

Extraordinary Plenary Meeting of the BEREC Board of Regulators

Hosted by the BEREC Office

Conclusions

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Vice-President of

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25 August 2016 (Brussels)

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Main Results of the Extraordinary Plenary Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators (BoR) held its extraordinary plenary meeting on 25 August 2016 in Brussels, Belgium.

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

1. Documents approved for publication

- [BEREC Guidelines on Regulators' Implementation of European Net Neutrality rules](#);
- [BEREC Report on the outcomes of public consultation on draft BEREC Guidelines on regulators' Implementation of European Net neutrality rules](#);
- [Factsheet about BEREC's Net Neutrality Guidelines](#);
- [Press release on BEREC's Net Neutrality Guidelines](#).

2. Documents approved for internal use

- Draft BEREC input to the Commission's ideas on the scope of the Regulatory Framework

3. Discussion on topics of strategic importance

During the Extraordinary Plenary Meeting, the BoR members discussed with Commissioner Oettinger strategic issues of the telecom sector, particularly on the state of play of the review of the Regulatory Framework, in particular on access regulation, spectrum, services and institutional aspects.

Introduction and participation

The BEREC BoR held its extraordinary plenary meeting on 25 August 2016 in Brussels, hosted by BEREC Office.

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 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 (16) 126 Draft BEREC BoR Agenda
Introduction by	BEREC Chair
Background information	The meeting started with a tribute to the victims of the earthquake in Italy and recent terrorist attacks in Europe. The BEREC Chair then formally opened the meeting and presented the agenda for approval, which was agreed by the BoR members without any comments.
Conclusions	Agenda was adopted without any changes.

2 Exchange of views with the Commissioner on strategic issues

Document(s)	No documents
Introduction by	Commissioner Gunther Oettinger
Information presented	Commissioner Oettinger gave a speech on the state of play of the review of the Regulatory Framework, in particular on access regulation, spectrum, services and institutional aspects. The Commissioner thanked BEREC for its work and stressed that BEREC is EC's strategic partner. He pointed out that in the current political context, the telecommunications sector is one of the areas which shows the need for a common EU approach. The Commissioner stressed the importance of a strong digital market as a pan European digital market encompassing not only 28 MS but also neighbouring countries. He also pointed out that digital policies will be a priority for the President of the Commission. Because of the cross-border nature of the telecommunication sector, close

	<p>cooperation is required among all interested parties (member states, NRAs, operators, content providers and other stakeholders) on issues such as standardisation and market regulation. He singled out net neutrality rules as a good example for showing that EU is indeed delivering in creating a better environment for European citizens and business which they can benefit from.</p> <p>According to the Commissioner, Europe needs “Gigabit society”. At the moment, the telecommunications sector is not ready for the future developments where everything will be connected. We need an ambitious approach: investments, 5G rollout, smart regulation as well as some deregulation and in order to achieve this we need cooperation. He also mentioned the global context of current developments. In his opinion EU should become the leader in this area and should deliver before other continents.</p>
Conclusions	After a brief discussion with the Commissioner the BoR took note of the information.

3 Net Neutrality (NN) draft Guidelines

Document(s)	<p>BoR (16) 127 Draft BEREC Guidelines on Regulators’ Implementation of European Net Neutrality rules</p> <p>BoR (16) 128 Draft BEREC Report on the outcomes of public consultation on draft BEREC Guidelines on Regulators’ Implementation of European Net Neutrality rules</p>
Introduction by	NN EWG Co-Chairs
Background information	<p>The BEREC Chair thanked the NN Co-Chairs for the huge effort made in finalising the Guidelines. The BEREC Chair suggested to split the discussion into two separate parts: first about the draft Guidelines itself along with the draft BEREC Report on the outcomes of public consultation and secondly about the communication package composed of the draft factsheet and a draft BEREC press release prepared by NN EWG Co-Chairs.</p> <p>The Co-Chairs of the NN EWG presented the draft BEREC Net Neutrality Guidelines, which have been drafted in accordance with Article 5(3) of the Regulation EU 2015/2120¹ and were designed to provide guidance on the implementation of the obligations of NRAs. Specifically, the document includes the obligations to closely monitor and ensure compliance with the rules to safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-users rights as laid down in Articles 3 and 4 of the Regulation. These draft Guidelines constitute recommendations to NRAs, and NRAs should take utmost account of the Guidelines.</p>

¹ 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); <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R2120&from=EN>

	<p>In addition, the Co-Chairs of NN EWG presented the draft BEREC Report on the outcomes of public consultation on draft BEREC Net Neutrality Guidelines. It summarises comments received and provides BEREC's reasoning and justifications for its decisions to adjust the text or retain the original wording.</p> <p>In total there were 481.547 contributions submitted during the public consultation. The NN EWG Co-Chair mentioned the herculean efforts that the BEREC Office made to collect this high number of responses, register, store, and share with the EWG and deliver a draft public consultation report for review. Overall more than 25% of paragraphs have been changed from the previous draft.</p> <p>The BEREC Chair gave the floor to the BEREC Office Administrative Manager to present the way BEREC Office handled this important consultation. The efforts were focused on strengthening IT infrastructure with additional servers, memory banks and spam filters. Additional resources had been dedicated to deal with the workload. Preparations for the public debriefing are in progress in parallel with the publication of the non-confidential responses in PDF files. Success of this public consultation would not be possible without close cooperation and almost daily contacts between all involved parties.</p>
Conclusions	The BoR members approved the draft documents for publication.

4 OTT - Draft BEREC Input to the Commission on scope of the regulatory framework

Document(s)	BoR (16) 129 Draft BEREC's input to the Commission on scope of the new regulatory framework
Introduction by	Drafting team leader
Background information	<p>In this document BEREC analyses the ideas on the scope of the new regulatory framework. The objective of the input paper is to be able to respond more effectively to proposals regarding the new ECN/S Framework from the European Commission.</p> <p>The input paper groups the rules that could share the same or a similar scope, e.g. rules regarding telephony, in order to get a more compact document.</p>
Conclusions	The BoR members decided to approve the draft document for internal use.

5 Roaming - BEREC input to the European Commission implementing acts

Document(s)	BoR (16) 130 Draft BEREC Input to the EC implementing acts on fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges
Introduction by	Roaming EWG Co-Chairs

<p>Background information</p>	<p>In accordance with the Roaming Regulation, the European Commission, in a letter from 20 June 2016, requested BEREC to deliver an opinion on the following:</p> <ul style="list-style-type: none"> a. detailed rules on the application of a fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges, and b. weighted average of maximum mobile termination rates across the EU. <p>Current developments were presented to the BoR for information and discussion. The EWG asked for guidance from the BoR on their further work.</p>
<p>Conclusions</p>	<p>To continue the work on the draft BEREC Input to the EC Implementing Acts on the application of FUP and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges on the basis of the guidance provided by the BoR during the meeting with a view to submitting the draft for approval for submission to the EC during the 28th BoR plenary meeting.</p>

Brussels, 25 August 2016

List of documents approved for publication at the BoR Extraordinary Plenary Meeting

Document number	Document title/hyperlink
	Final documents
BoR (16) 127	BEREC Guidelines on Regulators' Implementation of European Net Neutrality rules
BoR (16) 128	BEREC Report on the outcomes of public consultation on draft BEREC Guidelines on Regulators' Implementation of European Net Neutrality rules
BoR (16) 127b	Factsheet about BEREC's Net Neutrality Guidelines
BoR (16) 127c	Press release on BEREC's Net Neutrality Guidelines