

23rd meeting of the Board of Regulators
Hosted by the [Norwegian Communications Authority](#) (Nkom)

Conclusions

Chair: Prof. Fátima Barros
President of the Board of Directors of
Autoridade Nacional de Comunicações (ANACOM)

4-5 June 2015, Bergen (Norway)

Main Results of the 23rd Meeting of the Board of Regulators

The BEREC Board of Regulators (BoR) held its 23rd ordinary plenary meeting on 4 and 5 June 2015 in Bergen.

During the meeting the BoR discussed and/or approved the following documents:

1. Documents approved for publication

- [BEREC Annual Reports 2014](#) (also for submission to the European Parliament (EP), the Council of the European Union (EU), the Commission, the European Economic and Social Committee (EESC) and the European Court of Auditors (ECA) by the Chair);
- [BEREC Report on fixed and mobile termination rates in the EU as of January 2015](#);
- [BEREC Report on How Consumers Value Net Neutrality in an Evolving Internet Marketplace: a report into ecosystem dynamics and demand side forces](#);
- [BEREC High-level statement on the BEREC Communication Plan](#).

2. Documents approved for public consultation

- [Draft BEREC Report on Common Characteristics of Layer 2 Wholesale Access Products in the EU](#) – for [public consultation in the period from 8 June to 10 July 2015](#);
- [Draft BEREC Report on oligopoly analysis and regulation](#) – for [public consultation in the period from 10 June to 1 August 2015](#).

3. Documents approved for submission to the Commission

- High Level Statement on Tasks 1-3 of the WIK/TNO Draft Interim Report “Investigation into interoperability standards for the promotion of the internal market for electronic communications”.

4. Documents approved for internal use

- Outline of the BEREC Work Programme 2016;
- BEREC Internal Report on the regulatory treatment of termination of calls originated outside EEA;
- BEREC Internal Report on Information Sharing-Portal: Implementation Scenarios;
- Up-dated BEREC Communication Plan;
- Project Requirements Document for the preparation of BEREC report on post-merger market developments;

5. Discussion on important topics

- **Digital Single Market (DSM) and forthcoming review of the Regulatory Framework for electronic communications**

During the plenary meeting the Commission presented to the BoR the DSM Strategy and in particular the next steps in the forthcoming review of the Regulatory Framework for electronic communications in the EU. The BoR discussed the next steps and decided that due to the importance of the review for the future development of the sector, it would be appropriate to prepare some high-level inputs at Heads level to the BEREC opinion on the review. Therefore, the Heads were requested to work in small teams and to prepared specific inputs by 10 July 2015.

– **Common indicators of bundles in the EU**

The BoR discussed also common indicators of bundles in the EU and provided some further guidance to the Benchmarking Expert Working Group to be taken into account in the next version of the document. The BEREC Internal Report on common indicators of bundles in the EU should be revised in line with the considerations of the BoR and submitted for approval by electronic voting procedure.

6. Documents submitted for information and/or consideration

The BoR took note of the information provided in the following Reports:

- Information on the electronic voting procedures since the 22nd plenary meetings (26-27 February 2015, Berne);
- 2015 BEREC Work Programme (WP) status update;
- Summary Note on the outcome of the BEREC Workshop on Accessibility (4 March 2015, Brussels);
- Report on the results from the BEREC International Mission to China.

7. Oral up-date on important topics

The BoR was briefed in relation to several other important topics, as follows:

- the outcome of the informal triologue on the proposal for Regulation on the [Telecom Single Market](#) (TSM)¹;
- the 3rd BEREC Stakeholder Forum Meeting (15 October 2015, Brussels);
- the state of work on the project for the development of BEREC collaboration platform *BERECnet*;
- the recent and forthcoming BEREC International activities.

8. Next meeting

The next meeting of the BoR will take place on **1 and 2 October 2015 in Riga (Latvia)** and will be hosted by the Latvian [Public Utilities Commission](#) (SPRK). The meeting will be preceded by a Heads Workshop on the migration to all-IP networks for voice services, which will take place on 30 September 2015.

¹ Proposal for a Regulation of the European Parliament and of 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

Introduction and participation

The BEREC BoR held its 23rd ordinary plenary meeting on 4 and 5 June 2015 in Bergen (Norway), kindly hosted by the [Norwegian Communications Authority](#) (Nkom).

The meeting was attended by the Heads and/or high-level representatives of the NRAs established in each EU Member State which have primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. Heads and high-level representatives of the NRAs from the EFTA States and the States that are candidates for accession to the EU, the Commission and the EFTA Surveillance Authority also took part in the meeting.

List of documents

The list of documents approved for publication during the 23rd BoR meeting in compliance with the BEREC Regulation and the BoR transparency rules are included in the Annex.

Items discussed

A short overview of the information presented under each agenda item, a summary record of the proceedings and a record of the conclusions reached by the BoR under each agenda item is presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	BoR (15) 78 Rev.1 Draft BoR Agenda
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair opened the meeting and welcomed the new Member of the BoR and MC² from Ofcom.</p> <p>The BEREC Chair presented the draft BoR agenda for approval by the BoR. The BoR members and observers were invited to suggest any additional issues to be raised or presented under 'Any other business' (AOB). This not being the case, the agenda was approved as suggested by the Chair.</p> <p>A representative of the meeting host (Nkom) presented information on the logistics of the meeting and the social event.</p>
Conclusions	The BoR approved the agenda as suggested by the BEREC Chair.

2. List of the 'A' items

Document(s)	BoR (15) 71 Draft BEREC Annual Reports for 2014 (approval for publication and for submission to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the European Court of Auditors)
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² For time saving purposes the new BoR and MC Member was presented only during the BoR meeting

	<p>BoR (15) 64 Draft BEREC Report on Common Characteristics of Layer 2 Wholesale Access Products in the European Union (approval for public consultation)</p> <p>BoR (15) 72 Rev.1 Draft BEREC Report on Fixed and Mobile Termination (as of January 2015) (approval for publication)</p> <p>BoR (15) 73 Draft Project Requirements Document for the preparation of BEREC report on post-merger market developments (approval for internal use)</p>
Introduction by	BEREC Chair
Information presented	<p>The Chair presented the list of “A” items as listed above. The list of “A” items had been drawn up on the basis of the conclusions of the CN according to which BoR approval of these documents should be possible without further discussion. The Chair informed the BoR members that, if needed, they still can make statements for the minutes on any of the “A” items. If a position taken on an “A” item may lead to further discussion or if a BoR member so requests, this item should be withdrawn from the “A” list.</p> <p>The Chair first requested the consent of the BoR members for including all items in the “A” list and second, she asked the BoR to approve the “A” items.</p>
Conclusions	The BoR approved the documents included in the ‘A’ item list.

3. Information by the Chair

Document(s)	No documents
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair informed the BoR about the meetings and events, which took place after the previous plenary meeting and which attended on behalf of BEREC, such as: the GSMA Congress in Barcelona, the Cable Congress 2015 in Brussels, IIC Telecom and Media Forum in Brussels, the EU Summit on Internet of Things in London and others.</p> <p>The BoR was informed also that in the period after the previous plenary a BEREC delegation paid a visit to China, which would be presented more in detail under agenda item 13.2.</p> <p>The Chair also had a very fruitful bilateral meeting with Google Europe.</p> <p>The Chair presented more detailed information on the most important meetings, which she attended on behalf of BEREC, as follows:</p> <ul style="list-style-type: none"> - ITRE visit to the BEREC Office and meeting with the BEREC Chair, 7-8 April 2015, Riga <p>A delegation from the European Parliament Committee on Industry, Research and Energy (ITRE) paid a visit to the BEREC Office on 7 and 8 April 2015 and also had a meeting with the BEREC Chair and the Incoming BEREC Chair 2016. During the meeting the ITRE delegation was informed about BEREC’s responsibilities and achievements and the mission of the BEREC Office. Both sides discussed the state of play regarding the Telecom Single Market legislative proposal.</p> <ul style="list-style-type: none"> - Meeting between the BEREC Chair and the Chair of RSPG, 9 April 2015, Lisbon <p>On 9 April 2015, in Lisbon, the Chairs of BEREC and RSPG held an informal meeting to discuss some issues of common interest. Both sides exchanged views on their work programmes for 2015 with emphasis on the currently on-</p>

	<p>going activities and their expected results, on the then forthcoming Commission DSM Strategy and on the review of the EU Regulatory Framework for e-Communications, as well as on possible areas of cooperation between BEREC and RSPG.</p> <p>During the meeting BEREC was represented also by the BEREC Vice-Chairs from BNetzA and UKE.</p> <p>The BEREC Chair informed the BoR about the important forthcoming events, which she will attend on behalf of BEREC in June 2015, as follows:</p> <ul style="list-style-type: none"> - 8 June 2015, Libreville, Gabon - GSR Inter-associations Meeting, during which BEREC will make a presentation on international roaming; - 15 June 2015, meeting of the BEREC and ERGP Chairs with the Vice-President of the European Commission Ansip, to discuss among others cross-border parcel delivery and the extremely high tariffs, which have been identified as an obstacle for the development of cross-border e-commerce; - 17-18 June 2015, Riga, Latvia, Digital Assembly 2015, during which the BEREC Chair will participate in the workshop No 3 on connectivity together with the BEREC Vice-Chair (BNetzA). <p>The Chair also informed the BoR that on 19 June 2015 the Telecom Attachés from the Council of the EU will visit the BEREC Office. During the visit BEREC will be represented by the BEREC Vice-Chair (BNetzA).</p> <p>The Chair also recalled that following the resignation of the Benchmarking (BMK) EWG Co-Chair (CNMC) from that post on 11 May 2015 the Chair launched a <i>Call for expression of interest for the vacant post</i>. Unfortunately within the deadline for submission of applications, 25 May 2015, no candidacies were received.</p> <p>The BoR had no objections against the proposed way forward.</p>
Conclusions	The BoR took note of the information.

4. Information by the BEREC Office

Document(s)	<p>BoR (15) 66 Information on the electronic voting procedures since the last plenary meeting</p> <p>BoR (15) 67 2015 BEREC Work Programme (WP) status update</p>
Introduction by	Representative of the BEREC Office
Information presented	<p>A BEREC Office representative presented information on the electronic voting procedures since the last plenary meeting, recent Article 7/7 a phase II cases, the implementation status of the 2015 BEREC WP and the state of play of BERECnet, as follows:</p> <ul style="list-style-type: none"> - Recent electronic voting procedures and recent Article 7/7 a phase II cases <p>The BoR was informed about the BoR and MC electronic voting procedures launched since the 22nd plenary meeting (26-27 February 2015, Berne). Special attention was paid to the Article 7/7a Phase II Cases.</p> <ul style="list-style-type: none"> - 2015 BEREC WP status update <p>The BoR was informed about the state of implementation of the BEREC WP 2015. The BEREC Office representative pointed out that most of the deliverables are on track. The only deliverable which has been delayed is the</p>

	<p>Report on cross-border termination rates, which is expected to be submitted to the next plenary.</p> <p style="text-align: center;">- State of play with BERECnet</p> <p>The BoR was informed that BERECnet was launched on 4 May 2015.</p> <p>The BoR was informed that in the forthcoming weeks the BEREC Office will soon start uploading the legacy BEREC documents on BEREC net.</p>
Conclusions	The BoR took note of the information.

5. BEREC Work Programme 2016

Document(s)	BoR (15) 79 Outline of the BEREC 2016 Work Programme (WP)
Introduction by	Representative of the BEREC Chair 2016 (BNetzA)
Information presented	<p>A representative of the BEREC Chair 2016 (BNetzA) presented the draft outline of the BEREC WP 2016, which was prepared on the basis of contributions from the EWG-Chairs, the Commission, the NRAs and the BEREC Office. Based on the inputs received, a full list of topics for the WP2016 outline was prepared.</p> <p>A first draft outline of BEREC WP 2016 and a comprehensive list of proposed topics were discussed at the CN Meeting on 14 May 2015 aiming at balancing and prioritizing the issues to be included in the WP 2016. CN members were asked to provide written comments until 20 May 2015 on the basis of which a revised list of topics was distributed to the Heads with a request for prioritisation of the proposed topics by 27 May in accordance with three categories: (i) High Priority (limited to a maximum of 7 entries); (ii) Medium Priority; (iii) Low Priority.</p> <p>The BEREC Vice-Chair (BNetzA) received 25 contributions indicating the level of prioritization and raising some general issues.</p> <p>The BoR was informed that many NRAs commented on the huge amount of planned reports and emphasized the need for a more ambitious output, some of those NRAs recommended to consider the delivery of Common Positions instead of reports. Therefore the BoR members were invited to share its views on this issue, as well.</p> <p>Finally the BoR was informed about the next steps in the process of preparation and approval of the WP, as follows:</p> <ul style="list-style-type: none"> - June/July 2015 – launching a Call for inputs from EWGs on the deliverables to be validated by the 24th BEREC plenary meeting (1-2 October 2015, Riga); - by 27 August 2015 – submitting first draft of WP2016 to the 3rd CN meeting; - 1-2 October 2015 – approval of the draft for public consultation by the BoR; - 15 October 2015 – organising a public hearing on the draft within the next Stakeholder Forum; - CN 4 (19-20 November 2015)/25th BoR plenary meeting (10-11 December 2015) – final approval of the BEREC WP 2016 and consultation report and publication. <p>Following the presentation of the BEREC Vice-Chair (BNetzA) the BEREC Chair also invited the BoR members to comment on the final list of items to be included in the WP for 2016 and recalled that it would be difficult to take out some activities, such as the international activities, as BEREC has signed</p>

	MoUs with some other organisations and has certain commitments vis-à-vis its international partners.
Conclusions	The BoR discuss the outline of the BEREC WP for 2016 and approved it as a basis for the preparation of the draft WP. The BoR also agreed with the next steps in the preparation of the WP as suggested by the Incoming BEREC Chair.

6. Oligopoly analysis and regulation (MEA)

Document(s)	BoR (15) 74 Draft BEREC Report on oligopoly analysis and regulation
Introduction by	MEA EWG Co-Chairs (CNMC/ARCEP)
Information presented	<p>The MEA EWG Co-Chairs (CNMC/ARCEP) presented the draft BEREC Report on oligopoly analysis and regulation, which is based on the investigation launched by BEREC in 2014 with the objective to determine whether the current regulatory toolkit and/or its practical application is adequate to tackle oligopoly issues.</p> <p>The draft report also contains a theoretical introduction to the different oligopolistic market structures, which is followed by an overview of the relevant precedents on the analysis and regulation of oligopolies, as well as an overview of information from notified cases, EC comments letters and relevant information from competition law related cases.</p> <p>The document introduces a set of criteria to be used to assess joint SMP according to the existing regulatory framework, providing guidance to NRAs on the application of the existing regulatory tools. It also identifies potential competition problems that might appear in tight oligopolies that are currently not addressed in the existing regulatory framework and should be taken into consideration when reviewing the framework.</p> <p>The document also launches a general discussion on the selection of remedies in the context of oligopolistic situations, which could address potential competition problems in oligopolistic situations.</p> <p>The BoR was requested to approve the document for public consultation, which will run until 1 August 2015.</p>
Conclusions	The BoR approved for public consultation the draft Report. The public consultation will run through the BEREC website by 1 August 2015.

7. Next Generation Networks (NGN)

7.1. BEREC High Level Statement on WIK/TNO interoperability study for the Commission

Document(s)	BoR (15) 80 Draft BEREC High Level Statement on Tasks 1-3 of the WIK/TNO Interim Report "Investigation into interoperability standards for the promotion of the internal market for electronic communications"
Introduction by	NGN EWG Co-Chair (BNetzA)
Information presented	<p>The NGN EWG Co-Chair (BNetzA) recalled that the Commission had contracted a Study on 'Investigation into interoperability standards for the promotion of the internal market for electronic communications' carried out by WIK/TNO. It was pointed out that harmonised European access products had already been proposed by the Commission in the TSM and therefore could be expected to be covered by the forthcoming review of the EU Regulatory Framework for electronic communications.</p>

	<p>BEREC received a draft interim report on 11 May 2015 (covering tasks 1 and 2 of the technical specification) and on 23 May 2015 (covering task 3 which addresses the harmonisation of wholesale products). The BoR was informed that due to limited time for examination of the draft report it was not possible to undertake a detailed analysis and therefore the NGN EWG proposed a draft BEREC High-level Statement, which does not preclude further statements from BEREC and/or individual NRAs.</p> <p>The BoR was acquainted with the topics of the study and with their main content. In particular the BoR was informed that task 1 of the study contains overview of state of play, task 2 – the demand and supply forecasts, task 3 - the feasibility assessment of achieving common specifications for active wholesale products (VULA, Ethernet bitstream, Leased lines) across Europe and task 4, which had not been completed by the start of the plenary meeting, should present proposals for procedures for achieving harmonisation.</p> <p>The NGN EWG Co-chair presented some observations on the first 3 sections of the study, which are also included in the draft high-level statement submitted to the BoR for approval. Therefore the BoR was asked to provide its consent to the BEREC representatives during these workshops to use the high-level statement as a mandate for presenting BEREC's position. The NRAs were invited to send any additional comments they may have to the Commission/consultants by 12 June 2015.</p>
Conclusions	<p>The BoR discussed the High-level statement and approved it for submission to the Commission as input to the interim report. The High-level statement will be used as a mandate by BEREC representatives in any further engagement with the Commission and/or the consultants, including during internal or public workshops on the subject.</p>

7.2. Oral up-date on advanced connectivity of devices, systems and services (M2M)

Document(s)	No documents
Introduction by	NGN EWG Co-Chair (BNetzA)
Information presented	<p>The NGN EWG Co-Chair (BNetzA) briefed the BoR on the status of work on the M2M. The BoR was informed the NGN EWG had introduced some changes in terms of the deliverables envisaged in the PRD on M2M for 2015. In particular the EWG decided to focus on the draft BEREC Report on the basis of the input from the stakeholders gathered in 2013 and 2014 and to cancel the public workshop planned for Q2-2015. Instead of that the NGN EWG proposes publishing the draft report for public consultation after the 24th plenary meeting, which in the view of the EWG would be a better platform for consulting the stakeholders. It might be useful to organise a workshop with the data protections authorities or other public bodies concerned.</p> <p>Therefore, a first draft of the Report has already been made available to the members of the EWG for internal discussion with the objective to submit it for approval by the BoR for public consultation at the 24th plenary meeting in September, 2015.</p>
Conclusions	The BoR took note of the information.

8. Status up-date on the work carried out by the Regulatory Framework (RF) EWG Work Streams (OTT, forthcoming review, TSM, spectrum)

Document(s)	No documents
Introduction by	RF EWG Co-Chairs (AGCOM/NMHH)
Information presented	<p>The RF EWG Co-Chairs (AGCOM/NMHH) briefed the BoR in relation to the recent and forthcoming work executed by the Works Streams established within the RF EWG in line with the PRDs approved by the BoR, as follows:</p> <ul style="list-style-type: none"> - Recent developments in the TSM process <p>The RF briefed the BoR about the recent developments in the legislative process on the TSM and in particular about BEREC's involvement.</p> <p>The RF EWG Co-Chairs recalled that the last trilogue, held on 2 June 2015, could not lead to an agreement and therefore the Latvian Presidency of the Council of the EU scheduled a breakfast discussion on the TSM within the margin of the forthcoming TTE Council meeting on 12 June 2015.</p> <p>The fourth trilogue is scheduled for 24 June 2015.</p> <p>The role of BEREC so far has been to provide technical analysis of the texts proposed by the co-legislator.</p> <ul style="list-style-type: none"> - DSM Strategy and ECS framework review <p>The RF EWG informed the BoR about the work carried out in relation to the DSM Strategy.</p> <p>The RF EWG Co-Chairs emphasised that the EWG worked on the preparation of the 'What-If' meetings with the Commission (held on 24 March and 8 May 2015) and on the drafting of the high-level statement/press release on the document³.</p> <p>Additionally the RF EWG started an internal recollection of key areas to consider for a possible BEREC Opinion on the review of the EU Regulatory Framework for electronic communications, based on inputs provided during the what-if sessions.</p> <ul style="list-style-type: none"> - OTT Report <p>The RF EWG Co-chair informed the BoR that the RF EWG had started the preparation of a BEREC draft Report on OTT services. The objective of the work would be to identify OTT services/relevant players, the geographical and legal presence of OTT services and players the assessment of the potential changes in the internet value chain, taxonomy of OTT players, outlining of digital business models and the potential impact of the OTT phenomenon over the application of the current regulation.</p> <p>The RF EWG circulated a questionnaire to the CN Members to gather initial information from the NRAs. All NRAs provided replies to the questionnaire and the results of the questionnaire are currently being processed by the EWG with the objective to table the draft Report for approval for public consultation by the September CN/Plenary meetings.</p> <p>The final approval of the document is envisaged for the first quarter of 2016.</p>

³ [BoR \(15\) 62, 12 May 2015](#)

	<p align="center">- Spectrum</p> <p>The BoR was briefed about the work done by the Spectrum Work Stream for the preparation of the meeting between the Chairs of BEREC and RSPG (9 April 2015, Lisbon). The RF EWG prepared a paper for the meeting, which was used as BEREC's contribution to the discussion.</p> <p>The RF EWG Co-Chair also informed the BoR about the planned BEREC workshop on spectrum, which is expected to take place in the 2nd half of 2015. The workshop this year will be hosted by BEREC and the experts from RSPG will be invited to contribute to it.</p>
Conclusions	The BoR took note of the information.

9. DSM Strategy / Telecoms Framework Review

Document(s)	No documents
Introduction by	Commission Representative
Information presented	<p>A Commission representative presented the DSM Strategy adopted and published by the Commission on 6 May 2015.</p> <p>In particular the BoR was informed that the DSM Strategy sets out 16 key actions under 3 pillars as follows:</p> <ol style="list-style-type: none"> 1) Better access for consumers and businesses to digital goods and services across Europe. 2) Creating the right conditions and a level playing field for digital networks and innovative services to flourish 3) Maximising the growth potential of the digital economy <p>To implement the strategy, the EC will propose the following measures:</p> <ul style="list-style-type: none"> - rules to make cross-border e-commerce easier, such as harmonised EU rules on contracts and consumer protection when you buy online; - review the Regulation on Consumer Protection Cooperation; - more efficient and affordable parcel delivery, in particular as far as cross-border delivery is concerned to which BEREC can contribute with its experience in roaming; - to end unjustified geo-blocking - to identify potential competition concerns affecting European e-commerce markets; - a modern, more European copyright law, in particular with the objective to harmonise the exceptions; - a review of the Satellite and Cable Directive to assess if its scope needs to be enlarged to broadcasters' online transmissions and to explore how to boost cross-border access to broadcasters' services in Europe; - to reduce the administrative burden businesses face from different VAT regimes with the objective to provide better conditions for EU businesses, in particular for SMEs; - present an ambitious overhaul of EU telecoms rules, including more effective spectrum coordination, and common EU-wide criteria for spectrum assignment at national level; creating incentives for investment in high-speed broadband; ensuring a level playing field for all market players, traditional and new; and creating an effective institutional framework;

- review the audio-visual media framework focusing on the roles of the different market players in the promotion of European works (TV broadcasters, on-demand audio-visual service providers, etc.). It will as well look at how to adapt existing rules (the Audio-visual Media Services Directive) to new business models for content distribution;

- comprehensively analyse the role of online platforms (search engines, social media, app stores, etc.) in the market. Identify methods and tools to tackle illegal content on the Internet;

- reinforce trust and security in digital services, notably concerning the handling of personal data; building on the new EU data protection rules, due to be adopted by the end of 2015, the Commission will review the e-Privacy Directive;

- propose a Cybersecurity Strategy and establish a partnership with the industry on cybersecurity in the area of technologies and solutions for online network security;

- propose a 'European free flow of data initiative' to promote the free movement of data in the EU. The EC will also launch a European Cloud initiative covering certification of cloud services, the switching of cloud service providers and a "research cloud";

- define priorities for standards and interoperability in areas critical to the Digital Single Market, such as e-health, transport planning or energy (smart metering);

- support an inclusive digital society where citizens have the right skills to seize the opportunities of the Internet and boost their chances of getting a job. A new e-government action plan will also connect business registers across Europe.

The Commission representative emphasised that although the Commission would consult BEREC on the telecoms review as it is the main relevant area, BEREC can contribute to other areas of the DSM strategy depending on the national governance or system established in each Member State.

As far as the telecoms review is concerned the Commission informed the BoR that the review will comprise two parts which will include:

- Evaluation (so called 'REFIT/Fitness Check'⁴), which will have the objective to identify overlaps, inconsistencies, synergies and the cumulative impacts of regulation;
- Adjustment/review, which will seek the establishment of complementing regulatory telecoms environment with new legislative and non-legislative initiatives.

As far as the governance is concerned the Commission representative informed the BoR that there is no idea to further centralise the system but BEREC should have clear operational tasks compared to the present. BEREC should be empowered to have greater contribution to the single market.

The idea of a network of independent regulators working together should be reinforced because of the internal market dimension and because it also reinforces the independence of NRAs.

⁴ A 'Fitness Check' is a comprehensive evaluation of a policy area that addresses how several related legislative acts have contributed (or otherwise) to the attainment of policy objectives

	<p>The Commission representative shared his views that NRAs are in the best position to assess competitive areas and help in drawing the line between markets that functions and not as regards Art.7 and state aid. The Commission would also like to see more and better harmonisation at EU level of the end-user rights.</p> <p>Due to the value of BEREC's views the Commission has suggested organising the so called 'What-If' meetings, which will be followed by a formal request for an opinion. (BEREC can also choose to participate in the general public consultation).</p> <p>In the request for an opinion BEREC will be requested to provide its retrospective evaluation on the impact of the current legislation on the single market and its views on any need for forward looking adjustments. The request to BEREC to provide its opinion is expected to be sent by the end of June 2015 and the Commission would ask BEREC to provide its opinion by December 2015.</p> <p>Following the presentation of the Commission the BoR was informed that the Chair and Vice-Chairs would like to suggest starting immediate preparation of some inputs to the future BEREC opinion. Taking into account the importance of the review for the future development of the sector the Chair was of the opinion that the high-level input should be provided by the BEREC Heads. In that respect the Chair suggested the BoR to request the Heads to start working on the most important topics for the review in small teams and to deliver some high-level input by 10 July 2015.</p> <p>The Chair suggested sending some further instructions about the topics and the content of the inputs to be developed with the support of the moderator of the plenary workshop (RTR) and the RF EWG.</p>
Conclusions	<p>The BoR took note of the Commission presentation on the DSM Strategy and, in particular, the Telecoms Framework Review and discussed the next steps to be undertaken by BEREC.</p> <p>The BoR requested the BEREC Heads to work in small teams and to prepare by 10 July 2015 written inputs to the forthcoming review in line with instructions to be circulated in writing by the Chair.</p>

10. Remedies

Document(s)	BoR (15) 78 Draft BEREC Internal Report on the regulatory treatment of termination of calls originated outside European Economic Area (EEA)
Introduction by	REM EWG Co-Chair (ARCEP)
Information presented	<p>The REM EWG Co-Chair (ARCEP) presented the draft BEREC Internal Report on the regulatory treatment of termination of calls originated outside EEA.</p> <p>It was recalled that the regulation of termination rates (TR) is harmonized inside the EEA and in some partner areas. However, the regulatory treatment of TR outside the EEA is heterogeneous and operators active in EEA countries are sometimes facing significant asymmetries of tariffs meaning they might pay much higher tariffs than they charge.</p> <p>This situation may be to the advantage of operators active in non-EEA countries and to the detriment of operators and customers active in EEA. Divergence in the regulatory treatment of TR between EEA and some non-EEA countries may lead to competitive distortions and discriminatory cross-subsidisation between operators, and ultimately end-users. To some extent, these distortions could</p>

	<p>mitigate the benefits triggered by the regulation of voice termination at domestic level and may distort NRAs' approach to the price control of voice termination.</p> <p>Therefore the Report provides guidance to NRAs on the regulatory treatment of calls originated outside the EEA, in particular as actions intended to mitigate the impacts described above could prove to be justified and appropriate. The document also contains some recommendations for actions to the European Commission.</p> <p>The conclusions of the Report as drafted currently are '<i>without prejudice to the compliance with international and European laws</i>'. However, there is still an open question whether some proposals of the report are compatible with GATS rules, in particular the 'most favoured nation principle'⁵ and its declination to telecoms in the form of a non-discrimination requirement⁶, which could be further studied by the competent Commission Services (DG TRADE, LS in collaboration with DG CONNECT).</p> <p>Once more information is gathered the Report may be up-dated and submitted to the BoR through the CN for adoption possibly for publication.</p>
Conclusions	The BoR discussed the Report and approved it for internal use.

11. Net Neutrality (NN)

Document(s)	BoR (15) 65 Draft BEREC Report on How Consumers Value Net Neutrality in an Evolving Internet Marketplace: a report into ecosystem dynamics and demand side forces
Introduction by	NN EWG Co-Chair (Ofcom)
Information presented	<p>The NN EWG Co-Chair (Ofcom) presented the afore-mentioned report, which has been widely based on a consumer research study to gain an understanding of how consumers value NN and a desk research to gather information already in the public domain on the Internet usage by consumers, commissioned by the BEREC Office</p> <p>The evidence from the studies suggests that consumers tend to prefer Internet access packages with normal access to popular applications, and that these are likely to be economically attractive for ISPs to offer. As long as there is transparency, and consumers are able easily to switch provider, such services seem likely to predominate, as they do at present.</p> <p>However, it also seems possible that there are consumers who would prefer restricted Internet access services at sufficiently low prices, and that ISP provision of such services will also be economically viable, alongside the provision of open, unrestricted services, if permitted under national rules. An alternative would be to offer packages with lower access speed or data volume</p>

⁵ Article II - Most-Favoured-Nation Treatment : "*With respect to any measure covered by this Agreement, each Member shall accord immediately and unconditionally to services and service suppliers of any other Member treatment no less favourable than that it accords to like services and service suppliers of any other country.*"

⁶ Annex on Telecommunications, (5). Access to and use of Public Telecommunications Transport Networks and Services: "*Each Member shall ensure that any service supplier of any other Member is accorded access to and use of public telecommunications transport networks and services on reasonable and non-discriminatory terms and conditions, for the supply of a service included in its Schedule.*"

	<p>at reduced prices, which would allow end-users to decide how they use their Internet access.</p> <p>The research shows that consumers put most emphasis on price in their purchase decision of an Internet access service, but also base their purchase decision on attributes that relate to traffic management. They prefer normal access to the application types that were included in the survey, and offers without data caps are most attractive to them.</p> <p>Transparent effects-based information can be effective in helping consumers with their purchase choice decision, and is more effective than educating them about the nature and operation of traffic management. However, for transparency to be effective, consumers need to be willing and able to switch. A significant proportion expressed a willingness to switch should their ISP introduce non-neutral traffic management practices, and at least half have already switched in all four test countries. Nevertheless, a significant minority of respondents reported that they had no real choice of alternative provider.</p> <p>It is difficult to predict how significant a proportion of the market might be captured by restricted services in the long run; but without specific NN regulatory policies they are likely to be available in the short term (as at present).</p> <p>If the policy is that such restrictive services must not be available, in order to capture the broad benefits of open Internet access, prescriptive regulation may be necessary. However, if policy-makers consider that sufficient benefits of open Internet access will be realised through a market structure which includes some restricted services but in which open Internet access is predominant, then competition, transparency and consumer switching would likely be sufficient.</p> <p>Under all circumstances, it will be important for NRAs to monitor the nature and transparency of ISP offerings, the access services which consumers are choosing, their effects on innovation, as well as levels of competition and ease of switching – and to consider intervention if necessary.</p> <p>The current report has a descriptive character and does not make any recommendations about how NRAs should regulate in this area. The Report is addressed to both BEREC and the NRAs and could be used by them in their future analysis of the EU/national markets, as well as to contribute to the continuing public debate on the complex issue of NN.</p>
Conclusions	The BoR congratulated the NN EWG for the excellent work done and approved the Report for publication (including the annexes).

12. End-Users (EU)

Document(s)	BoR (15) 70 Summary Note on the outcome of the BEREC Workshop on Accessibility (4 March 2015, Brussels)
Introduction by	EU EWG Co-chair (ANCOM)
Information presented	<p>The EU EWG Co-chair (ANCOM) presented the outcome of the BEREC public Workshop on accessibility of electronic communications services for end-users with disabilities held on 4 March 2015 in Brussels. The workshop was organised in 4 sessions during which 14 speakers presented different issues related to accessibility.</p> <p>The event focused on the challenges faced by disabled end-users, the role of regulators in promoting accessibility and the initiatives taken by manufacturers, service providers and the Apps industry to make communications services more accessible for disabled end-users. In particular during the event the workshop participants discussed the following main issues:</p>

	<p>a) The accessibility and usability challenges faced by disabled end-users when accessing electronic communications services;</p> <p>b) The contribution of regulators to improving accessibility for disabled citizens;</p> <p>c) Accessibility considered from the industry perspective;</p> <p>d) Designing for all - a manufacturers and service providers' challenge.</p> <p>The workshop participants made a number of recommendations and suggestions, which were addressed to BEREC and to other parties with the objective to improve policies and business practices and to promote equivalent access and choice for end-users with disabilities.</p> <p>The workshop was video recorded and the public and all NRAs can also consult the full video recording, as well as the workshop materials through the BEREC event section.</p> <p>The EU EWG prepared a written report on the outcome of the workshop, which will be presented for information.</p> <p>The BoR was informed that later this year the EU EWG plans to table a detailed report on the equivalence of access, which, among others, will include the recommendations made during the workshop.</p>
Conclusions	The BoR took note of the information.

13. BEREC International Activities

13.1. Oral up-date on the BEREC International Activities

Document(s)	No documents
Introduction by	Representatives of the BEREC Chair and Vice-Chair (PTS) and CNMC
Information presented	<p>Representatives of the BEREC Chair and BEREC Vice-Chair (PTS) briefed the BoR in relation to recent and forthcoming international BEREC activities, as follows:</p> <p>Recent activities:</p> <ul style="list-style-type: none"> - <i>Joint BEREC-Regulatel Working Group meetings (13-15 April 2015, Cartagena de Indias, Colombia)</i> <p>In the period 13-15 April 2015 BEREC and Regulatel held meetings of the following joint Working Groups: Economic Competition, Benchmarking and End-Users. BEREC was represented by 3 NRAs' representatives from BNetzA, CNMC and AGCOM.</p> <ul style="list-style-type: none"> - <i>Participation of BEREC delegation in the EaPeReg Plenary Meeting (24 April 2015, Minsk)</i> <p>A BEREC delegation took part in the last EaPeReg meeting during which both sides discussed the forthcoming annual four-lateral BEREC Summit, 2-3 July 2015, Barcelona. They exchanged views on the possible involvement of the EaPeReg NRAs in the current BEREC activities and possibilities for assistance to be provided by BEREC to these NRAs.</p> <p>The meeting was preceded by a workshop on tariff setting and regulation, which was attended also by the BEREC representatives. In 2015 EaPeReg has envisaged in total 4 workshops.</p> <p>The BoR was informed that EaPeReg is looking forward to strengthening the cooperation with BEREC and that the EaPeReg have very high expectations, including for BEREC participation in the EaPeReg workshops.</p>

	<p>Forthcoming events:</p> <ul style="list-style-type: none"> - <i>BEREC-EMERG-EaPeReg-REGULATEL Summit on challenges for telecoms in the new Internet ecosystem (2-3 July 2015, Barcelona)</i> <p>A joint four-lateral BEREC-EMERG-EaPeReg-REGULATEL Summit on challenges for telecoms in the new Internet Ecosystem will take place on 2 and 3 July 2015 in Barcelona (Spain). The summit will be hosted by CNMC, which has already circulated practical and logistical information about the event to the BoR Members. It will be used as a platform for cooperation and exchange of best practices.</p> <p>The formal invitation to the BEREC Heads for participation in the event and the invitation from the BEREC Office for reimbursement of the BEREC participants have been circulated.</p> <p>A representative of CNMC emphasised the importance of the forum, as it will be the first event which will gather all the 4 organisations.</p> <ul style="list-style-type: none"> - <i>High level meeting with the EaP counties (11-12 June 2015, Luxembourg)</i> <p>Within the TTE Council the Ministers of telecom will meet the representatives of the EaP counties to discuss the future cooperation in the field of electronic communications. BEREC has been invited to join the meeting and will be represented by the BEREC Vice-Chair (PTS) and the BEREC CN Chair.</p> <ul style="list-style-type: none"> - <i>Cooperation between BEREC and US FCC</i> <p>The Chair had a video-conference with the FCC Chair on 20 May 2015 and will meet the FCC Chair in October 2015.</p> <p>BEREC and FCC organised their first joint Workshop, which was dedicated on NN and took place on 30 June 2015 by video-conference.</p>
Conclusions	The BoR took note of the information.

13.2. BEREC International Mission to China

Document(s)	BoR (15) 76 Report on the results from the BEREC International Mission to China
Introduction by	BEREC Chair and Vice-Chair (ComCom)
Information presented	<p>The BEREC Chair and the Chair of ComCom, who as IRG Vice-Chair was in charge of the organisation of the afore-mentioned mission, presented the outcome of the visit of the BEREC delegation to China organised from 20 to 25 April 2015.</p> <p>The BEREC Chair thanked the Commission and in particular the Delegation of the EU in China, which provided support to BEREC in the organisation of the BEREC mission.</p> <p>During the visit, the delegation met with a multitude of government officials, stakeholders, academics and scholars.</p> <p>The outcome of the visits is presented in a written report submitted to the BoR for information.</p>
Conclusions	The BoR took note of the information.

14. Benchmarking (BMK)

14.1. Indicators on Bundles

Document(s)	BoR (15) 77 Draft BEREC Report on common indicators of bundles in the EU
Introduction by	BMK EWG Co-Chair (ANACOM)
Information presented	<p>The BMK EWG Co-Chair (ANACOM) presented the draft BEREC Report on common indicators of bundles in the EU, which had been prepared with the objective to ensure comparable data and the usage of a common definition of bundle, which currently is not the case as some EU Member States have introduced modifications of the EC definition. On the basis of the EC definition and taking into account the evolution of bundle offers over time, the BMK EWG proposes to add some clarifications to the current EC bundle definition in order to ensure comparability of all data collected.</p> <p>The current draft document proposes also an improved and updated set of indicators on bundles to better reflect the complexity of bundle offers available on the market, in particular quadruple-play and quintuple-play combinations, that combine fixed and mobile network based services.</p> <p>The report presents two alternative sets of indicators for improving the current bundle indicators collected in the context of the Digital Agenda and has been prepared on the basis of inputs from 36 NRAs.</p> <p>The BMK EWG recommends a clarified definition of bundle and, based on the advantages of each alternative set of indicators, proposes a new set of 26 indicators to be collected.</p> <p>This work has been done in cooperation with the EC and if the BoR approves the proposal, the new set of indicators and bundle definition may be adopted by the EC in the next collection exercise.</p> <p>After the CN meeting the BMK EWG revised the draft and tabled a new proposal for approval by the BoR, which tries to accommodate the suggestions received from one NRA. However, due to the short time for considering the effect of these last minutes changes, there might a need for further reflection.</p> <p>Taking into account the explanation provided by the BMK EWG Co-Chair (ANACOM) the BEREC Chair suggested postponing the approval of the document and requesting the BMK EWG to further examine the draft with view to its streamlining. Once the text is stable it could be submitted to the BoR for approval by electronic voting procedure.</p>
Conclusions	The BoR discussed the draft Report and requested the BMK EWG to examine the additional inputs received and to revise the draft Report with a view to its approval by electronic voting procedure.

14.2. Information Sharing Portal

Document(s)	BoR (15) 75 BEREC Report on Information Sharing-Portal (IS-Portal): Implementation Scenarios
Introduction by	Representatives of the BEREC Office
Information presented	<p>A BEREC Office Representative presented a BEREC Report for the implementation of the IS-Portal, which examines the following two scenarios for the implementations of the project:</p> <p>1) an IS-Portal that provides links to the websites of the NRAs;</p>

	<p>2) a portal that implements a search engine that searches documents on the websites of the NRAs.</p> <p>The BEREC Office, using its own IT resources, has compared these two scenarios and has also provided time and cost estimates for their implementation.</p> <p>The BoR was requested, on the basis of the assessment report, to decide on specific scenario for the portal development.</p>
Conclusions	<p>The BoR discussed the implementation of the IS-Portal and decided that the project should be developed on the basis of scenario 1 as proposed by in the Internal Report.</p>

15. BEREC Communication Plan

Document(s)	<p>BoR (15) 68 Up-dated BEREC Communication Plan</p> <p>BoR (15) 69 Draft BEREC High-level statement on the Communication plan of the BEREC</p>
Introduction by	BEREC Office Administrative Manager
Information presented	<p>The BEREC Office AM presented an up-date of the BEREC Communication plan approved by the BoR at its 19th plenary meeting on 5 June 2014 in Dublin.</p> <p>The BoR was informed that the major updates in the draft BEREC Communication Plan compared to its previous version are the following:</p> <ul style="list-style-type: none"> - Elaborates more on the BEREC target audience, in particular by listing the EU Institutions, adding the NRA's networks, complementing the existing target audience with academia – researchers; - Envisages to the BEREC Office to elaborate a roadmap for the improvement and reinforcement of the current website; - Expresses the desire that all NRAs' websites have a direct link to the BEREC website. In this regard, any further initiative from the National regulators spreading knowledge about BEREC and its activities is encouraged and welcomed; - Where appropriate, the public BEREC workshops will be used to raise public awareness about BEREC and the BEREC Office among stakeholders, public institutions, academia and media; - The format of each individual Stakeholder Forum meeting will be determined by the BoR; - References to BEREC Office communication elements are removed. <p>The AM recalled that the CN had discussed the up-dated Communication Plan and was of the opinion that it should not be published. However, to increase transparency of BEREC work, the CN requested the BEREC Office to prepare a High-level statement on the Communication Plan, which should be submitted to the BoR for approval for publication. Therefore, in coordination with the BEREC Vice-Chair (BNetzA) the BEREC Office had prepared a high-level statement, which is submitted to the BoR for approval together with the revised Communication Plan.</p>
Conclusions	<p>The BoR approved the BEREC Communication Plan for internal use and High-level statement for publication.</p>

16. Information from the Commission

Document(s)	No documents
Introduction by	Commission representative
Information presented	<p>The Commission representative briefed the BoR on the state of work on the TSM negotiations by the co-legislator. The BoR was informed that there are few items left open and that there is still not certainty if an agreement they could be reached during the Latvian Presidency of the Council of the EU or otherwise under the LU Presidency.</p> <p>If the text will be approved by the end of June 2015 it can be expected that the final act will be published in OJ September/October 2015.</p>
Conclusions	The BoR took note of the information.

17. Oral up-date on the 3rd BEREC Stakeholder Forum Meeting

Document(s)	No documents
Introduction by	BEREC Vice-Chair (ComReg)
Information presented	<p>The BEREC Vice-Chair (ComReg) briefed the BoR about the 3rd BEREC Stakeholder Forum, which will take place on 15 October 2015, at the Sheraton Brussels Airport Hotel. The BoR was informed that the logistics of the event are planned by the BEREC Office</p> <p>In terms of the content there will be a session on the BEREC WP 2016. The other topics may include M2M, IoT or others depending on the availability of speakers.</p> <p>The agenda and list of speakers will be made available in due course. The speakers will be at CEO level and will represent different entities from the electronic communications ecosystem. The European Commissioner on Digital Economy and Society, Günther Oettinger, is expected to attend the event.</p> <p>The purpose of the event is to provide an interactive platform for discussion with stakeholders on strategic issues. Therefore, among others, one of the agenda items will be dedicated to the draft 2016 BEREC WP, which will have been published for public consultation by that time.</p> <p>At the end of the presentation the Chair invited all Heads to take part in the event and emphasised that there will be very high-level speakers. Therefore, it would be very important that BEREC is represented at high-level, as well.</p>
Conclusions	The BoR took note of the information.

18. AOB

18.1. Information on the next BoR meeting (1-2 October 2015, Riga (Latvia))

Document(s)	No documents
Introduction by	Representative of the meeting host (SPRK)
Information presented	The meeting host (SPRK) presented information on the logistics of the next BEREC BoR plenary meeting to take place on 1 and 2 October 2015 in Riga.
Conclusions	The BoR took note of the information.

18.2. Information on the 25th BoR plenary meetings (9-11 December 2015, London)

Document(s)	No documents
Introduction by	Representative of the meeting host (Ofcom)
Information presented	The meeting host (Ofcom) informed the BoR about the logistics of the 25th BEREC BoR plenary meeting to take place on 9-11 December 2015 in London at Saint Pancras Hotel. The BoR was informed that the discount for accommodation will be valid only by 1 September 2015 and that all participants should be aware that booking accommodations should be ensured on time.
Conclusions	The BoR took note of the information.

18.3. Calendar of Meetings for 2016

Document(s)	BoR (15) 86 Preliminary schedule for the ordinary BEREC and Contact Network (CN) meetings in 2016
Introduction by	Representative of the Incoming BEREC Chair (BNetzA)
Information presented	A representative of the Incoming BEREC Chair (BNetzA) presented the preliminary schedule for the ordinary BEREC plenary meeting and meetings of the CN in 2016.
Conclusions	The BoR took note of the information.

Bergen, 5 June 2015.

List of Documents

approved at the 23rd BoR plenary meeting and subject to publication in compliance with the BEREC Regulation and the BoR transparency rules

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	Reports
BoR (15) 65	BEREC Report on How Consumers Value Net Neutrality in an Evolving Internet Marketplace: a report into ecosystem dynamics and demand side forces
BoR (15) 71	BEREC Annual Reports 2014
BoR (15) 72	Fixed Termination Rates Report as of January 2015
	Documents approved for public consultation
BoR (15) 64	Draft BEREC Report on Common Characteristics of Layer 2 Wholesale Access Products in the European Union
BoR (15) 74	Draft BEREC Report on oligopoly analysis and regulation
	Others
BoR (15) 69	High-level statement on the Communication plan of the BEREC, 2015

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