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**Outcomes**  
**BEREC 26<sup>th</sup> Plenary Meeting**  
**25-26 February 2016**

**Dr. Wilhelm Eschweiler, BEREC Chair 2016**

## Outline

- **BEREC Plenary Workshop on Net Neutrality – 24 February**
- **Outcomes of the 26<sup>th</sup> BEREC Plenary meeting – 25-26 February**
- **Next BEREC main meetings / events**

## **BEREC Plenary Workshop on Net Neutrality (1)**

- **Part of the ongoing BEREC work on NN guidelines**
- **BEREC invited four experts with academic, legal and technical backgrounds:**
  - **Barbara van Schewick, Stanford Law School**
  - **Chris Marsden, University of Sussex**
  - **Alissa Cooper, IETF**
  - **J. Scott Marcus, consultant**

## **BEREC Plenary Workshop on Net Neutrality (2)**

- **Focus on**
  - **Co-Existence of commercial practices (e.g. zero-rating) and new rules**
  - **Traffic management practices to be allowed under new rules**
  - **Role and nature of specialised services**
  - **Parameters of Internet access quality**

## **BEREC Plenary Workshop on Net Neutrality (3)**

- **Publication of draft guidelines for public consultation following the second plenary meeting 2/3 June 2016**
- **Debriefing/public event in the subsequent week**
- **Consultation phase of 6 weeks**
- **Final adoption of Guidelines planned in an extraordinary plenary end of August**

## **International Roaming - General Guidelines excl Art 3, 4, 5**

- **update of the former BEREC Guidelines on the third Roaming as Regulation includes substantial changes**
- **deal especially with the implementation of the transitional regime**
- **designed to explain the Regulation and are not presented as an official legal interpretation**

## Summary of main changes

- **Definition of domestic retail prices for regulated roaming services**
- **Price caps in the transitional regime: Domestic + surcharge / Fixed periodic tariffs**
- **Implementation of the transitional period**
- **Charging intervals**
- **Section about tariffs without roaming services**
- **Update on exchange rates**
- **Applicability of Roaming Regulation to M2M**

# International Roaming Wholesale Report - Objectives & Main findings

- **Objectives:**
  - **Assessment of the wholesale roaming market based on questionnaires sent to operators and NRAs**
  - **BEREC's response to the EC's public consultation**
- **Main findings**
  - **Lack of convergence of ARPUs and consumption**
  - **Large differences in travel patterns**
  - **Range of RLAH offers and variants with "add-ons"**
  - **Large variety of wholesale charging models**
  - **Weak position of MVNOs compared to MNOs**
  - **Conclusion: Need to adapt the conditions at the retail and wholesale level to achieve a balanced outcome for home and visited networks**



## Different regulatory scenarios (pros/cons)

- **Wholesale caps: EU level/per country; minimum/maximum cost,...**
- **Termination rates: harmonization, cap, exclusion from wholesale cap,...**
- **Wholesale FUP**
- **Capacity based wholesale caps**
- **MVNO specific solutions: pass discounts to the MVNOs, include RLAH in agreements,...**

# Report on OTT Services

- **Adoption of the OTT Report and the OTT Consultation Report**
- **Summary of consultation responses**
  - **19 responses:** BEUC, C2, ECTA, EDIMA, EENA, ETNO, GSMA, Mr. Schütze (JUCONOMY), ORANGE, QSC AG, SIPGATE, TDC, TELECOM AUSTRIA, TELEFONICA, TELIA SONERA, TI, UGT, VERIZON
  - **Report did not need major changes, but only some clarifications**
  - **Main issues of the report addressed by respondents: OTT-0, 1 and 2 taxonomy; definition of ECS; request to ensure a future looking approach**

## **OTT-Report: Main findings and Follow-up (1)**

- **Focus on “OTT-1”- services which potentially compete with ECS**
- **The definition of ECS should be clarified and/or reconsidered**
- **NRAs should have sufficient competence to request information from OTT providers – legal basis required**

## **OTT-Report: Main findings and Follow-up (2)**

- **Is the ‘level playing field argument’ a reason to reduce or increase the scope of regulation? – Careful assessment required!**
- **Follow-up: “rule by rule assessment” in the light of policy objectives and proportionality**

# Report on enabling the Internet of Things (1)

## Conditions for IoT/M2M to thrive

- 1. Sufficient resources in order to support the service – Section 2**
  - Spectrum
  - Identifiers (numbers and IP addresses)
  
- 2. Legal framework fit for IoT/M2M – Section 3**
  - Regulatory Framework / Electronic Communication Service
  - Roaming
  - Switching
  
- 3. Consumers' acceptance of M2M services – Sections 3.4 and 4**
  - Privacy
  - Network and Data Security
  - Interoperability of services

# Report on enabling the Internet of Things (2)

## Summary of BEREC's considerations

- **No special treatment of IoT services and/or M2M communication is necessary, except for the following areas:**
  - International Roaming: case by case analysis required based on scenarios
  - Switching: Possible solutions OTA and/or MNC assignment with a need for flexibility at national level
  - Number portability: a new approach might be appropriate in certain cases
- **Privacy: careful evolution – but not an entire overhaul – of the existing EU data protection rules.**
- **Use of existing numbering resources (extraterritorial use of numbers and the use of ITU numbers) seems to be a reasonable approach, while BEREC sees no need for a European numbering space**

## Documents published (1)

Subject	Doc. No.	Observations
BEREC Report on the wholesale roaming market	BoR (16) 33	For publication
BEREC Guidelines on Regulation (EU) No. 531/2012 as amended by Regulation (EU) No. 2120/2015 (Excluding Articles 3, 4 and 5 on wholesale access and separate sale of services)	BoR (16) 34	For publication
BEREC Report on OTT Services	BoR (16) 35	For publication
BEREC Report on the Public Consultation on the “Report on OTT services”	BoR (16) 36	For publication
BEREC Benchmark Report in view of the Roaming Regulation	BoR (16) 28	For publication
BEREC Report on the Public Consultation of the Report “Enabling the Internet of Things”	BoR (16) 38	For publication
BEREC Report Enabling the Internet of Things	BoR (16) 39	For publication

## Documents published (2)

Subject	Doc. No.	Observations
<b>Provision of Accounting Officer's services to the BEREC Office - offer of services by DG Budget (European Commission)</b>	<b>MC (15) 139</b>	<b>For publication</b>
<b>MC Decision on the working language at the BEREC Office</b>	<b>MC (16) 18</b>	<b>For publication</b>
<b>MC Decision on the termination of the appointment of the Interim Accounting Officer and on the appointment of the Commission Accounting Officer as the BEREC Office Accounting Officer</b>	<b>MC (16) 22</b>	<b>For publication</b>



## Next BEREC Meetings / Events

Meeting	Date	Location
<b>BEREC Contact Network</b>	<b>12-13 May 2016</b>	<b>Budapest</b>
<b>BEREC Board of Regulators and Management Committee of the BEREC Office</b>	<b>2-3 June 2016</b>	<b>Vienna</b>

# Q&A