

**1<sup>st</sup> BEREC Stakeholder Forum Meeting**  
Hosted by SPRK, in cooperation with the BEREC Office

**Summary**  
**of the Outcomes of the 1<sup>st</sup> BEREC Stakeholder Forum Meeting**

**Chair:** **Dr Leonidas KANELLOS**  
President of the Hellenic Telecommunications and  
Post Commission (EETT)

*25 September 2013, Riga (Latvia)*

## Introduction and participation

On 25 September 2013 BEREC hosted the 1<sup>st</sup> Riga meeting of the BEREC Stakeholder Forum with a view of strengthening the dialogue on issues of strategic importance between BEREC and the relevant stakeholders. This meeting was organised based on decision of the Board of Regulators of May 2013.

The BEREC Stakeholder Forum has been established with a view of providing direct interactive platform for discussion between BEREC and its stakeholders. This platform supports the traditional consultation process taking place before the adoption of the BEREC documents.

In that respect, the first meeting was attended by high-level representatives of the stakeholder associations at European level active in the fields of competence of BEREC and the National Regulatory Authorities (NRAs) primarily responsible for overseeing the day-to-day operation of the markets for electronic communications networks and services established in the EU member states, the EFTA states and the states that are candidates for accession to the EU and the European Commission. The list of organisations present at the 1<sup>st</sup> BEREC Stakeholder meeting is provided in Annex I.

The focus of the 1<sup>st</sup> meeting was strategic issues related to the medium and long term vision and challenges for the electronic communications markets in Europe and consumer protection. Meeting agenda is presented in document [BoR \(13\) 98 rev. 1](#)<sup>1</sup>, available on the BEREC website.

The first BEREC Stakeholder Forum meeting was held not long after the submission of the Connected Continent package<sup>2</sup> by the Commission, approved on 11 September 2013, which initiated a vivid discussion and a lot of comments on the proposed ideas and documents included in the specific proposal. The Commission also took this opportunity to present the package as a whole and emphasise, in particular, the net neutrality provisions included in the proposed Regulation on the Single Telecommunications Market.

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<sup>1</sup> BoR (13) 98 rev. 1, Draft Agenda for the 1st BEREC Stakeholder Forum Meeting, 25 September 2013, Riga, 24.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1476-draft-agenda-for-the-1st-berec-stakeholder-forum-meeting-25-september-2013-riga](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1476-draft-agenda-for-the-1st-berec-stakeholder-forum-meeting-25-september-2013-riga)

<sup>2</sup> The Connected Continent package comprised of the following documents:

- COM(2013) 634; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Telecommunications Single Market, 11.09.2013; <https://ec.europa.eu/digital-agenda/en/news/communication-commission-european-parliament-council-european-economic-and-social-committee-a-0>
- 2013/466/EU, Recommendation of 11.9.2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment, 21.09.2013; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:251:0013:0032:EN:PDF>
- 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 Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012, 11.09.2013; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0627:FIN:EN:PDF>
- Impact assessment - Connected Continent; 11.09.2013, <https://ec.europa.eu/digital-agenda/en/news/impact-assessment-connected-continent>

During the discussion, all speakers agreed that strengthening competition, encouraging the necessary investments in order to meet market demands, while at the same time protecting consumers effectively should be the main medium and long-term objectives of the telecom regulation and it would form an important part of the objective of forming the single market.

However, the representatives of different stakeholders had different views on how these objectives are to be achieved. Some of them called for a more harmonised approach to regulation, including abolishment of all geographically-determined charges, while others were convinced that these objectives could be achieved via more market-driven regulation and stimulating the demand side. Nevertheless, all stakeholders agreed that the regulatory approaches to be applied to similar markets should be harmonised throughout the EU.

Finally, all stakeholders present were of the opinion that the BEREC Stakeholder forum provides a useful platform for exchange of views in an open and transparent manner and, therefore, BEREC was requested to continue this new initiative in future.

## Items discussed

### 1. Opening remarks

The meeting was opened by **Dr Leonidas Kanellos, BEREC Chair 2013**, who focused his speech on the following three main topics:

- Objectives of the Stakeholder Forum;
- BEREC strategy;
- Preparation of the BEREC Work Programme for 2014.

BEREC Chair opened the 1<sup>st</sup> BEREC Stakeholder Forum meeting.

In his opening statement, Dr Kanellos welcomed and thanked all participants for their readiness to contribute in the exchange of views between BEREC and the relevant stakeholders on topics related to the challenges the European market for electronic communications is facing.

BEREC is committed to continue working with the stakeholders in a transparent and inclusive manner. In fact this initiative has been established in order to explicitly address the stakeholder need for a direct and interactive dialogue, which would go beyond the scope of the traditional and formal consultation processes.

In this direction the purpose of the BEREC Stakeholder Forum is threefold:

- Firstly, to inform the sector stakeholders about BEREC strategy, activities and positions;

- Secondly, to obtain real time feedback and input from stakeholders regarding BEREC's current and future areas of work;
- Thirdly, to provide a permanent platform for convenient exchange of views with BEREC and between stakeholders themselves. This exchange would also provide valuable conclusions that may be fed into the broader regulatory agenda.

BEREC is convinced that such dialogue should concentrate on strategic issues. Therefore, stakeholders should present a concise and structured account of their views on the deployment of high-speed broadband (fixed and mobile), ideas about investment incentives for infrastructure and service development, quality of services and consumer protection, as well as medium and long-term actions that could promote a mutually-beneficial and interactive dialogue.

The outcomes of this discussion would feed into the strategic work of BEREC, as reflected in its medium term Strategy, under review at the time of the meeting. In BEREC's view, the three pillars of its work remain valid:

- Infrastructure – boosting the roll-out of NGA;
- Consumers – boosting information society/consumer empowerment and protection;
- Services – boosting the internal digital market and creation of new jobs for the entire European economy.

Moreover, the revised strategy will confirm BEREC's commitment to contribute to the review of the EU Telecom Regulatory Framework and the legislative process on the Commission proposal for a European Single Market Regulation.

In parallel, BEREC is working on the preparation of the BEREC 2014 WP, which will be published for public consultation.

BEREC's work will inevitably focus on the forthcoming Framework review and Single Market Initiative and, therefore, BEREC will keep high on its agenda several key issues, such as: roaming, spectrum, net neutrality, monitoring key access products for NGA and support to end users with disabilities.

BEREC will also focus on measuring the impact of relevant regulatory changes on the market, as well as the monitoring of the use of the concept "Equivalence of Input" with regard to the incumbent operators.

BEREC believes that the electronic communications market needs to be approached as an integrated ecosystem where cooperation should coexist with competition between operators and which could be defined by the neologism “coopertition”<sup>3</sup>.

In that respect the 1<sup>st</sup> Stakeholder Forum meeting will focus on the practical measures which could lead to the achievement of these objectives and, therefore, the discussion will be structured around the following main sessions:

1. The electronic communications markets in Europe – the medium and long-term vision and challenges;
2. Quality of services and transparency - the consumer perspective on use of broadband.

## **2. The electronic communications markets in Europe - the vision and challenges for the medium and long term**

The 1<sup>st</sup> main session was moderated by Mr Göran Marby, BEREC Vice-Chair 2013 and Incoming BEREC Chair for 2014.

During this session the following key topics were discussed:

- Strategic aspects of the European telco market (new technologies, market players, market structures).
- Future business models (netco, service provider, integrated provider, convergence fixed-mobile-content).
- Competition - investment - innovation: triad or dissonance?
- Consumer role in a multi-network and multi-screen ecosystem.
- Strategic perspectives of regulation.
- What are the expectations towards BEREC and NRA?

### **Keynote speech by Professor Pier Luigi Parcu, Florence School of Regulation Communications and Media**

The session was opened by a keynote presentation of Prof. Pier Luigi Parcu, Florence School of Regulation Communications and Media<sup>4</sup> ([available](#) on the BEREC website).

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<sup>3</sup> "coopertition" or "co-opertition" is a neologism coined to describe cooperative competition.

<sup>4</sup> BoR (13) 128, The electronic communications Markets in Europe – the vision and challenges for the medium and long term, keynote presentation by Prof. Pier Luigi Parcu, Director, Area Communications & Media at the Florence School of Regulation, European University Institute 25.09.2013 [http://bereg.europa.eu/eng/document\\_register/subject\\_matter/bereg/others/1493-the-electronic-communications-markets-in-europe-8211-the-vision-and-challenges-for-the-medium-and-long-term](http://bereg.europa.eu/eng/document_register/subject_matter/bereg/others/1493-the-electronic-communications-markets-in-europe-8211-the-vision-and-challenges-for-the-medium-and-long-term)

In his speech Prof. Parcu analysed the challenges faced by the electronic communication markets in Europe and the impact of the European Regulatory Framework on the single market.

Following the review, Prof. Parcu emphasized that the regulation in Europe is a success story due to the following reasons:

- It has created a competitive environment out of a history of monopolies in the fixed lines;
- It has opened the way for a competitive and highly-successful mobile industry;
- It has given way to the Internet revolution for the benefit of the European consumers and industries;
- It has created a harmonized level playing field for the electronic communications industry throughout Europe.

At the same time Prof. Parcu thinks that the electronic communications sector in Europe faces the following new challenges:

- The transition to NGN is slower than expected and desired;
- There are fears of a spectrum crunch in the future;
- The Internet is bringing profits mostly to US companies;
- The Single Market appears to be a tough target and most markets remain national.

Prof. Parcu concluded by emphasizing that not all problems listed above are regulatory and/or should be solved through regulation. Therefore, in some cases, there is a need for a different approach than the one already in use; however, the key objective of the future European regulation should be to achieve greater harmonization.

#### - **Stakeholders' Views**

BEREC invited the European Commission and several stakeholder organisations participating in the 1<sup>st</sup> BEREC Stakeholder Forum and representing different interest groups to present their views on the medium and long-term vision and challenges of the electronic communications markets in Europe. The following stakeholder organisation made interventions during this session:

[Bureau européen des unions de consommateurs](#) (BEUC) - the European Consumer Organisation;

[International Telecommunications Users Group](#) (INTUG);

[European Telecommunications Network Operators' Association](#) (ETNO);

[European Competitive Telecommunications Association](#) (ECTA);

[European Association of Full MVNOs](#) (EAFM);

[European association of Internet Services Providers Associations](#) (EuroISPA);

[Voice on the Net Coalition Europe](#) (VON Europe);

[GSM Association](#) (GSMA);

[European Telecommunications Standards Institute](#) (ETSI);

[European Satellite Operators' Association](#) (ESOA);

[Cable Europe](#);

[European Broadcasting Union](#) (EBU).

**The key messages conveyed during the first session of the first meeting of the BEREC Stakeholder Forum (in order of presenting) are the following:**

**1. Anthony Whelan, European Commission/DG Connect**

The Commission representative focused his presentation on the recently adopted “Connected Content” package, which presents the Commission’s medium and long-term vision for the telecommunication sector in Europe. Participants were informed that the above package would build upon all benefits of the single market under the current regulatory framework. The implementation of the package should result in fewer administrative barriers for cross-border expansion of companies in the sector; greater convergence of regulatory inputs (both fixed and mobile); more common sector-specific business conditions, although the measures will not affect the non-sector specific business costs, such as labour and social security payment, taxes, etc. in different countries; reducing the geographically-determined rates (such as roaming and "international" (intra-EU) call rates); establishing more competitive and business dynamism both at wholesale and retail markets, built on the basis of all these factors; more open Internet provision, as the key product of the sector in years to come by virtue of that intervention; and a more collaborative, strategic governance on the regulatory side, although still working with the ex-ante regulatory model and spectrum regulation we know.

As a result of the application of the proposed measures, the Commission expects to see a more integrated network and service planning/provision across countries in both the fixed and mobile sector. Even within sectors which have undergone significant consolidation, the Commission would expect enhancing a greater de-facto consolidation, greater use of the “nomadic play” by provision of wireless extension service to fixed networks, which will have

real consequences for industry models, etc. The drivers for this may be telcos but also other drivers, such as community based Wi-Fi and so on, which need to be taken into account.

We will see a decisive transition of industry towards a connectivity model based on plenty, with completely open Internet where everything is available and where the freedom to consume on generous terms is the major driver for take-up, and where there are guarantees for the quality of certain types of services.

The Commission believes that in near future it would be likely to see efficiencies of scale, which could become a competitive advantage and could be shared with consumers, and the Commission is willing to enable them, but not to force. Greater scale should lead to greater variety. And there is still room for nimble, more localised, focused players who could cater to local/national needs.

Following the presentation of the main features of the Commission Connected Continent package, the Commission presented its views on how regulation should react to such changes.

According to the Commission the increase of competition will lead to decrease of the regulatory burden built upon the currently perceived bottlenecks in the sector. The regulators will need to keep a focus on the choices in term of prices and quality available at retail level, which has to be the benchmark for the need for regulatory intervention. The regulators will need to constantly monitor the market evolution, which should determine the scope and level of regulation. In that respect, the recent Commission Communication has identified at least 2 fields which may need closer monitoring, namely: the level playing field between the rules that apply to "over-the-top" online services compared to telecoms services and emerging issues around convergence between audio-visual and telecommunication services and markets.

Finally, the Commission in its expose emphasised that it should be always the market that should pull the regulation, rather than vice-versa and competition should be the main policy tool for driving infrastructure development and innovation.

## **2. Guillermo Beltrà, BEUC**

The representative of BEUC expressed the opinion that telecommunications markets have been delivering under vibrant competition in most of the EU Members States. Nevertheless, a lot of consumers have been dissatisfied with the offered services due to switching problems, unfair practices and abusive contracts, excessive pricing, including roaming charges, and low quality.



For that reason BEUC is generally satisfied with the new Commission proposal for a regulation on the Single Telecommunication Market in Europe, which has the right intent – to improve consumer protection. However, the organisation is concerned that it may lead to distortion of competition, preventing citizens from full implementation of their rights due to the complexity of proposed regulation or increase of domestic charges in order to compensate the reduction of cross-border charges.

Furthermore, the organisation is of the opinion that the proposed legislation does not foresee effective measures to bridge the gap between conditions advertised and provided, in particular as far as the broadband access speed is concerned. The proposals concerning net neutrality would have practical implications for the consumers.

### **3. Danielle Jacobs, INTUG** (the [presentation](#) is available on the BEREC website<sup>5</sup>)

The representative of INTUG pointed out that business services market has different features compared to consumer market and, therefore, requires special attention. While consumers prefer to have short term contracts, easy switching conditions, etc., businesses prefer to have greater predictability and prefer to establish longer-term contracts with one and the same operator. Therefore, in INTUG's view, business services market requires separate regulatory treatment.

As far as mobile communications are concerned, from business user perspective the EU market is very fragmented and it requires business operators to conclude numerous contracts for each country in which they operate. INTUG believes that the proposed spectrum harmonisation will ensure better conditions for innovation and will give business users pan-European offers.

As far as roaming is concerned, INTUG called upon BEREC to take a lead role in international or regional organisations, such as: ITU, REGULATEL and other, with a view to decreasing roaming charges outside the EU.

INTUG also sees the current fragmented data retention and privacy rules as an obstacle to development of efficient business telecommunication services and in particular to cloud computing. It encouraged BEREC to tackle these issues.

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<sup>5</sup> BoR (13) 129, The electronic communications markets in Europe – business users' perspective, 25.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1488-the-electronic-communications-markets-in-europe-8211-business-users8217-perspective](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1488-the-electronic-communications-markets-in-europe-8211-business-users8217-perspective)

#### **4. Daniel Pataki, ETNO**

ETNO's representative agreed with the views expressed by the Commission in its recent Communication, Europe is lagging behind other regions in the development of its telecommunication sector and there is a need to do something about it. A change of ETNO's views is needed as European investments in telecommunications infrastructure have been steadily declining over the last 5 years and ETNO invited BEREC to be part of that change.

ETNO's representative was of the opinion that there is a regulatory bottleneck caused by the regulatory fragmentation and the lack of harmonisation, and for that reason the next steps to be undertaken by BEREC are very important for ETNO members. At the same time, ETNO recognised that the policy objectives should focus not only on the regulation, but also on stimulating the demand side as the better return could be the main driver for investment.

#### **5. Erzsebet Fitori, ECTA**

The representative of ECTA stated that completing the internal market is an important objective for driving growth. Nowadays telecommunication connectivity has become a basic utility for both consumers and businesses, which can be provided only through a vibrantly competitive telecoms market based on more effective and consistent access regulation and enhanced take-up of high-speed broadband services.

ECTA emphasised that investments are important, but according to some recently published reports Europe is not lagging behind the US or Eastern Asia when it comes to NGA (fibre (FTTC&FTTH), cable, development of DSL, etc.), consumer choice and service availability. At the same time the market is far from being competitive and suffers from extremely low take-up of high-speed broadband services.

Therefore, ECTA is certain that the policy should focus on the following:

- promoting areas, which could create growth;
- removing barriers and regulatory hurdles for cross-border provision of services;
- providing more favourable conditions for business services;
- establishing clear objectives as far as the necessary investment is concerned;
- creating equal investment opportunities;
- enhancing the take-up of services.

## **6. Jacques Bonifay, EAFM** (the [presentation](#) is available on the BEREC website<sup>6</sup>)

EAFM emphasised that MVNOs should address specific market needs by providing convergent offers (including multicountry/multimember offers) and contribute to avoiding costly duplication of network assets. At the same time they enhance innovation and diversification on the market.

For that reason they believe that any changes to the regulation should guarantee that all market players have equal chances to be present on the market (even if their market share is around 10% as the one of MVNOs). EAFM agrees with the proposed reduction of roaming rates, provided that it does not abolish the competition brought to market by MVNOs.

## **7. Innocenzo Genna, EuroISPA**

EuroISPA was of the opinion that any changes to the regulations have to be implemented with great caution since extending regulatory rules from one set of services (for example, from audio-visual services) to another may be justified only if they are part of the same market. If the business model and services are different, it will be problematic to apply the same type of regulation.

EuroISPA explained that their members opt for different business models some of which are pan-European, other are kept at national level. EuroISPA emphasised that the choice to stay at national level is not related to the lack of harmonisation and depends on the existing business models. For some operators conducting business nationally is much more convenient than offering services at pan-European level, especially when the services are convergent and include also content.

## **8. Jean-Jacques Sahel, VON Europe**

The Representative of Von invited BEREC to support one of the most fundamental and positive transformations that our economy and society has seen in decades - the shift to an IP world. According to VON the starting point should be that the policy and regulation should be about enabling new and innovative services and tools, so that they could benefit the consumers and the society as a whole.

Legacy telecom rules, which were voice-driven for telephony, are either unnecessary or unjustified when applied to IP-based services. APs

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<sup>6</sup> BoR (13) 131, EAFM Presentation at the BEREC Stakeholder Forum Riga (Latvia), 25.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1492-eafm-presentation-at-the-berec-stakeholder-forum-riga-latvia-25th-september-2013](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1492-eafm-presentation-at-the-berec-stakeholder-forum-riga-latvia-25th-september-2013)

We need completely new regulation to deal with the modern convergence industries.

Sector-specific regulation may be justified only to solve sector-specific problems, which cannot be addressed by the competition regulation.

Telecom regulation should focus on networks and clearly distinguish between the applications layer of the value chain. Any reflexive extension of existing regulation to new context should be avoided.

Encouraging the deployment of innovative network solutions, spectrum, pursue targeted solutions for areas, which lack the necessary infrastructure.

## **9. Martin Whitehead, GSMA**

GSM is certain that, in order to face the “connectivity” challenge, Europe has to ensure the following:

- focusing regulation more on encouraging innovation and investment and less on managing end-user prices;
- removing barriers for efficient market consolidation;
- adjusting regulation to the highly-competitive environment with consistent regulation on competitors which provide functionally-equivalent services;
- ensuring regulatory predictability (for example, undertaking changes in one and the same area, such as the roaming, on an annual basis and event before the entry into force of all measures in place, was pointed out as a clear lack of regulatory predictability).

## **10. Jonas Sundborg, ETSI** (the [presentation](#) is available on BEREC website<sup>7</sup>)

The representative of ETSI emphasised that it continuously produces standards and other material to support European Union and European Free Trade Association (EFTA) regulation and legislation for European industry.

Through its cooperation with standardisation bodies in China, US, Japan, South Korea, etc., ETSI disseminates the EU standards globally – this setup ensures innovation for Europe.

The ETSI standardization process is fully market driven, ensured by the common collaboration platform for manufacturers, network operators, service providers, administrations, users, industry associations, universities, research bodies, etc.

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<sup>7</sup> BoR (13) 132, Presentation by Jonas SUNDBORG, ETSI Board Chairman, at the 1st BEREC Stakeholder Forum, 25.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1487-presentation-by-jonas-sundborg-etsi-board-chairman-at-the-1st-berec-stakeholder-forum](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1487-presentation-by-jonas-sundborg-etsi-board-chairman-at-the-1st-berec-stakeholder-forum)

Through its solid IPR regime, ETSI standardization guarantees that all rights-holders contributing get adequate return on their investment.

#### **11. Gerry Oberst, ESOA** (the [presentation](#) is available on BEREC website<sup>8</sup>)

ESOA emphasised the importance of satellite services for the European economy as it can reach those remote areas in which the other providers do not offer services, thus contributing to achieving the 2020 goals of the Digital Agenda for Europe. For that reason, the satellite services have to be an important part of the EU policies.

ESOA expects from BEREC more emphasis on technology neutrality, taking into account the spectrum needs of the satellite industry, as the satellite industry is strongly dependant on spectrum in order to deliver to citizens.

#### **12. Matthias Kurth, Cable Europe**

The representative of Cable Europe expressed the support of the organisation to BEREC's efforts in meeting its task of assisting the Commission and NRAs in achieving the goals set out in the Digital Agenda.

Cable Europe emphasised the importance of the technology neutrality and asked the NRAs and BEREC to support the various technologies that are capable of delivering high-speed broadband services to European citizens.

Cable Europe spoke in favour of a regulatory approach on net neutrality that gives the possibility for developing future business models. Such an approach should help innovation and provide legal certainty. Cable Europe considers it essential to ensure that network operators, content and service providers, are equally free to test new business models and to differentiate their offers on both sides of the market - consumer and service provider side.

Cable Europe believes that Internet access service and specialized services can work well with each other, and the members of the organisation are of the opinion that there is no reason to impose any requirement for quality of service on cable operators as the current cable network has been developed in such a way as to ensure the necessary capacity for the services offered. Moreover, the service quality criteria should be based on industry-agreed standards.

Furthermore, Cable Europe believes that regional market segmentation might be justified only in well-defined circumstances, specific product markets, and based on SMP findings. Cable Europe would support BEREC's in depth analysis of geographic segmentation of

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<sup>8</sup> BoR (13) 133, Presentation by Gerry Oberst, ESOA Regulatory WG, at the 1st BEREC Stakeholder Forum, 25.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1489-presentation-by-gerry-oberst-esoa-regulatory-wg-at-the-1st-berec-stakeholder-forum](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1489-presentation-by-gerry-oberst-esoa-regulatory-wg-at-the-1st-berec-stakeholder-forum)

remedies.

Cable Europe supported the position of EAFM as far as the roaming provisions of the new Connected Continent package are concerned, and emphasised the importance of allowing MVNOs to compete on the market.

### **13. Peter Mac Avock, EBU**

The representative of EBU informed the participants that EBU's mission is to defend the interests of public service media and to promote their indispensable contribution to modern society. It was also pointed out that the public service media demand via multiple devices and multiple platforms has increased. Therefore, one of the major objectives of EBU is to make the content available via all existing platforms, in a fair and convenient manner for everyone.

In EBU's opinion future scenarios must allow consumers to engage with public service media with the same ease as today, without negative financial impact.

### **3. Quality of services and transparency - the consumer perspective to broadband use**

The 2<sup>nd</sup> main session was moderated by Mr Torstein Olsen, Director General of NPT. This session dealt with the following issues:

- Transparency in the scope of net neutrality - status and perspectives;
- Platforms for measuring the quality of broadband access;
- The Commission vision on net neutrality and quality of service;
- The users' views on net neutrality and quality of services.

**The main messages presented by the speakers in this session are the following:**

#### **1. Transparency in the scope of net neutrality - status and perspectives - presentation by Nadia Trainar, Co-chair of BEREC Net Neutrality Expert Working Group (EWG) (the [presentation](#) is available on the BEREC web site<sup>9</sup>)**

The Co-chair of the BEREC Net Neutrality EWG made an over view of the status of transparency in the scope of net neutrality as far as internet access services are concerned and the perspectives for further development of this issue. In her presentation she pointed

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<sup>9</sup> BoR (13) 138, Transparency in the scope of net neutrality - status and perspectives, presentation by Nadia Trainar, Co-chair of BEREC Net Neutrality EWG, 25.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1498-transparency-in-the-scope-of-net-neutrality-status-and-perspectives](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1498-transparency-in-the-scope-of-net-neutrality-status-and-perspectives)

out that as a result of BEREC's recommendations the consumers have been provided with more information, in particular on:

- the scope of services (but not so much on the actual speed);
- the general limitations, such as: volume caps and fair use (though real-time tools are lacking);
- any specific limitations related to traffic management and other differentiations (but some unclear concepts remain (e.g. "p2p"))

However, BEREC is of the opinion that there is still room for improvement as far as the understandability of the information provided is concerned, as the current information provided by the operators is frequently too dense, technical or unattractive.

As far as the comparability of information is concerned BEREC is of the opinion that this is the area in which there have been very few achievements due to the fact that there have been few comparison internet sites, which provide net neutrality related information, in those cases when the information is available, it lacks common terminology and references and last but not least, there is no monitoring in place to verify information provided in these sites.

Taking into account these findings, BEREC has identified the following key areas for improvement:

- adapting the information to users' expectations and concrete experience;
- improving the format in which information is conveyed;
- enabling comparison at market level, including by the introduction of standard terminology (primarily at national level) and centralized trusted tools for QoS measurements.

Based on the data available, in BEREC's opinion the main challenges to an effective transparency policy are stemming from the generally low users' awareness and interest in net neutrality and the increasingly sophisticated practices developed by ISPs.

These issues could be tackled by the introduction of clear contractual obligation, so that consumers affected by ISP's policies could be able to access appropriate information and by further understanding the market forces by conducting respective studies.

Finally, the EWH Co-chair emphasised the crucial role of NRAs in the whole process related to increasing transparency. It was emphasised that users have a clear preference for information provided by independent 3rd parties. NRAs (through own publications or certification) are needed to guarantee a sufficient level of trust and to ensure the common application of detailed concepts and methodologies.

In that respect the EWG Co-chair thatched upon the new proposal fore Regulation on the single telecoms market, in which the NRAs' role in measurement and monitoring of quality of service is highlighted but the main role in prescribing further transparency is envisaged for the Commission. However, in the opinion of the EWG Co-chair, NRAs are best placed for a constructive dialogue with operators.

## **2. Platforms for measuring the quality of broadband access - presentation by Torstein Olsen, NPT (the [presentation](#) is available on the BEREC website<sup>10</sup>)**

The NPT representative gave a short overview of BEREC's regulatory approach to net neutrality and the achievements in this area, including quality of services and the BEREC objectives stemming from the new provisions on net neutrality proposed in the draft Regulation on the European Single Market for Electronic Communications.

The NPT representative emphasised the importance of BEREC measuring the quality of broadband access and pointed out that BEREC has already undertaken certain activities under its Work Program for 2013, which had been based on the BEREC Framework and Guidelines on quality of services that call for monitoring of Internet access services in order to perform a detailed assessment of eventual degradation of services.

The NPT representative informed the participants that BEREC will also examine the possibility and advantages/disadvantages of establishing a common opt-in platform, whereby NRAs could coordinate, compare or complement national measurements.

## **3. The Commission's vision on net neutrality - Vesa Terävä, European Commission/DG Connect (the [presentation](#) is available on the BEREC website<sup>11</sup>)**

The Commission representative explained the reasons for including specific provisions on net neutrality in the proposed Regulation on the European Single Market for Electronic Communications, namely: the lack of clear rules on net neutrality and in particular on traffic management, which, as demonstrated by the BEREC traffic management investigation conducted in 2012, affect a significant number of subscribers throughout the EU.

Having said that, the Commission representative underlined that there is an urgent need to introduce higher-level consumer protection and clearer rules on net neutrality as soon as

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<sup>10</sup>BoR (13) 135, Platforms for measuring the quality of Internet access (presentation by Mr Torstein Olsen, NPT, during the BEREC Stakeholder Forum), 25.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1496-platforms-for-measuring-the-quality-of-internet-access-presentation-by-npt-during-the-berec-stakeholder-forum](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1496-platforms-for-measuring-the-quality-of-internet-access-presentation-by-npt-during-the-berec-stakeholder-forum)

<sup>11</sup> BoR (13) 136, Net Neutrality in the Telecoms Single Market (presentation by Vesa Terava, EC, during the BEREC Stakeholder Forum), 25.09.2013, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1494-net-neutrality-in-the-telecoms-single-market-presentation-by-ec-during-the-berec-stakeholder-forum](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1494-net-neutrality-in-the-telecoms-single-market-presentation-by-ec-during-the-berec-stakeholder-forum)



possible. These should provide the end-users throughout the EU free access to services and applications of their choice based on clear contractual conditions, without their internet access being unduly throttled or blocked. They will at the same time ensure the possibility to acquire specialised services with specific content, applications and services (such as: IP TV, business services, eHealth, etc.). According to the Commission better transparency and contractual provisions would lead to better-informed consumers and high quality and reliable services, effective tools for comparison and control of the conditions available on the market and strengthened, more dynamic, competitive market.

#### **4. The consumer perspective to quality of services and transparency in relation to broadband use**

##### **4.1. Guillermo Beltrà, BEUC**

The representative of BEUC emphasised the importance of service quality to customers and pointed out that better transparency is definitely needed. He stated that achieving these objectives through general legislative measures would be the right way and the approach of the Commission detailed in the proposed Regulation on the single market is on the right track.

As far as relevant consumer information is concerned, the representative of BEYC emphasised the following:

- Badly presented or excessive information leaves the wrong impression of consumer empowerment and in fact confuses/weakens consumer position in the market.
- Consumer information should be presented in a comparable and standardised way, preferably in machine-readable format.
- Information should be presented in an understandable way, without using technical jargon.
- Contractual, pre-contractual or other type of information should be presented from the point of view of the consumers not from the lawyers' point of view.
- The availability of third party information (advice centres, NGOs, etc.) is crucial for providing consumers with objective and clear information.

Finally, BEUC emphasised that operators, ISPs and NRAs need to help raise the customer awareness. This would provide the consumers with the opportunity to understand and compare the offers on the market.

BEUC invited NRAs to work together with the stakeholders in order to produce standardised information models for QoS of standard services and for specialised services, as well.

At the end of the meeting BEREC asked the stakeholders whether the current format of exchange has merit and should be maintained.

All representatives of the stakeholders expressed their content with the discussion and recommended organising such meetings more frequently. The maximum number of stockholder representatives should be invited, if possible. Some of stakeholders were of the opinion that discussion should be narrowed down to a limited number of topics in order to have more focused discussion.

#### **4.2. Danielle Jacobs, INTUG** (the [presentation](#) is available on the BEREC web site<sup>12</sup>)

The representative of INTUG pointed out that business services need special measures due to the specific requirements of businesses. The wide range of optional value-added services used by the businesses requires bundled services with associated quality of service, which are provided on the basis of special service level agreement (SLAs). In that respect INTUG was of the opinion that in order to provide businesses with better quality of service, the agreements between providers and customers with strong SLAs and quality of service, including for mobile services, should consequently be accommodated within the regulation, allowing service providers to offer differentiated service levels.

INTUG expects to see a big shift within the next five years towards more added value from mobile communications within companies, including for cloud applications and mobile operators in INTUG's view should be ready to face the new reality by investing more in innovation. However, INTUG believes that it will not be possible to develop innovative approaches on a country by country basis and therefore, the existence of a true international market for mobile services will be crucial.

In the machine-to-machine (M2M) market, businesses need to be able to change mobile operator without changing the SIM cards physically in each machine. For cloud, users need assurance that they will get their data back if they are not satisfied with the supplier. Finally, in a dynamic business environment, company acquisitions and disposals make it imperative that entities be able to integrate new subsidiaries within their existing contracts, with a rapid and seamless transition from different suppliers, for devices, network services, cloud application provision, data storage, etc.

INTUG emphasised that many of some of the measures need to be undertaken by the telecom service provider but, however, the role of the NRAs for ensuring better environment for business users is crucial.

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<sup>12</sup> BoR (13) 137; Quality of service and transparency of broadband services - business users' perspective (presentation by INTUG during the BEREC Stakeholder Forum), 25.09.2013; [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1495-quality-of-service-and-transparency-of-broadband-services-business-users-perspective-presentation-by-intug-during-the-berec-stakeholder-forum](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1495-quality-of-service-and-transparency-of-broadband-services-business-users-perspective-presentation-by-intug-during-the-berec-stakeholder-forum)

#### **4. Closing remarks Leonidas Kanellos, BEREC Chair 2013**

BEREC Chair 2013, Dr Leonidas Kanellos, closed the meeting by thanking all stakeholders for taking part in the 1<sup>st</sup> meeting of the BEREC Stakeholder Forum and assured them that BEREC will reflect on its results, and contributions made will be integrated in BEREC's future work.

The BEREC Chair informed the participants about BEREC's commitment to continue the active dialogue with the stakeholders and improve the current format to extend this mutually-beneficial interaction.

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