**BEREC
CHAIR 2012 AUSTRIA**

BoR (13) 52

13th meeting of the Board of Regulators
6-7 December 2012, St. Julian's (Malta), hosted by MCA

Conclusions

Chair: **Dr Georg SERENTSCHY**
CEO of the Austrian Regulatory Authority for
Broadcasting and Telecommunications
(RTR-GmbH)

Main Results from the 13th meeting of the Board of Regulators (BoR)

I. **Final documents, approved for publication**

The BoR approved for publication and implementation the following documents:

1. BEREC Guidelines:

- BEREC Guidelines for quality of service in the scope of NN

2. BEREC Reports:

- BEREC Report on the results from the BEREC PC on NN held in the period 29 May – 31 July 2012;

- BEREC Report on differentiation practices and related competition issues in the scope of NN;

- BEREC Report "An assessment of IP-interconnection in the context of NN";

- BEREC Report on the outcome from the public consultation (PC) on the draft 2013 BEREC WP;

- BEREC Report on the results from the PC on the review of BEREC CPs held in the period 28 Sept. – 18 Oct. 2012.

3. BEREC Work programme 2013

- 2013 BEREC WP;

- Decision of the Board of Regulators on BEREC Expert Working Groups

4. BEREC Common positions

- BEREC CPs - Cover Note

- The revised CP on WLA;

- The revised CP on WBA;

- The revised CP on WLL;

- A Glossary of terms to support the definition of terms used in all three CPs.

5. BEREC High-Level Policy

- Summary of BEREC positions on net neutrality;

- Overview of BEREC approach to NN.

- Overview of the national situations concerning transparency, including detailed examples and illustrations;

- Detailed examples and illustrations;

- Report on the outcome from the meeting with stakeholders.

II. **Documents to be submitted to the EU Commission**

- BEREC Response to the Commission PC on 'specific aspects of transparency, traffic management and switching in an open internet'

III. Next meeting

The next meeting of the BoR will take place on 7 and 8 March 2013 in Ljubljana, Slovenia, hosted by APEK.

Introduction and participation

The BoR held its 13th meeting **on 6-7 December 2012, St. Julian's (Malta)**, kindly hosted by Malta Communications Authority, (MCA). 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.

The list of attendees at the 13th BoR meeting is presented in Annex II to these minutes.

Items discussed

1   Opening of the meeting and adoption of the agenda

Title(s)	Draft BoR Agenda
Document No(s).	BoR (12) 147
Discussion	No
Conclusions	BoR adopted the agenda

2   Information by MCA

Title(s)	Information by MCA
Document No(s).	No document
Information presented	Presentation by MCA of the key regulatory developments on Maltese market for eCommunications networks and services.
Conclusions	BoR took note of the information provided

3 Information by the Chair

Title(s)	Information by the Chair
Document No(s).	No document
Information presented	BEREC Chair had an oral presentation on the recent communication activities of the BEREC Chair and the significant meetings and other events, which took place following the last plenary meeting.
	In particular:
	- The second session of the CEO strategy dialogue, which was held on 2 October 2012 in Brussels; the minutes from the meeting will be made available soon.
	- The presentation of the BEREC Chair to the FT ETNO Summit, which took place on 2 October 2012 in Brussels.
	- The BEREC visit to South Korea, which was organised from 22 to 25 October 2012 in Seoul; the report from the mission will be tabled for the Malta Plenary.
	- The visit of the BEREC Chair and the CN Chair to the BEREC Office on 8 and 9 November 2012 in Riga. BEREC Chair would like to underline the utility of this kind of visits in the light of an increasing cooperation between BEREC and its Office in Riga.
	- A meeting between the BEREC Chair and Mrs. Pilar del Castilio, MEP, on issues relating to the functioning of BEREC and the BEREC Office and improving the cooperation with the EP (13 November 2012, Brussels).
	A meeting between the BEREC Chair and the Vice-president of EC responsable for the Digital Agenda, Mrs Neelie Kroes, on the topics to be covered during the extraordinary BEREC meeting, (13 November 2012, Brussels).
	The extraordinary BEREC Plenary meeting (Brussels, 15 November 2012),
	The BEREC Chair informed that since the last plenary the BoR approved the following important documents via electronic voting: • BEREC input to the Commission on the BEREC and BEREC Office evaluation exercise. • BEREC's comments on the ETNO proposal for ITU/WCIT or similar initiatives along these lines. • BEREC statement on independence of NRAs.

Conclusions	BoR took note of the information provided

4 Adoption of list of "A" items

Title(s)	Adoption of the list of "A" items
Document No(s).	BoR (12) 123: BoR Decision on BEREC Expert Working Groups BoR (12) 138: Project Requirements Documents (PRDs) for the implementation of the 2013 BEREC Work Programme BoR (12) 139: Draft BEREC Report on the results from the BEREC PC on NN held in the period 29 May – 31 July 2012 BoR (12) 131: Draft BEREC Guidelines for quality of service in the scope of NN BoR (12) 132: Draft BEREC report on differentiation practices and related competition issues in the scope of NN BoR (12) 130: Draft BEREC Report "An assessment of IP-interconnection in the context of NN".
Information presented	Presentation by the BEREC Chair of the list of "A" items.
Conclusions	The BoR approved the list of "A" items documents for publication.

5 Information by the BEREC Office

Title(s)	- BEREC 2012 Work Programme (WP) status - Oral information about the request for resource commitments for 2013 - Oral up-date on the preparation of the Annual report on developments in the electronic communications sector in 2012
Document No(s).	BoR (12) 133: BEREC 2012 WP status
Information presented	The BEREC Office presented the state of play of the BEREC 2012 WP, the updated contact lists of the BEREC Heads and BEREC CN Members, information about the request for resource commitments for 2013 and the coordination of the preparation of the Annual Report for 2012.
Conclusions	BoR took note of the information provided and approved document BoR (12) 133

6   Draft BEREC 2013 WP

Title(s)	Draft 2013 BEREC WP
Document No(s).	BoR (12) 141: Draft BEREC Report on the outcome from the public consultation (PC) on the draft 2013 BEREC WP BoR (12) 142: Draft 2013 BEREC WP
Information presented	EETT presented an overview on the revised draft 2013 BEREC WP following the public consultation and the public hearing on the draft and the outcome from the PC. There was a consistent, strong participation from the market, on the contrary a lack of awareness by user groups and consumer associations. As a matter of fact, BEREC received the contributions mainly from operators; on the contrary not so many consumers association participated. Contributors expressed a strong wish for continuing and increasing engagement. In general, there were requirements for more public consultations and for strengthening the dialogue with the stakeholders. Furthermore, there were comments asking BEREC to suggest new markets in the Commission recommendation on relevant markets. Moreover, there were several proposals for additional projects, for example for a review of 2007 ERG Common Position on VoIP and for a review numbering practices to address market developments.
Conclusions	BoR approved the BEREC WP 2013 for publication and submission to Commission, Council and Parliament

7   Review of Common Positions (CPs) on and Wholesale Local Access (WLA), Wholesale Broadband Access (WBA) and Wholesale Leased Lines (WLL)

Title(s)	Review of Common Positions on WLA, WBA and WLL
Document No(s).	BoR (12) 125: Draft BEREC Report on the results from the PC on the review of BEREC CPs held in the period 28 Sept. – 18 Oct. 2012 BoR (12) 127: Draft CPs on WLA BoR (12) 128 : Draft CPs on WBA BoR (12) 126: Draft CPs on WLL BoR (12) 129: Draft Glossary

Information presented	The Remedies and NGN EWGs' Chairs (Ofcom and BNetzA) presented the revised BEREC CPs on WLA, WBA and WLL following the PC held in the period 28 Sept. – 18 Oct. 2012. The presentation included an overview of the results from the PC:.12 responses received. Firstly the EWGs' Chairs recalled that the BEREC CPs have been based on best practice remedies (BPs) in markets 4/5/6 and on the collective experience of NRAs themselves, with the aim, among all, to contribute to consistency and quality of remedies and to allow adequate flexibility for NRAs to reflect specific national market circumstances. As shown by the result of the public consultation, most stakeholders agreed with BEREC's proposed principles, though with different views on the level of prescription.
Conclusions	BoR approved the CPs for publication and application.

8 BEREC international activities

Title(s)	BEREC international activities
Document No(s).	No document
Information presented	The incoming Chair 2013 orally up-dated about the recent BEREC international activities. In particular, he presented the main outcomes from the joint mission with European Commission in South Korea. The main goal of the mission was to study and understand the "miracle" of the South Korean spectacular progress in the sector, and eventually use these findings to boost broadband in Europe. The delegation held meetings with following subjects: - KCC, Korean Regulator - KISA, Internet Security Agency - KT, Korea Telecom, now fully private, SMP in voice telephony - SK Broadband, SMP in data communications - KTOA, Telecom Operators Association - SBS, private broadcaster - KISDI, research center.

Conclusions	BoR took note of the information given.

9   Evaluation of BEREC and the BEREC Office

Title(s)	Evaluation of BEREC and the BEREC Office
Document No(s).	No document
Information presented	OPTA gave an oral up-date by on the evaluation of BEREC and the BEREC Office.
Conclusions	BoR took note of the information provided.

10   Convergence and Economic Analysis

Title(s)	BEREC's contribution to the Commission PC on the update of the Recommendation on relevant markets
Document No(s).	No document
Information presented	CMT informed orally about the PC launched by the Commission on 16 October 2012 in relation to the review of the lists of product and service markets within the electronic communications sector subject to ex ante regulation. CMT informed that, according to the Commission announcement, the responses to this PC should reach the latter by 8 January 2013.
Conclusions	BoR took note and decided to choose discussing the BEREC's contribution to the EC public consultation on the update of the Recommendation on relevant markets in Plenary 1 2013.

11   Net Neutrality (NN)

11.1   Follow-up on the Guidelines on transparency in the scope of NN and oral up-date on the SamKnows broadband study

Title(s)	Follow-up on the Guidelines on transparency in the scope of NN and oral up-date on the SamKnows broadband study
Document No.	BoR (12) 134: Overview of the national situations concerning transparency, including detailed examples and illustrations BoR (12) 144: Detailed examples and illustrations BoR (12) 135: Report on the outcome from the meeting with stakeholders

Information presented	The Commission presented an update on SamKnows broadband study, highlighting that the study is commissioned by the EC. The presentation contained the background of the study (including the co-operation so far with BEREC) as well as methodological challenges and current situation.
Conclusions	BoR decided to continue to cooperate with the Commission to find a reliable and harmonised instrument of measurement of the broadband speed in Europe.

11.2 *BEREC High-Level NN Policy*

Title(s)	BEREC High-Level NN Policy
Document No(s).	BoR (12) 146: Summary of BEREC positions on net neutrality" BoR (12) 140: Draft paper "Overview of BEREC approach to NN"
Information presented	NN EWG Co-Chair (ARCEP) presented the afore-mentioned draft BEREC high-level policy documents regarding NN, summarizing the three years' BEREC activities within this area. The 2 documents, briefing on BEREC positions on Net Neutrality, have been edited in order to cover a broader audience, not limited to expert stakeholders.
Conclusions	BoR approved for publication

11.3 *Response to the Commission's NN questionnaire*

Title(s)	Response to the Commission's NN questionnaire
Document No(s).	BoR (12) 145: Draft BEREC Response to the Commission PC on 'specific aspects of transparency, traffic management and switching in an open internet'
Information presented	NN EWG Co-Chair (NPT) presented the draft BEREC response to the Commission PC on 'specific aspects of transparency, traffic management and switching in an open internet'.
Conclusions	BoR approved for submission to the Commission and publication on the BEREC website.

12 Exchange of views with US FCC on NN issues

Title(s)	Exchange of views with US FCC on NN issues
Document No(s).	No document
Information presented	The FCC Chair Julius Genachovsky thanked BEREC Chair for the invitation to participate to a session of the BEREC plenary and for the opportunity to share FCC's experience on Net Neutrality issues.
Conclusions	The BoR took note of the presentation and agreed to continue the cooperation with FCC in exchanging views and expertise

13 Draft Commission Recommendation on non-discrimination and costing methodology

Title(s)	Draft Commission Recommendation on non-discrimination and costing methodology
Document No(s).	No document
Information presented	The Commission thought that there was no need to repeat the information on this item in agenda, since the Commission already have presented the Draft Recommendation on non-discrimination and costing methodology during a technical briefing with BEREC the day before.
Conclusions	It was agreed that BEREC will submit its response to the Draft Recommendation after discussion and approval at the first Plenary 2013 (7/8 March).

14 Framework Implementation (FI)

14.1 *NRAs' regulatory capacity and administrative requirements*

Title(s)	NRAs' regulatory capacities and administrative requirements
Document No(s).	No document
Information presented	AGCOM orally updated the BoR about the fact-finding report benchmarking exercise on NRAs' regulatory capacity and on the follow up to the 2011 report on administrative authorization requirements.
Conclusions	The BoR decided that the deliverable, to be published on the

	BEREC website by the end of the year, does not need to be approved via e-clearance.

14.2 *OPTA request on Article 25 of USD*

Title(s)	OPTA request on Article 25 of USD
Document No(s).	No document
Information presented	AGCOM orally updated on the on-going activities for the elaboration of a BEREC response to the OPTA request on Article 25 of the USD.
Conclusions	BoR took note of the information provided.

15 Implementation of the Roaming Regulation in Croatia

Title(s)	Implementation of the Roaming Regulation in Croatia
Document No(s).	No document
Information presented	HAKOM presented the challenges, which Croatia faces in the implementation of the Roaming Regulation in the timespan remaining until the accession of the country to the EU and presenting a request for provision of support to Croatia by BEREC in that area.
Conclusions	BoR took note of the information.

16. Stakeholder Initiative

Title(s)	Example for a stakeholder dialogue applied from the electricity and gas sectors' regulatory cooperation
Document No(s).	BoR (12) 143
Information presented	FICORA presented an example for a stakeholder dialogue applied from the electricity and gas sectors' regulatory cooperation.
Conclusions	BoR decided to collect information and expertise among the BEREC community in order to implement this area of activity and to set up a small team of heads I to prepare a document to be submitted for decision at Plenary 1.

16 Election of Chair for 2014 and Vice-chairs for 2013

Title(s)	Election of Chair for 2014 and Vice-chairs for 2013
Information presented	The Chair presented information about the applications received for BoR 2014 Chair and Vice-chairs for 2013, as follows: 1.　　For Chair for 2014 - Mr Luc HINDRYCKX – BIPT (Belgium); 2.　　For Vice-chairs for 2013 (listed in alphabetical order of their family names): - Mr Franc DOLENC – APEK (Slovenia) - Mr Gábor MÁTRAI – NMHH (Hungary).
Conclusions	The BoR appointed Mr Luc HINDRYCKX, as Chair for 2014, - Mr Franc DOLENC – APEK (Slovenia) and Mr Gábor MÁTRAI – NMHH (Hungary), as Vice-chairs for 2013.

17 Information from the Commission

Title(s)	Information from the Commission
Document No(s).	No document
Information presented	Commission distributed a note which gave further information on the current state on universal service, the Commission Recommendation on the notification procedure for quality of service measures as well as on the initiative on cost reductions for high speed broadband roll-out.
Conclusions	BoR took note.

18 AOB   -
Information by APEK on the next BoR meeting

Title(s)	Information by APEK on the next BoR meeting
Document No(s).	No document
Information presented	APEK informed on the next meeting of the BoR to be held on 7 and 8 March 2013 in Slovenia.
Conclusions	BoR took note