

**Decision No BoR/2017/04**

**of the Board of Regulators on confirmatory application for access to BEREC Documents of BoR (16) 164 - Overview of the regulatory treatments of termination rates for voice calls originated outside the EEA and their impacts on cross-border traffic and settlements and BoR (16) 45 - PRD on regulatory treatment of termination rate for voice calls originated outside the EEA**

**The Board of Regulators,**

HAVING REGARD TO Regulation No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (BEREC Regulation) and, in particular Article 4 and Article 22 thereof;

HAVING REGARD TO Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, and in particular Article 4(3) and Article 4(2) thereof;

HAVING REGARD TO Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;

HAVING REGARD TO Decision BoR (10) 26 by the Board of Regulators of the Body of European Regulators for Electronic Communications (BEREC) concerning the transparency and access to documents at the BEREC, and in particular Article 4 and 8(2) thereof;

HAVING REGARD TO Decision BoR (14) 67 by the Board of Regulators of the Body of European Regulators for Electronic Communications on the rules of procedure of the Board of Regulators and in particular Article 17 thereof;

HAVING REGARD TO Decision BoR (11) 37 by the Board of Regulators of the Body of European Regulators for Electronic Communications on the Establishment of a Public Register of the BEREC Documents;

Whereas,

- 1) An application for access to document was received on 15.05.2017, concerning BoR (16) 164 - Overview of the regulatory treatments of termination rates for voice calls originated outside the EEA and their impacts on cross-border traffic and settlements and BoR (16) 45 - PRD on regulatory treatment of termination rate for voice calls originated outside the EEA;
- 2) The reply on the initial application rejecting the request for access was notified to the Applicant on 29.06.2017;
- 3) A confirmatory application has been submitted by the Applicant on 03.07.2017

- 4) It was assessed that disclosure of the two documents, related to preliminary consultations within BEREC, would seriously undermine BEREC decision-making process. Furthermore the disclosure of the document BoR (16) 164 could harm commercial interests. These facts constitute issues that prevent BEREC from disclosing the documents BoR (16) 164 and BoR (16) 45;
- 5) Consequently, the Board of Regulators decided to reject the confirmatory application concerning documents BoR (16) 164 and BoR (16) 45;

Has adopted the following Decision:

**Article 1**

The confirmatory application submitted on 03.07.2017 is rejected.

**Article 2**

The reply will be sent to the Applicant by the BEREC Office by 14 August 2017.

**Article 3**

This decision shall enter into force on the day of its adoption by the Board of Regulators.

Done at Paris on 3 August 2017.

**For the Board of Regulators**

**(s)**

**Sébastien Soriano  
BEREC Chair 2017**