

## **14<sup>th</sup> meeting of the Board of Regulators**

**7-8 March 2013, Ljubljana (Slovenia)**

**Hosted by APEK**

# Conclusions

**Chair**      **Leonidas Kanellos**  
President of the Hellenic Telecommunications and Post  
Commission (EETT)

## Main results of the 14<sup>th</sup> meeting of the Board of Regulators

### I. Documents approved by the Board of Regulators (BoR)

The Board of Regulators approved the following documents for publication and implementation:

1. [BEREC Guidelines on the new Roaming Regulation \(excluding Articles 3, 4 and 5 on wholesale access and separate sale of services\).](#)
2. [BEREC Guidance paper in relation to Article 28\(2\) of the Universal Service Directive: a harmonised BEREC cooperation process.](#)
3. [Draft report on the public consultation on Article 28\(2\) of the Universal Service Directive.](#)
4. [BEREC response to the Commission's questionnaire on a proposed revision to the Recommendation on relevant markets.](#)
5. [BEREC brief note on the Commission's draft Recommendation on Implementing the universal service for a digital society.](#)
6. [BEREC advice on OPTA's request for assistance concerning Article 25 of the Universal Service Directive.](#)

### II. Other important topics discussed:

The BoR discussed the draft BEREC opinion on the Commission's draft Recommendation on non-discrimination and costing methodologies. The BoR approved the Executive Summary, which summarizes the headline messages of the opinion. The technical analysis and the annexes that constitute together with the Executive Summary the entire Opinion will be adopted by e-clearance appr. 2 weeks after the Plenary.

The BoR discussed a draft proposal on the organisation of a stakeholder dialogue and the various issues involved. A final draft will be put forward for adoption by electronic clearance.

### III. Next meeting

The next meeting of the Board of Regulators will take place on 6 and 7 June 2013 in Athens (Greece) and will be hosted by EETT.

## Introduction and participation

The Board of Regulators (BoR) held its 14<sup>th</sup> meeting on 7-8 March 2013, Ljubljana (Slovenia), kindly hosted by the Post and Electronic Communications Agency of the Republic of Slovenia (APEK). The meeting was attended by high-level representatives of the National Regulatory Authorities (NRAs) with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services established in each EU member state and the Commission. Representatives of the NRAs from the EFTA states and the states that are candidates for accession to the EU also took part in the meeting and were represented at high level.

## Items discussed

### 1. Opening of the meeting and adoption of the agenda

Document(s)	BoR (13) 24 Draft BEREC BoR Agenda
Introduction by	BEREC Chair
Conclusions	The BoR approved the agenda with the requested amendment.

### 2. Information by the Chair

Document(s)	No
Introduction by	BEREC Chair
Information presented	BEREC Chair gave an overview of the latest actions and meetings:

	<ul style="list-style-type: none"> <li>- Meeting with Commissioner Kroes, in view of the Presidency (12/2012);</li> <li>- Meeting with the Irish Presidency - for a discussion on the 2013 BEREC Work Programme and specific challenges (1/2013);</li> <li>- Meeting with the EWG Chairs - in this context the BEREC Chair underlined the need to have the documents submitted in a timely manner for the meetings (1/2013):</li> <li>- First physical board meeting, in which dossiers were allocated to the Vice Chairs (1/2013);</li> <li>- Visit to GSMA and meeting with Commissioner Kroes (2/2013)</li> <li>- Two meeting of ad-hoc BEREC group with the Commission to discuss the draft recommendation on non-discrimination and costing methodologies (2/2013, both).</li> <li>- Meetings with some stakeholder groups (ECTA, Telefonica, Vodafone, Fastweb, Von Europe and Telecom Italia) mainly on the draft recommendation on non-discrimination and costing methodologies.</li> </ul>
<b>Conclusions</b>	The BoR took note of the information provided

### 3. BEREC opinion on the Draft Commission Recommendation on non-discrimination and costing methodologies (Part I)

<b>Document(s)</b>	BoR (13) 28 Draft BEREC opinion- Executive summary
<b>Introduction by</b>	Remedies and Regulatory Accounting EWG Chairs (Ofcom, BNetzA)
<b>Information presented</b>	<p>BEREC Chair introduced the topic and informed that a delegation of three members of the BoR, including the Chair, met with the Commission on 27 February in order to discuss the progress in this respect.</p> <p>The BEREC Chair summarised the proposal regarding further steps in adopting the BEREC Opinion and explained that the Opinion would consist of the following elements:</p> <ul style="list-style-type: none"> <li>• An executive summary</li> <li>• A technical analysis including a technical annex also attaching the costing methodologies annexes</li> </ul>
<b>Conclusions</b>	The BoR agreed to re-discuss the topic as part of the BoR agenda on Friday morning.

### 4. Convergence and Economic Analysis

<b>Document(s)</b>	BoR (13) 22 Draft BEREC's response to the European Commission's questionnaire for the public consultation on the revision of the Recommendation on Relevant Markets
<b>Introduction by</b>	CEA EWG Chair
<b>Information presented</b>	CEA EWG Chair made a presentation, illustrating the main steps of the procedure and also the general remarks of the BEREC response.
<b>Conclusions</b>	The BoR approved the response for submission to the Commission and for publication.

### 5. Termination Rates

<b>Document(s)</b>	No document
<b>Introduction by</b>	TR EWG Chair (ARCEP)
<b>Information presented</b>	<p>The TR EWG Chair presented the state of national and international SMS termination rates across Europe.</p> <p>The elements presented aim at providing an overview of the national and cross</p>

	border SMS termination market situation in the EU, to highlight competition problems and harm to the internal market that could be observed mainly on the cross border SMS termination market and to present views on potential solutions to resolve it.
<b>Conclusions</b>	The BoR took note of the information provided and asked the EWG to further work on the assessment and report to next plenary.

## 6. Information by APEK

<b>Document(s)</b>	No
<b>Introduction by</b>	APEK
<b>Information presented</b>	APEK Chair gave a presentation about the regulatory situation in Slovenia
<b>Conclusions</b>	The BoR took note of the information provided

## 7. Adoption of A-items

<b>Document(s)</b>	BoR (13) 15 Draft BEREC Guidelines on Roaming Regulation (EC) No 531/2012 (Third Roaming Regulation)(Excluding articles 3, 4 and 5 on wholesale access and separate sale of services). BoR (13) 18 Draft Consultation Response Analysis - Article 28(2) Universal Service Directive (USD): A harmonised BEREC cooperation process BoR (13) 20 Draft BEREC Guidance paper - Article 28(2) Universal Service Directive (USD): A harmonised BEREC cooperation process
<b>Introduction by</b>	BEREC Chair
<b>Information presented</b>	The BEREC Chair presented the list of "A" items to be adopted without discussion. The list of "A" items was drawn up on the basis of the conclusions of the CN according to which their approval should be possible without further discussion.
<b>Conclusions</b>	The BoR approved the documents submitted as A-items.

## 8. Information by the BEREC Office

<b>Document(s)</b>	BoR (13) 08 List of BEREC Members and Observers BoR (13) 16 BEREC WP 2013 status update BoR (13) 17 Outline of the annual report on the developments on the electronic communications market for 2012 BoR (13) 13 Report on the recent Art 7/7a Phase II cases - conclusions
<b>Introduction by</b>	BEREC Office representative
<b>Information presented</b>	BEREC Office gave a presentation on the current activities under the BEREC Annual Work Programme, the carry overs and the planned workshops to be organised this year, both internal and external.
<b>Conclusions</b>	The BoR took note of the information provided and also agreed that in anticipation of the update of the procedural rules, the experts nominated by the observer NRAs could be invited to take part in the Art7/7a Phase II EWGs from now on.

## 9. Cooperation between FCC and BEREC

<b>Document(s)</b>	BoR (13) 23 Draft revised Annex to the MoU – Potential topics for the cooperation
<b>Introduction by</b>	BEREC CN Chair
<b>Information presented</b>	BEREC Chair informed the BoR that FCC proposed a revised annex based on

	the comments received after the CN meeting and that the list has been revised but the amendments are not major. The revised Annex is more concrete and specific, compared to the initial one and is therefore worth considering it further for adoption.
<b>Conclusions</b>	The BoR approved the revised Annex with the amendment for communication to FCC.

## 10. Draft Commission Recommendation on implementing Universal Service for digital society

<b>Document(s)</b>	BoR (13) 27 Brief Note on the Draft Commission Recommendation on implementing Universal Service for digital society
<b>Introduction by</b>	End User EWG Chair (ANCOM)
<b>Information presented</b>	End User EWG Chair gave a presentation on the work of the group in preparing the note to the Draft Commission Recommendation on implementing Universal Service for digital society.
<b>Conclusions</b>	The BoR approved the brief note for submission to the Commission and for publication.

## 11. Framework Implementation (FI)

### 11.1. Information by CMT on draft Law merging regulators in Spain

<b>Document(s)</b>	No document
<b>Introduction by</b>	CMT
<b>Information presented</b>	CMT gave the BoR an update on recent developments relating to the merger of regulators in Spain. Following the CMT presentation, OPTA presented the latest updates on the establishment of the new regulatory body in the Netherlands and its competencies (Netherlands Authority for Consumers and Markets which is going to replace three independent regulators in the Netherlands).
<b>Conclusions</b>	The BoR took note of the information provided

### 11.2. NRAs' regulatory capacity

<b>Document(s)</b>	No document
<b>Introduction by</b>	Framework Implementation EWG Chair (AGCOM)
<b>Information presented</b>	The FI EWG Chair gave a brief oral update on the state of play.
<b>Conclusions</b>	The BoR took note of the information provided

### 11.3. Draft BEREC advice on OPTA's request for assistance concerning Article 25 of the Universal Service Directive

<b>Document(s)</b>	BoR (13) 19 Draft BEREC advice on OPTA's request for assistance concerning Article 25 of the Universal Service Directive
<b>Introduction by</b>	Framework Implementation EWG Chair
<b>Information presented</b>	The FI EWG Chair presented the outcome of the comments round and the draft BEREC advice on OPTA's request for assistance concerning Article 25 of the Universal Service Directive. It was stressed that this is a BEREC advice, not a formal Opinion.
<b>Conclusions</b>	The BoR approved the document for submission to OPTA and for publication.

## 12. Organisation of a stakeholder dialogue

Document(s)	BoR (13) 21 Proposal for a Stakeholder Dialogue
Introduction by	FICORA
Information presented	FICORA presented a proposal of the ad-hoc BEREC group for the organisation of a stakeholder dialogue and summarized the steps of the work done.
Conclusions	The BoR took note of the information provided and agreed that after finalisation of the proposal a decision should be made via electronic clearance.

## 13. Information from the Commission

Document(s)	No document
Introduction by	Commission representative
Information presented	The Commission gave an update on other initiatives not mentioned previously. In particular, the Commission emphasised the discussions in the European Council and the Parliament about the future EU budget, including the staff cuts of 5% in all EU institutions.
Conclusions	The BoR took note of the information provided

## 14. BEREC opinion on the Draft Commission Recommendation on non-discrimination and costing methodologies (Part II)

Document(s)	BoR (13) XXDraft BEREC Opinion on the draft Commission Recommendation on non-discrimination and costing methodologies
Introduction by	BEREC Chair
Conclusions	The BoR adopted the executive summary of the Opinion. The Technical Analysis and all Annexes will be adopted by electronic clearance by 27/3 and at that time will be submitted to the Commission and published in the BEREC web site.

## 15. Incoming Chair 2014

### 15.1. Considerations on the way forward

Document(s)	No document
Introduction by	BEREC Chair
Information presented	BEREC Chair made an overview of the status in Belgium and the Belgian Regulator and provided a proposal for the way forward.
Conclusions	The BoR agreed that a revision of the BoR RoP is not necessary. A BoR decision, observing the need for electing a new BoR Chair for 2014 and calling for such election to take place in the Athens Plenary should suffice.

### 15.2. Revision of RoP

Document(s)	BoR (13) 25 Revised BoR Rules of Procedure
Introduction by	-
Information presented	-
Conclusions	As agreed under item 15.1 there will be no revision of the RoP.

### 15.3. Decision for election of new Incoming Chair

Document(s)	BoR (13) 26 Draft BoR Decision, observing the need to elect new Incoming Chair 2014
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<b>Introduction by</b>	BEREC Chair
<b>Information presented</b>	BEREC Chair presented a draft decision for the election of BEREC Chair 2014, to be held during the 15th meeting of the BEREC Board of Regulators (Athens, 6-7 June 2013).
<b>Discussion</b>	There were no comments to the draft Decision.
<b>Conclusions</b>	The BoR adopted the decision for implementation and publication.

## 16. Intervention by EMERG Vice Chair

<b>Document(s)</b>	No document
<b>Introduction by</b>	EMERG representative
<b>Information presented</b>	The Chair of ANACOM, who is chairing EMERG for 2013, gave a brief introduction.
<b>Conclusions</b>	The BoR took note of the information provided

## 17. AOB

### 17.1. Information on ITU Global Symposium for Regulators

<b>Document(s)</b>	No document
<b>Introduction by</b>	ITU representative
<b>Information presented</b>	ITU representative gave a presentation about the 13 <sup>th</sup> GSR which will take place in Warsaw, Poland, from 3 to 5 July 2013. It will be preceded by one day of pre-events on 2nd July 2013.
<b>Conclusions</b>	The BoR took note of the information provided

### 17.2. Information on BEREC-Regulatel summit

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Chair
<b>Information presented</b>	BEREC Chair gave a briefing about the BEREC - Regulatel Summit 2013.
<b>Conclusions</b>	The BoR took note of the information provided

### 17.3. Information by EETT on the next BoR meeting

<b>Document(s)</b>	No document
<b>Introduction by</b>	EETT
<b>Information presented</b>	EETT gave updated information on the next BoR meeting, to be held on 6 and 7 June 2013 in Athens, Greece.
<b>Conclusions</b>	The BoR took note of the information provided