Body of European Regulators
for Electronic Communications

BEREC

26th Ordinary Plenary Meeting of the Board of Regulators

Hosted by the Netherlands Authority for Consumers and Markets (ACM)

Conclusions

Chair: Wilhelm Eschweiler

Vice-President of

Bundesnetzagentur (BNetzA)

25 February 2016, Rotterdam (The Netherlands)

Contents

Main Results of the 26th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators (BoR) held its 26th ordinary plenary meeting on 25 February 2016 in Rotterdam.

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

1.   Documents approved for publication

−   BEREC Guidelines on the application of the Roaming Regulation[1] as amended by the TSM Regulation[2];

−   BEREC Report on the wholesale roaming market (also for submission to the Commission as the BEREC contribution to the Commission PC on the review of national wholesale roaming markets, fair use policy and the sustainability mechanism defined in the Roaming Regulation as amended by the TSM Regulation);

−   16th International Roaming BEREC Benchmark Data Report April-September 2015;

−   BEREC Report on OTT Services and BEREC Report on the outcome of the public consultation on the draft Report on OTT Services;

−   BEREC Report on enabling Internet of Things and BEREC Report on the outcomes of the public consultation on the draft Report on enabling Internet of Things;

2.   Documents approved for internal use

−   BEREC Report on the feasibility of a European benchmarking of OTT services;

−   BEREC Report on the outcome of the BEREC expert workshop on regulatory implications of software-defined networking (SDN) and network functions virtualisation (NFV);

−   Project Requirements Document (PRD) on regulatory treatment of termination rates (TR) for voice calls originated outside the European Economic Area (EEA);

3.   Discussion on topics of strategic importance

The BoR discussed the main points of the BEREC Guidelines on net neutrality and the rules, which may require review in the context of the BEREC Report on OTT services.

---

[1]Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union
OJ L 172, 30.6.2012, p. 10–35 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV), Special edition in Croatian: Chapter 13 Volume 053 P. 249 - 274
[2]Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union
OJ L 310, 26.11.2015, p. 1–18 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)

The BoR provided the Net Neutrality and Regulatory Framework EWGs with guidance on the next steps in their work on the subjects mentioned above.

4.   **Documents submitted for information and/or consideration**

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

−   10th Assessment Report on Article 7/7a, Phase II Cases – Conclusions;

−   Work Programme 2016 status update;

−   Overview of the electronic voting procedures since the 25th plenary meetings (10-11 December 2015, London);

5.   **Oral up-date on important topics**

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

-    recent activities of the BEREC Chair and important events which he attended on behalf of BEREC;

-    the on-going final work on the draft BEREC Annual Report 2015 (which will be submitted to the BoR for approval by electronic voting procedure after the meeting);

-    the state of work on the key projects developed by the BEREC Office to support the activities of BEREC, BEREC Expert Working Groups (EWGs) and the NRAs, such as: information sharing portal, training for NRAs' experts on the implementation of the Regulatory Framework for electronic communication network and services in the EU, provision of an audio visual conference system for BEREC meetings and others;

-    the recent and forthcoming BEREC international activities.

6. **Next meeting**

The next meeting of the BoR will take place on **2 and 3 June 2016 in Vienna (Austria)** and will be hosted by the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR). The meeting will be preceded by a Heads Workshop on 1 June 2016.

The BEREC BoR held its 26th ordinary plenary meeting on 25 February 2016 in Rotterdam, hosted by ACM.

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 final documents approved by the meeting for publication in compliance with the BEREC Regulation and the BoR transparency rules is presented in 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 each presented below.

1 Opening of the meeting and adoption of the agenda

Document(s)	BoR (16) 41 Draft BEREC BoR Agenda
Introduction by	BEREC Chair
Information presented	The BEREC Chair opened the meeting and welcomed the Members and Observes who attend the meeting for the first time.
	The Chair presented the meeting agenda and informed the meeting that agenda items 8 and 10 would be switched due to the expected late arrival of the BEREC Vice-Chair (ANACOM) who was to present item 8. Then the Members and Observers were invited to suggest any additional subjects to be raised or presented under "Any other business" (AOB).
	The BEREC Vice- Chair and BEREC Chair 2017 (ARCEP) suggested the inclusion of an additional topic under AOB dedicated to the BEREC Work Programme 2017.
	With the addition of this topic and the proposed switch of items 8 and 10 the meeting agenda was adopted.
	The BEREC Chair recalled the obligations of all BoR Members to make a declaration of commitment to fulfil their duties and a declaration of interests which could be prejudicial to their independence[3] by the end of February 2016.

---

[3]These declarations shall be made annually in writing and be entered in a register held by the Office which is accessible to the public. The declarations of interests shall be published on the website of BEREC.

	In compliance with the provisions of Article 19 (2) of the BoR Rules of Procedure (RoP), the Chair invited the BoR Members to declare any interest which could be considered to be prejudicial to their independence with respect to any items on the agenda. He recalled that Members declaring such interests shall not participate in any vote on the relevant agenda item.
Conclusions	The BoR approved the meeting agenda with the amendments mentioned above.

2   List of the 'A' items

Document(s)	BoR (16) 28 Draft 16th BEREC Benchmark Report in view of the Roaming Regulation (approval for publication)
Introduction by	BEREC Chair
Information presented	The Chair present the list of "A" items, which included only one document, and recalled that the BoR members could still make statements for the minutes on the "A" items. The Chair firstly requested the consent of the BoR Members for including the document mentioned above in the "A" item list and secondly, he asked the BoR to approve it for publication.
Conclusions	The BoR approved the document included in the 'A' item list for publication.

3   Information from the Chair

Document(s)	No documents
Introduction by	BEREC Chair
Information presented	The Chair briefed the BoR on the outcome of the most important recent meetings, which he organised or attended on behalf of BEREC, as follows: – meeting between the BEREC Chair and the RSPG Chair (18 January 2016, London); the meeting led to a joint press-release on spectrum issues, which was published on 3 February 2016[4]; – meeting between the BEREC Chair and BEREC Vice-Chairs (22 January 2016, Hamburg); the meeting participants decided on the clustering of EWGs and on the split of responsibilities, as follows:

Position	Responsibilities	
	BEREC EWGs	Other tasks

These Declarations shall be made in accordance with the models contained in Annex 1 and 2 to the BoR RoP (document BoR (14) 213).

[4]BoR (16) 24, Joint BEREC/RSPG News Release on Spectrum and the Framework Review, 03.02.2016, http://www.berec.europa.eu/eng/document_register/subject_matter/berec/press_releases/5663-joint-berecrspg-news-release-on-spectrum-and-the-framework-review

	BEREC Chair (BNetzA)	NGN and RA	Interaction with EU institutions and stakeholders' engagement
	BEREC Vice-Chair (ARCEP)	Roaming	BEREC Office and BEREC Stakeholder Forum
	BEREC Vice-Chair (ANACOM)	MEA and BMK	BEREC international activities, BEREC international mission, BEREC Annual Report 2015
	BEREC Vice-Chair (AGCOM)	RF and REM	Cooperation with other EU Agencies and EU regulators groups
	BEREC Vice-Chair (ACM)	NN and End-users	IRG
	IRG Vice-Chair (BTK)	-	IRG workshops
	– meeting between the BEREC Chair and Co-Chairs of Expert Working Group (EWG) (26 January 2016, Brussels); – hearing at the EP ITRE Committee on the BEREC Opinion for the forthcoming review of the Regulatory Framework (28 January 2016, Brussels); the EP has demonstrated great interest in BEREC's activity and has expressed its willingness for deepening the cooperation with BEREC; – FTTH Council (17 February 2016, Luxembourg)[5] – the BEREC Vice-Chair from AGCOM represented BEREC; – BEREC-GSMA round table (23 February 2016, Barcelona)[6], which represented an excellent opportunity for exchange of views with the GSM on key topics for development of the sector.		
Conclusions	The BoR took note of the information.		

---

[5]http://www.berec.europa.eu/eng/about_berec/speeches_and_presentations/3611-berec-is-convinced-that-europe-needs-to-develop-high-performance-broadband-infrastructure
[6]http://www.berec.europa.eu/eng/about_berec/speeches_and_presentations/3624-berec-tasks-crucial-importance-for-implementation-of-new-net-neutrality-and-roaming-provisions

4   Information from the BEREC Office

Document(s)	BoR (16) 29 Information on the electronic voting procedures since the last plenary meeting BoR (16) 30 2016 BEREC Work Programme status update BoR (16) 31 Assessment Report on the recent Article 7/7a phase II case - Conclusions
Introduction by	BEREC Office Representatives
Information presented	The BEREC Office presented the outcome of the recent electronic voting procedures and the implementation status of the 2016 BEREC Work Programme. The BEREC Office briefed the BoR about the support provided by the BEREC Office to EWGs in 2015, the setup of the audio and videoconference system, the information sharing portal, the training organised by the BEREC Office for NRAs' experts and the recent developments and the planned activities under the second phase of the BERECnet platform. Special attention was paid to the conclusions of the recent Article 7/7a phase II case and in particular to the lessons learned.
Conclusions	The BoR took note of the information.

5   Information from the Commission

Document(s)	No documents
Introduction by	Commission Representative
Information presented	A Commission Representative briefed the BoR on the following subjects: – **Next steps for the telecoms review** Commissioner Oettinger has invited the BEREC Heads[7] for a meeting on the telecom review, which will take place on 21 April 2016 in Brussels. The discussions in the meeting would constitute valuable input for the preparation of the Commission legislative proposals on the review of the telecom package, which will be tabled after the summer break. - **Review of the TR Recommendation** As the next step of the evaluation of the TR Recommendation, the Commission will organise a workshop on 15 March 2016 in Brussels for presenting the outcome of the Commission-funded study assessing the impact of the implementation of the TR Recommendation on market developments in the EU telecoms sector. The Commission has invited representatives from the NRAs, BEREC, EU trade associations, telecoms operators, and academics to attend. The timetable for the review of the Recommendation has not been confirmed yet and will be shared with BEREC as soon as it is approved. – **Information on the review of e-Privacy Directive**

---

[7]The meeting will be attended also by the BEREC CN Chair, 1 representative of each BEREC Vice-Chair and the RF EWG Co-Chairs

	The review of the ePrivacy Directive has been linked to the recently agreed review of the general Data Protection Directive. In March 2016 the Commission will send to BEREC a questionnaire on the evaluation and future oriented review of the ePrivacy Directive.
	- Digital Progress Report and Digital Economy and Society Index (DESI)
	On 24 February 2016 the Commission published the DESI 2016, which shows that both the EU as a whole as well as individual Member States are progressing towards a digital economy and society. However, Member States are at different levels of development and are progressing at different speeds. This information will feed into the European Semester.
	In May 2016 the Commission would adopt the Digital Progress Report based on the DESI index and other fact finding.
	- Enhancing the mobile internet services in the EU
	On 2 February 2016 the Commission tabled a legislative proposal for coordinating the use of the 470-790 MHz (the UHF band) for mobile services. It should improve internet access for all European citizens and boost the development of cross-border applications. The objective of the proposal is achievement of national broadband coverage by 2020 and therefore the Commission believes that the co-legislators will deal with the proposal rather rapidly.
Conclusions	The BoR took note of the information.

6 Net Neutrality (NN) - oral up-date on the preparation of the draft BEREC Guidelines on NN

Document(s)	No documents
Introduction by	NN EWG Co-Chairs (Ofcom/Nkom)
Information presented	The NN EWG Co-Chairs briefed the BoR on the following subjects:
	- Outcome of the plenary workshop on the BEREC NN Guidelines (24 February 2016, Rotterdam)
	The BoR was informed that during the Workshop the Heads were asked to reply to several key questions related to commercial practices, traffic management, specialised services, monitoring, ensuring compliance and promoting continued availability of non-discriminatory internet access services.
	The Chair requested the BoR to endorse the workshop conclusions as guidance to the NN EWG.
	- Next steps on the elaboration of NN Guidelines
	The NN EWG Co-Chairs presented a status update on the drafting of the BEREC NN Guidelines.
Conclusions	The BoR provided guidance to the NN EWG to be used in preparing the draft Guidelines, which should be submitted to the BoR for approval for public consultation during its 27th plenary meeting.

7   BEREC Annual Report for 2015 – oral up-date

Document(s)	No documents
Introduction by	Representative of the BEREC Chair 2015 (ANACOM)
Information presented	A representative of the BEREC Chair 2015 (ANACOM) briefed the BoR in relation to the state of preparation of the annual report of BEREC's activities[8] (part 'A') and the annual report on the developments in the electronic communications sector[9] (part 'B'). The BoR was informed that as in previous years these reports will be prepared and published together under the title 'Annual Activity Report 2015'. The Report is almost finalised but as some data has not been available it will be submitted to the BoR for approval after the plenary by electronic voting procedure.
Conclusions	The BoR took note of the information and agreed to the electronic approval.

8   Remedies (REM) EWG / PRD on regulatory treatment of termination rates (TR) for voice calls originated outside the EEA

Document(s)	BoR (16) 45 Draft PRD on regulatory treatment of TR for voice calls originated outside the EEA (follow-up on internal report BoR (15) 78)
Introduction by	Representative of the REM EWG (ARCEP)
Information presented	A representative of the REM EWG Co-Chairs presented a new draft PRD which proposes carrying out additional work as a follow-up to the BEREC Internal Report on regulatory treatment of TR for voice calls originated outside the EEA of 2015. Therefore the EWG proposes a 2-step approach of work, as follow: – Preparation of preliminary orientations to be presented in P2, including a proposal about the status of the report (internal or public) – Elaboration of a Report for adoption during P3 in 2016.
Conclusions	The BoR discussed the draft PRD and approved it for internal use with the proposed changes.

9   Roaming

9.1   BEREC Report on the wholesale roaming market

Document(s)	BoR (16) 33 Draft BEREC Report on the wholesale roaming market
Introduction by	Roaming EWG Co-Chair (CNMC)
Information presented	The Roaming EWG Co-Chair (CNMC) presented the draft BEREC Report on the wholesale roaming market, which had been prepared with the following objectives:

---

[8]See Article 5(5) of the BEREC Regulation
[9]See Article 3(1)(n) of the BEREC Regulation

	– to assess the current situation of the wholesale roaming market on the basis of the responses to a questionnaire sent to operators and NRAs in mid-September 2015; – to examine different regulatory scenarios for the wholesale roaming market; – to provide BEREC's response to the Commission public consultation on the review of national wholesale roaming markets, fair use policy and the sustainability mechanism referred to in Roaming Regulation 531/2012 as amended by Regulation 2015/2120. The Report contains the following main findings: – there is a lack of convergence of average retail revenue per user (ARRPU) and the average consumption for different mobile communications services at EEA level; – large differences between EEA countries are also observed in the travel patterns; – there is a range of RLAH offers and variants with "add-ons"; – there is a large variety of wholesale charging models; – under the new regime, the MVNOs may be in a weak position compared to MNOs. Therefore, taking these considerations into account, the Report proposes to adapt the conditions at the retail and wholesale level to achieve a balanced outcome for home and visited networks. The current Report focuses only on the wholesale roaming markets. BEREC will provide further input to the Commission later this year to the other subjects covered by the consultation, namely: the fair use policy and the sustainability mechanism.
Conclusions	The BoR discussed the draft Report and approved it for publication and submission to the Commission (as a consultation response and contribution to the review of the wholesale roaming market).

9.2 BEREC Guidelines on the application of the Roaming Regulation as amended by the TSM Regulation

Document(s)	BoR (16) 34 Draft BEREC Guidelines on the application of the Roaming Regulation as amended by the TSM regulation
Introduction by	Roaming EWG Co-Chair (RTR)
Information presented	The Roaming EWG Co-Chair (RTR) presented the revised draft BEREC Guidelines, which update the BEREC Guidelines of 2013 (BoR (13) 15) in line with the provisions of the TSM Regulation, which introduced substantial changes to the Roaming Regulation. The main changes in the updated Guidelines concern the implementation of the transitional regime, where operators from 30 April 2016 until 14 June 2017 are only allowed to charge the domestic price plus a surcharge that shall not exceed the maximum wholesale charges for intra-EU roaming services. The other parts of the revised Guidelines have undergone some minor wording clarifications. On retail issues the revised Guidelines make clear that the Roaming Regulation still provides the possibility to offer and choose alternative roaming tariffs in addition to the regulated roaming tariffs. Moreover, the main provisions to protect customers from running up

	high bills are left unchanged. According to the Roaming Regulation, operators are obliged to provide basic and personalized detailed information to roaming customers and a cut-off limit. The Guidelines explain in detail how these transparency and bill-shock provisions should be applied in practice and when the basic information should be delivered to the customer.
	Finally, the BEREC Guidelines cover various general issues such as charges for voicemail messages, charges in currencies other than the Euro and the applicable exchange rates, the scope of regulated roaming calls, the scope of regulated data roaming, value added services, machine-to-machine communication (M2M) and the geographical scope of the Roaming Regulation.
	The BoR was informed that these Guidelines will need a further up-date when the Implementing Acts on the Fair Use Policy and the sustainability of the abolition of retail roaming surcharges are adopted.
Conclusions	The BoR discussed the draft BEREC Guidelines and approved them for publication as submitted.

10 BEREC International Activities

Document(s)	No documents
Introduction by	BEREC Vice-Chair (ANACOM)
Information presented	The BEREC Vice-Chair from ANACOM briefed the BoR about the forthcoming BEREC international activities.
	The Vice-Chair recalled that BEREC had established MoUs with Regulatel, EMERG, EaPeReg and US FCC. In the light of the provisions of these MoUs, in 2016 the following international activities with these organisations have been planned:
	- with Regulatel
	The BEREC-Regulatel summit will take place in June 2016 in Cancun. The summit will be organised in parallel with the OECD ministerial conference.
	BEREC will take part in a meeting of two joint BEREC-Regulatel Working Groups on IoT and NN, which will take place in mid-March 2016.
	- with EaPeReg
	On 7-8 April 2016 in Latvia EaPeReg will hold its next plenary and a workshop on regulatory governance.
	- with EMERG
	BEREC expects the current presidency of EMERG (INTT/Tunisia) to set up a date for the EMERG plenary, which will be communicated to the BoR in due time.
	Additionally BEREC will engage with other organisations active in the field of telecommunications, as follows:
	- ITU
	BEREC has been invited to take part the GSR, which will take place in May in Egypt and in ITU Telecom World in November 2016. BEREC will try to ensure participation in both events.
	- OECD

	The BEREC Chair has been invited to deliver a speech on IoT and M2M at the OECD Ministerial Meeting 'Digital Economy: Innovation, Growth and Social Prosperity' *(21-23 June 2016, Cancún, Mexico)*. In 2016, the traditional BEREC study trip will concentrate on the US market. The trip will include meetings with investors from Wall Street (New York), FCC (Washington) and representatives of the Academia (Boston) as well as operators and other market participants.
Conclusions	The BoR took note of the information.

11   Regulatory Framework (RF)

11.1 Oral up-date on RF Work Stream activities

Document(s)	No document
Introduction by	RF EWG Co-Chairs (AGCOM/NMHH)
Information presented	The RF EWG Co-Chairs briefed the BoR about the activities entrusted to the EWG in 2016, whose overall planning was further developed during the full kick-off RF EWG meeting, which took place in Brussels on 18 February 2016. With reference to the PRD on the preparation for the review, after having worked on finalising the relevant BEREC Opinion approved by the BoR on 10 December 2015, the RF EWG is now closely following the preparatory process. The Commission was invited to the above-mentioned EWG meeting to present information concerning the review process (the legislative proposal by the Commission is expected in the second half of 2016). BEREC and Commission plan to organise a high-level meeting on the review on 21 April 2016 and the BoR will be briefed on the arrangements made so far. Regarding the activities planned in relation to the Cost Reduction Directive the BoR was informed that the EWG had decided to postpone the envisaged workshop in order to take stock of a wider range of national implementation experiences, including outside the telecom sector. In the field of spectrum the RF EWG is preparing for the forthcoming review. Additionally BEREC and RSPG will organise a joint workshop (most likely in May 2016) on exchange of best practices and challenges in the field of spectrum management and spectrum award in Europe.
Conclusions	The BoR took note of the information.

11.2 BEREC Report on OTT Services

Document(s)	BoR (16) 35 Draft BEREC Report on OTT Services BoR (16) 36 Draft BEREC Report on the outcome of the public consultation (PC) on the draft Report on OTT Services
Introduction by	Drafting Team Leader (ACM)

Information presented	The Drafting Team Leader presented the outcome of the PC on the draft BEREC Report on OTT services and the next steps to be undertaken in the field of OTT services in 2016, as follows:
	- Outcome of the PC on the draft BEREC Report on OTT services
	The consultation ran from 5 October to 2 November 2015 during which BEREC received 19 contributions. The comments received during the PC are addressed in the draft BEREC Report on the PC on the draft Report on OTT services. In general the comments did not require major changes to the draft report.
	Many respondents agree that the definition for ECS should be clarified or reconsidered.
	In the draft Report BEREC distinguishes three types of OTT services. Following the PC, it is suggested to emphasise that the categories mentioned above are intended as concepts to be used in the review debate and are not intended as legal concepts.
	- 2016 OTT Work Stream on rule by rule assessment
	The BoR was briefed in relation to the planned work of the OTT Work Stream in 2016 which has as a major objective the assessment of the proportionate scope of rules in the current RF on a rule by rule basis in the context of the recent development of the eCommunication services and networks (e.g. should the rule be repealed, kept as is or extended to (some) OTT services?).
	The BoR was informed that the original objective of this project was to provide responses to the Commission proposals later this year but as the Commission thought that the work of the Work Stream could be useful for the preparation of the Commission legislative proposal, an internal BEREC paper will be prepared for CN2/P2.
	The rules, which may require review due to the development of OTT services have been grouped around the following main subjects:
	– Separation of network and services;
	– Some rules of the USD related to transparency (Article 20 and 21 of USD), which are widely covered by the Consumer Rights Directive (with exception of business users);
	– Minimum QoS requirements to ECN (Article 22 (3) of USD);
	– Emergency services (Article 26 of the USD).
	The Drafting team Leader presented in detail the specific considerations of the EWG under each subject identified above and asked for the preliminary views of the BoR.
Conclusions	The BoR had a broad policy debate on all issues related to OTT services and approved the documents listed above for publication, together with the individual submissions to the public consultation (subject to confidentiality requirements).

12 Benchmarking of OTT services

Document(s)	BoR (16) 37 Draft BEREC Report on the feasibility of a European benchmarking of OTT services
Introduction by	Drafting Team Leader (CNMC)

Information presented	The Drafting Team Leader presented the draft report mentioned above, which looks into the possibility of establishing a set of indicators for unmanaged OTT services which could be benchmarked across Europe. It was clarified that the focus of the document is on OTT services that do not qualify as ECS (e.g. OTT 1 and OTT 2 services as defined in the draft Report on OTT services).
	The BoR was informed that the collection of information on OTT services is especially challenging for NRAs, and many of the findings in the document highlight the various difficulties NRAs face in accessing information about these services.
	The main conclusions of the Reports are the following:
	BEREC's Report on OTT services identifies the need for the ECN/S RF review to address the absence of legal competences to seek information from OTT providers.
	Given the current situation, it seems reasonable to wait for developments in the legal capacities of NRAs to require data before NRAs attempt any benchmarking of OTT services.
	However, there is a short term need for evidence in order to inform European and national regulatory decisions.
	Therefore, the Reports suggests to the Commission, in collaboration with BEREC, to improve the tools, which are currently used for information gathering on penetration rates (Eurostat's Information Society Statistics and E-comm Eurobarometer) and to find new ways to collect robust information at country level on the consumption of OTT services.
Conclusions	The BoR approved the Report for internal use.

13 Next Generation Networks (NGN)

13.1 Enabling Internet of Things (M2M)

Document(s)	BoR (16) 38 Draft BEREC Report on the outcome of the PC on the draft Report on enabling Internet of Things (IoT)
	BoR (16) 39 Draft BEREC Report on enabling IoT
Introduction by	NGN EWG Co-Chair (BNetzA)
Information presented	The NGN EWG Co-Chair (BNetzA) presented the results of the PC on the draft Report "Enabling the Internet of Things" held from 5 October until 6 November 2015. During the PC BEREC received 21 contributions.
	The draft Report subject to the consultation contained six questions and a section with general comments. Therefore the NGN EWG Co-Chair (BNetzA) presented a short summary of the responses to these questions.
	Following the consultation the following changes to the draft Report were introduced:
	− The term IoT should be used consistently throughout the text;
	− The use of existing numbering resources seems to be a reasonable approach, which should be supported by BEREC; the introduction of a European numbering scheme does not seem to be justified.
	− A more balanced view on the pros and cons of OTA and/or MNC assignment, recognizing the need for flexibility at national level, should be introduced.

	The draft Report was also revised in view of roaming provisions of the TSM Regulation.
	At the end of the presentation the BoR was informed that the NGN EWG plans to undertake additional work on the subject this year including by involving other EU bodies and Agencies, such as RSPG, ENISA, Article 29 WP and others. The NGN EWG also plans to organise a workshop on the subject in the third quarter of 2016.
Conclusions	The BoR approved the documents listed above for publication, together with publication of the individual submissions to the public consultation (subject to confidentiality requirements).

13.2 Outcome of the BEREC Expert Workshop on regulatory implications of NFV and SDN

Document(s)	BoR (16) 40 Draft BEREC Report on the outcome of the BEREC Expert Workshop on regulatory implications of Network Functions Virtualisation (NFV) and Software-Defined Network (SDN)
Introduction by	NGN EWG Co-Chair (BNetzA)
Information presented	On 21 January 2016 in Brussels BEREC held a public expert workshop on the regulatory implications of NFV and SDN.
	The workshop was welcomed by the electronic communications sector and IT sector experts and it was attended by around 80 participants.
	During this workshop, standards development organisations, network operators and vendors presented their views on SDN and NFV with a focus on the regulatory implications of these new technologies.
	The main result from the workshop demonstrate the following:
	– SDN/NFV have a great potential to change how networks are built/operated;
	– Development differs in that open source projects play a strong role;
	– Traditional standardisation approaches may also be superseded by developments in open source communities;
	– SDN/NFV have the potential to enable new forms of fixed network access providing ANO with more control over the network compared to current L2 products (VULA);
	– SDN and NFV may impact current value chains;
	– Initially the focus is the use of SDN/NFV by individual network operators;
	– Multi-tenancy is a theoretical possibility but very complex.
	The workshop ended with a panel discussion with the speakers of the workshop.
	The main conclusion of the workshop was that SDN/NFV have a great potential to contribute to future NGA roll-out but due to the early stage of the technology development, it is rather premature to assess its regulatory implications. The EWG will do further work on this with regard to the planned short topic paper.
Conclusions	The BoR approved the Report for internal use.

14   AOB

14.1 BEREC Work Programme 2017

Document(s)	No documents
Introduction by	BEREC Vice-Chair and 2016 Chair (ARCEP)
Information presented	The 2016 BEREC Chair informed the meeting that all NRAs and the Commission will receive in the incoming days a call for input to the BEREC WP 2017 which should be submitted to ARCEP by 21 March 2016 at the latest. The input will be used for preparing the outline of the 2017 WP, which will be submitted for discussion to CN2/P2. The draft BEREC WP 2017 will be submitted to CN3/P3 for approval for public consultation.
Conclusions	The BoR took note of the information.

14.2 Information on the next BoR meeting (1-3 June 2016, Vienna)

Document(s)	No documents
Introduction by	Representatives of the meeting host (RTR)
Information presented	Representative of the meeting host, RTR, presented information on the logistics for the meeting.
Conclusions	The BoR took note of the information.

Rotterdam, 25 February 2016.

**List of final documents approved for publication at the 26thBoR plenary meeting
(25 February 2016, Rotterdam)**

Document number	Document title/hyperlink
BoR (16) 28 Rev.1	International Roaming BEREC Benchmark Data Report April – September 2015
BoR (16) 33	BEREC Report on wholesale roaming market
BoR (16) 34	BEREC Guidelines on the application of the Roaming Regulation as amended by TSM regulation
BoR (16) 35	BEREC Report on OTT Services
BoR (16) 36	BEREC Report on the outcome of the public consultation on the draft Report on OTT Services
BoR (16) 38	BEREC Report on the outcomes of the public consultation on the draft Report on enabling Internet of Things
BoR (16) 39	BEREC Report on enabling Internet of Things

Riga, 29 February 2016