here</a>.</p> <p>The deadline for the submission of applications was 19 September 2013 and applicants were requested to submit their applications to the Commission's Services (DG CONNECT).</p> <p>The MC nominated the members and alternate members of the Selection</p>

	<p>Committee by Decision <a href="#">MC/2013/7</a>, which was approved by electronic voting procedure.</p> <p>The Selection Committee will suggest 3 or 4 shortlisted candidates to be interviewed by the MC on 6 December 2013.</p> <p>The selected candidate will be interviewed also by the EP.</p>
<b>Conclusions</b>	The CN took note of the information

## 17. Oral update from the BEREC Office Task Force

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Office Task Force Chair (PTS)
<b>Information presented</b>	<p>The BEREC Office Task Force Chair informed the CN that the Task Force, established for improving the functioning of the BEREC Office, has had two meetings so far. The last meeting has been scheduled for December 2013. The final report of the work done by the Task Force will be presented during the first plenary meeting in 2014.</p> <p>The Task Force Chair mentioned also the specific areas examined during the last meeting, such as procurement, recruitment, budget planning and execution, communications activities and IT policy.</p>
<b>Conclusions</b>	The CN took note of the information and decided to pass it on to the MC

## 18. AOB

### 18.1. Next BoR and MC Meeting (Budapest, 5-6 December 2013)

<b>Document(s)</b>	<p>BEREC CN (13) 91 Draft agenda of the 17<sup>th</sup> meeting of the BoR</p> <p>BEREC CN (13) 92 Draft Agenda of the 17<sup>th</sup> meeting of the MC</p>
<b>Introduction by</b>	<p>BEREC CN Chair</p> <p>Representative of the meeting host (NMHH)</p>
<b>Information presented</b>	<p>The CN Chair presented the draft agendas and made a proposal for submitting several documents as "A" items to the BoR, as identified earlier by the meeting. The draft agendas will be adjusted in compliance with the decision taken during the meeting.</p> <p>NMHH provided brief information on the logistics for the meeting. The CN was informed that the next plenary meeting will be preceded by a Conference on the investment in the telecom sector organised by NMHH and invited all</p>

	interested CN members to join the Conference.
<b>Conclusions</b>	The CN took note of the information presented

### **18.2. Information by SPRK on the next CN meeting (6–7 February 2014, Latvia)**

<b>Document(s)</b>	No document
<b>Introduction by</b>	Representative of the meeting host (SPRK)
<b>Information presented</b>	SPRK presented information on the next CN meeting to take place on 6 and 7 February 2014 in Latvia.
<b>Conclusion</b>	The CN took note of the information

---

## Contents

Main results of the fourth meeting of the BEREC Contact Network (CN) in 2013 .....	2
Introduction and participation .....	4
Items Discussed.....	4
1. Opening of the meeting and adoption of the agenda.....	4
2. Information by the Chair – oral update .....	5
3. BEREC WP for 2014.....	6
4. Expert Working Groups (EWGs) for the implementation of the BEREC 2014 WP .....	6
5. Information by the BEREC Office.....	7
6. Oral overview of recent developments on the Single Telecoms Market (STM) Initiative .....	7
7. Oral update on Framework Implementation (FI) working streams .....	8
8. International Roaming (IR) .....	9
8.1. BEREC IR compliance report.....	9
8.2. MoU with OMA (Open Mobile Alliance) .....	11
9. Convergence and Economic Analysis (CEA) .....	11
9.1. Update of the work concerning the Ecorys study on markets subject to ex-ante .....	11
9.2. Review of the BEREC Common Position (CP) on geographic aspects of market analysis	
12	
10. Benchmarking (BMK) .....	13
10.1. Termination rates (TR) .....	13
10.2. Revenue indicators.....	13
11. Oral update on recent BEREC International activities.....	14
12. Information from the Commission.....	15
13. BEREC Intranet development.....	15
14. BEREC Office budget and financial issues .....	16
14.1. Execution of the BEREC Office budget for 2013 .....	16
14.2. BEREC Office budget for 2014.....	16
14.3. New BEREC Office Financial Regulation and its implications.....	17
14.4. Reply by the Management Committee to the observations of the European Court of Auditors (ECA) on the Final Accounts of the BEREC Office for 2012 .....	18



<b>15.</b>	<b>BEREC Office Staff Policy.....</b>	<b>19</b>
15.1.	Multi-annual Staff Policy Plan (MSPP) for 2015-2017 – oral update .....	19
15.2.	Amendment to Decision MC (10) 38 on the delegation of staff powers to the Administrative Manager of the BEREC Office.....	19
15.3.	New Staff Implementing Rules based on the modifications to the Staff Regulations and to be applied by analogy – oral update .....	20
15.4.	Recent developments in the BEREC Office staff policy .....	20
15.5.	Oral update on reimbursement of additional schooling costs to the BEREC Office staff 21	
<b>16.</b>	<b>Oral update on the recruitment of the BEREC Office AM.....</b>	<b>21</b>
<b>17.</b>	<b>Oral update from the BEREC Office Task Force.....</b>	<b>22</b>
<b>18.</b>	<b>AOB .....</b>	<b>22</b>
18.1.	Next BoR and MC Meeting (Budapest, 5-6 December 2013) .....	22
18.2.	Information by SPRK on the next CN meeting (6–7 February 2014, Latvia) .....	23