

34th Ordinary Plenary Meeting of the Board of Regulators

Hosted by the [Slovak Regulatory Authority for Electronic Communications and Postal Services \(RU\)](#)

Conclusions

Chair: Johannes Gungl

Managing Director
[Austrian Regulatory Authority for Broadcasting and
Telecommunications \(RTR\)](#)

8-9 March 2018

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Main Results of the 34th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators (BoR) held its 34th ordinary plenary meeting on 8-9 March 2018 in Bratislava, Slovak Republic.

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

1. Documents approved as 'A' items

1.1 For publication:

- BEREC Study “Implications of 5G deployment and future business models”;
- BEREC Report on the need to review the Common Positions on Markets 3a, 3b and 4.

1.2 For internal use:

- BEREC Internal Assessment Report on the Information Sharing Portal

2. Documents approved as regular items

2.1. For publication:

- BEREC Report on NRAs' practices for ensuring equivalence of access and choice for disabled end-users;
- 20th International Roaming BEREC Benchmark Data Report (1 April 2017 – 30 September 2017);
- BEREC Report on the outcomes of the public consultation on the BEREC Report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet;
- BEREC Report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet;

2.2. For internal use:

- BEREC Internal Report on the feasibility of a BEREC Open Data Platform;

2.3. For public consultation:

- BEREC consultation paper on the evaluation of the Net Neutrality Regulation;

3. Documents submitted for information and/or consideration

- Mini-board EWG clusters and division of tasks;
- Information on the electronic voting procedures since the last plenary meeting;
- Information on planned electronic voting procedures between P1 and P2;
- 2018 BEREC Work Programme status update;
- Tender specification for Net Neutrality measurement tool;
- Status on national NN cases and questions P1 2018;
- Process description NN case and question database;

- BEREC Opinion on the SMP Guidelines;

4. Other main topics discussed

During the plenary meeting the BoR exchanged views on the implementation of the Net Neutrality Regulation and discussed a few national cases. The BoR members also discussed the ongoing review of the telecommunications regulatory framework and BEREC international cooperation.

5. Next meeting

The next ordinary meeting of the BoR will take place on **14-15 June 2018 in Gdańsk-Sopot (Poland)** and will be hosted by the Polish [Office of Electronic Communications](#) (UKE). A workshop is planned ahead of the Plenary on 13 June 2018.

Introduction and participation

The BEREC Board of Regulators (BoR) held its 34th ordinary plenary meetings on 8-9 March 2018 in Bratislava, Slovak Republic.

The meeting was attended by the Heads and/or high-level representatives of the NRAs from 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 European Commission and the EFTA Surveillance Authority also took part in the meeting.

List of documents

The list of documents approved by the meeting for publication in compliance with the BEREC Regulation and the BoR transparency rules is presented in Annex to the Conclusions.

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 is presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	BoR (18) 21 Draft BEREC Agenda
Introduction by	BEREC Chair (RTR)
Information presented	<p>The BEREC Chair welcomed the meeting participants who were participating in a plenary meeting for the first time.</p> <ul style="list-style-type: none"> – Mr Rossen Jeliaskov (CRC); – Mr Konstantinos Masselos (EETT). <p>A representative of the meeting host (RU) presented information on the logistics for the meeting.</p> <p>The BEREC Chair opened the meeting and presented the draft agenda for approval by the BoR. The BoR was invited to suggest any additional issues to be raised or presented under “Any other business” (AOB).</p>
Conclusions	The agenda was adopted with the suggested changes.

2. Information from the Chair

Document(s)	BoR (18) 22 Mini-board EWG clusters and division of tasks
Introduction by	BEREC Chair (RTR)
Information presented	The BEREC Chair reported to the BoR on the outcomes of the recent important meetings he held. A list of the meetings attended by the BEREC Chair had been circulated to the BoR for information before the meeting.

	<p>The BEREC Chair added that this information will be shared with the BoR on a regular basis, so as to make it easier to follow the work of the BEREC Chair and increase transparency. In addition, he informed the BoR about the division of tasks among the Vice-Chairs within the Mini-board.</p> <p>The BEREC Chair thanked the BoR for entrusting him with the chairmanship of BEREC and presented his vision for the organisation. He emphasised harmonisation and close cooperation as key drivers for BEREC, which in his view would contribute to the general goal of achieving ever closer Union. He expressed his willingness to contribute to this goal. The BEREC Chair also outlined challenges ahead for BEREC: in particular the finalisation of the Code and implementation of new rules. He also highlighted the importance of the EWG Co-Chairs, as they are at the centre of BEREC's work.</p>
Conclusions	The BoR took note of the information.

3. List of 'A' items

Document(s)	<p><u>Approval for publication:</u></p> <p>BoR (18) 23 Draft BEREC Study "Implications of 5G deployment and future business models"</p> <p>BoR (18) 24 Draft BEREC Report on the need to review the Common Positions on Markets 3a, 3b and 4</p> <p><u>Approval for internal use</u></p> <p>BoR (18) 25 Draft BEREC Internal Assessment Report on the Information Sharing Portal</p>
Introduction by	BEREC Chair (RTR)
Information presented	<p>The BEREC Chair presented the list of 'A' items as outlined above. The list of 'A' items was drawn up on the basis of the conclusions of the CN, according to which BoR approval of the documents mentioned above should be possible without further discussion. The BEREC Chair informed the BoR members that they were able to make statements for the minutes on any of the 'A' items or even withdraw the documents from the list of 'A' items.</p>
Conclusions	The BoR approved the BEREC study on implications of 5G deployment for publication, subject to editorial changes. The remaining documents were approved by the BoR as indicated in the list of 'A' items.

4. Information from the BEREC Office and oral up-date on the BEREC Annual Reports 2017

Document(s)	<p>BoR (18) 26 Information on the electronic voting procedures since the last plenary meeting</p> <p>BoR (18) 27 Information on planned electronic voting procedures between P1 and P2</p> <p>BoR (18) 28 2018 BEREC Work Programme status update</p>
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Introduction by	BEREC Office Representative
Information presented	<p>The BEREC Office submitted to the BoR for information the outcome of the recent electronic voting procedures, information on planned electronic voting procedures between P1 and P2 and the implementation status of the 2018 BEREC Work Programme (WP-2018).</p> <p>The BEREC Office representative updated the BoR on:</p> <ul style="list-style-type: none"> – The progress on the WP-2018 and the deliverables submitted since the last BoR meeting in Copenhagen; – The compliance with the BEREC style guide; – The Phase-II cases submitted since P4; – The IS-Portal, the BERECnet and the on-line tool for public consultations (PCs); – The operational budget, with emphasis on the spending on meetings and on reimbursement of expenses for EWGs' experts, use of AVC conference facility, etc.; – The next sessions of BEREC training. <p>In addition, the representative of the BEREC Office updated the BoR on the preparation of the BEREC Annual Reports 2017. The reports are envisaged for adoption by the BoR at Plenary 2 2018 (14-15 June 2018) and will subsequently be transmitted to the EU institutions by 15 June 2018.</p> <p>The BEREC Office representative also informed the BoR about the call for SNEs, and invited NRAs to nominate representatives to take part in the selection procedure.</p> <p>The BEREC Chair drew the meeting's attention to the issue of the appointment of rapporteurs and experts for Phase II cases. He encouraged NRAs for stronger involvement in the work of the EWGs set up to deal with the Phase II cases. He also encouraged NRAs to nominate experts to apply for the open call for SNEs.</p>
Conclusions	The BoR took note of the information.

5. Information from the Commission

Document(s)	No documents
Introduction by	Commission Representative
Information presented	<p>The European Commission representative briefed the BoR on several topics. He outlined several Digital Single Market initiatives and progress achieved so far in their implementation.</p> <p>He recalled the introduction of the amendments of the roaming regulation and of Roam like at Home. He informed the BoR about Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market and that it will become applicable in all EU Member States from 1 April</p>

2018. The Regulation enables consumers to access their portable online content services when they travel in the EU in the same way they access them at home.

The EC representative also recalled Regulation 2018/302 of 28 February 2018 which will end unjustified geo-blocking. The Regulation will apply as of 3 December 2018.

He also reported that the General Data Protection Regulation will enter into force as of May 2018. He also informed the BoR that the Regulation on the free flow of non-personal data in the European Union is expected to be agreed by the end of the year. In his view, these two pieces of legislation will ensure a comprehensive and coherent approach to the free movement of data in the EU.

The EC representative informed the BoR about the eID initiative. Since 29 September 2015, following the adoption of the implementing acts on co-operation between Member States on eID, on interoperability framework, on assurance levels for eID means and on notification. EU Member States may notify and recognise on a voluntary basis. As of 29 September 2018 the recognition of notified eID will become mandatory. The EC representative highlighted that this means that EU citizens will be able to use the eID means they use at the national level also to access public services across borders in other Member States.

He noted that, due to all these initiatives, Europe is at the forefront in terms of establishing a well-functioning digital internal market.

The EC representative also reported on several initiatives that the European Commission is planning to launch in the near future: Digital Economy Package (SMP Guidelines and Regulation on the platform-to-business fairness package); Access to data package (consisting of revision of the Open Data Directive, Guidelines on private data sharing, strategy on AI, strategy on misinformation and fake news)

In February 2018 the EC approved a Recommendation on measures to effectively tackle illegal content online. The EC recommended that online platforms should remove terrorist content within one hour. The EC representative noted that if these soft measures do not work the EC will consider introducing legislative measures.

The EC representative also informed the BoR about taxation and recalled communication issued by the EC in September 2017 on Fair Taxation of the Digital Economy, which outlined some scenarios. He noted that this has to be decided at the international level and that the OECD is the right forum to discuss it. He noted, however, that if no action is taken at the international level the EU will consider taking appropriate action of its own in order to ensure fairness on taxation.

The EC representative informed the BoR that in May 2018 the EC intends to table its formal proposal for the next long-term EU budget for the years 2020-2027. He reported that the idea is to double investment in the digital sector.

He also reported on a new European Commission strategy for 'A credible enlargement perspective and enhanced EU engagement with the Western Balkans'. One of the six flagship projects under this strategy is the Digital Agenda for the Western Balkans. It will include a roadmap to facilitate lowering roaming costs, support for the deployment of broadband in the region and development of eGovernment, eProcurement, eHealth and digital skills. The idea is to welcome new members by 2025. He informed the BoR about the upcoming inter-ministerial meeting and the EU-Western Balkan Summit which will take place in Skopje in May 2018. A letter from Commissioner Gabriel is expected to be sent to the BEREC Chair asking to cooperate together towards enlargement in the area of the digital agenda.

The EC representative also reported about the Wi-Fi for Europe initiative and that the programme has entered into the operational phase. He recalled issues related to the national legislation and procedures that create some restrictions on the deployment of free Wi-Fi networks. The EC has already discussed this with Poland and Spain.

The EC representative also reported on progress on the Electronic Communications Code. He informed the BoR that the agreement on the legislative package may be reached by the end of the Bulgarian presidency. He reported that progress had been achieved in all areas: spectrum, access regulation, BEREC and BEREC Office set-up, peer review, single termination rate, etc. However he expressed dissatisfaction on the peer review process, which will be voluntary. The process would be entrusted to the RSPG. He informed the BoR that rules governing the process will be discussed together with the NRAs' competencies. He pointed out that the RSPG is a Commission advisory body and it is up to the Commission to set its rules. On the single euro tariff for termination the EC representative informed the BoR that it should be based on pure BURIC and that it requires development of a proper cost methodology. He reported that the EC will prepare a study on the issue and BEREC will be asked to participate in this work. It was also emphasised that it is important to find the right balance between the predictability for operators and the need for NRAs to review the licences.

The BEREC Chair welcomed the information provided. He also welcomed the initiative on the Western Balkans and expressed BEREC support towards it. The BEREC Chair also expressed disappointment with the fact that BEREC has not been involved in the peer review process and informed the BoR and the EC that this will be addressed during the public debriefing. He asked the EC representative to provide more information about the single termination rate.

The EC representative recalled that the review of the Termination Rates Recommendation had been suspended due to the ongoing negotiations on the Code. He noted that the provisions on the single termination rate are in the annex to the Code. The EC representative informed the BoR that there are also guidelines on how to reach the single TR and that BEREC's input will be valuable in this respect. However, since the implementation of

	<p>the Code may take some time (2020) and having in mind the fact that some NRAs are advanced with their market reviews, some measures are needed in the transitional period.</p> <p>The BEREC Chair confirmed that BEREC is open to collaboration with the EC in the transitional period.</p>
Conclusions	The BoR took note of the information.

6. Benchmarking

Document(s)	BoR (18) 29 Draft BEREC Internal Report on the feasibility of a BEREC Open Data Platform
Introduction by	Benchmarking EWG Co-Chairs (ComReg/ANACOM)
Information presented	<p>BEREC collects various data from NRAs and operators, which are currently published in several reports (Termination Rates, International Roaming Benchmark Report, etc.). As these reports are only published as PDF files, it is quite difficult for external bodies to analyse and further process the data where necessary. Therefore, the project aims to consider if and how to offer stakeholders the non-confidential data on the BEREC website in an alternative, easily accessible, functional and usable format (“Open Data”).</p> <p>As a first step to achieve this aim, the BMK EWG prepared an internal report with an initial assessment of what the relevant (non-confidential) data collected are and which data BEREC may wish to make public. The internal report evaluates four options for making the data available in an alternative form (as well as the fifth option of effectively maintaining the status quo), as follows:</p> <ul style="list-style-type: none"> – Full scale development of a new Open Data Platform; – Utilise the BEREC Information Sharing Portal; – Utilise the European Union Open Data Portal; – Publish the available data in Excel files; – Effectively maintain the status quo and continue publishing reports in PDF with some data available. <p>The report identifies a number of key issues which have arisen during this assessment and feasibility study, which guided the Benchmarking EWG toward its final recommendations. Those key issues are:</p> <ul style="list-style-type: none"> – Lack of a BEREC open data policy; – Limited supply of data to make available in an open format; – Limited budget for IT implementation. <p>The report concludes with the following recommendations stemming from the analysis:</p> <ul style="list-style-type: none"> – Do not pursue the full scale development of an Open Data Platform, at this time;

	<ul style="list-style-type: none"> – Develop a BEREC open data policy; – Assess further BEREC’s data, choose the datasets to initially be made open and agree on and apply a licence to that data; – Publish the chosen datasets in, at least, Excel format, but preferably CSV, on the BEREC website alongside the reports for which the data were collected; – BEREC should not upgrade the BEREC Information Sharing Portal, nor open up its data via the European Union Open Data Portal, at this time. <p>The EWG Co-Chairs presented some clarifications stating that the intention is not that BEREC will never upgrade the ISP or link to the EU ODP, but rather not at that time, i.e. in 2018. They proposed a period of reflection and analysis (likely mid-2019) and to reconsider the ISP upgrade and link to the EU ODP, depending on the success of usage of BEREC open data.</p>
Conclusions	The BoR approved the document for internal use, subject to changes proposed by the EWG Co-Chairs.

7. End-users

Document(s)	BoR (18) 30 Draft BEREC Report on best practices on equivalent access and choice for disabled end-users
Introduction by	End-users EWG Co-Chairs (ComReg/ANCOM)
Information presented	<p>One of BEREC’s strategic priorities is “Exploring new ways to boost consumer empowerment”. Under this principle, BEREC recognises the need to take account of the interests of vulnerable consumers, including those with disabilities. In this context, BEREC envisaged taking a fresh look at the provision of electronic communications services for disabled end-users across Europe, in particular focusing on ways to promote equivalent access and choice.</p> <p>The aim of this report is to collate information from NRAs for the purposes of compiling an inventory of measures and initiatives that NRAs might consider when evaluating any action to be pursued under the terms of relevant legislative provisions. It reviews the formal implementation and monitoring of measures relating to the provision of services for disabled end-users derived from the Universal Service Directive (USD), the Roaming Regulation and the Audiovisual Media Services Directive (AVMSD).</p> <p>The NRAs were also asked about the potential for extending obligations. The EWG Co-Chairs reported that the clear majority of NRAs consider that there is no requirement to extend any obligations, currently in place under the USD for end-users with disabilities, to all or some service providers.</p> <p>They informed the BoR that a relatively wide range of views had been expressed with regard to the issue of potential alternative funding mechanisms for the obligations outlined above and with regard to the potential</p>

	<p>legal basis for considering extending these obligations. For instance, some suggested funding mechanisms such as a Universal Service Fund or another State fund. However, some were not in favour of using additional funds and others stated that more information would be needed about the various options. With regard to the legal basis required for extending obligations, some referred to national legislation and some also mentioned EU law.</p> <p>With regard to additional measures to promote equivalent access and choice for disabled end-users, beyond those implemented under the legal framework described above, the EWG Co-Chairs noted that 22 of the respondent NRAs indicated that there are additional measures in their Member States. These include measures with regard to access and affordability, equipment, software and website information, customer services and complaints, as well as other measures, including relay and emergency services and directories.</p>
Conclusions	The BoR approved the document for publication subject to editorial changes.

8. Roaming and mobile

Document(s)	BoR (18) 31 Draft 20 th International Roaming BEREC Benchmark Data Report (1 April 2017 – 30 September 2017)
Introduction by	Roaming EWG Co-Chair (CNMC)
Information presented	<p>The BEREC Benchmark Report on IR presents the results of the 20th round of data collection on European international roaming services. The report covers the period from 1 April 2017 – 30 September 2017.</p> <p>The Benchmark Data Report shows the effect of the introduction of RLAH on volumes, revenues, and wholesale rates. The increase in traffic observed in EEA countries in Q3 2017 is related to the RLAH services introduced just before the summer period. Although international roaming services demonstrate high seasonal variations, the results clearly show that the 2015 update of the Roaming Regulation has significantly contributed to the development of the international roaming market.</p> <p>The EWG Co-Chair presented to the BoR the main findings of the report.</p> <p>The report reveals that the number of minutes of calls made per month per roaming customer increased from 8.8 minutes to 14.23 minutes and that the number of minutes of calls received per month per roaming customer rose from 9.5 minutes to 11.08 minutes.</p> <p>Significant increase of data volumes in the EEA has been observed: by 435% in the period from Q3 2016 to Q3 2017, with a range of 8 to 342 MB in Q3 2016 to a range of 59.02 to 1616.13 MB per roaming subscriber monthly in Q3 2017.</p>

	Regarding balanced and unbalanced traffic, the report concludes that balanced and unbalanced averages are not uniform and in some EEA countries unbalanced traffic can be higher than 75%.
Conclusions	The BoR approved the document for publication.

9. Net Neutrality

9.1 Net Neutrality measurement tool

Document(s)	BoR (18) 32 Draft tender specification for a Net Neutrality measurement tool
Introduction by	NN EWG Co-Chairs (Nkom/ACM)
Information presented	<p>At the 32nd plenary meeting in Bucharest the BoR decided to develop the Net Neutrality opt-in modular measurement tool.</p> <p>The EWG Co-Chairs reported on the progress made in the preparation of the tender specification for the NN measurement tool. The tender specification indicates project objectives, contractual conditions, technical requirements, award criteria, etc. The document is based on the BEREC NN Regulatory Assessment Methodology (BoR (17) 178), and NN Measurement Tool Specification (BoR (17) 179). The EWG Co-Chairs informed the BoR about the scope of the project and what kind of project elements are covered by the tender specification.</p> <p>The EWG Co-Chairs together with the BEREC Office representative informed the BoR about the project management structure, outlining the main parties involved in its execution, their responsibilities and the project implementation schedule.</p> <p>The EWG Co-Chairs reported on the project timeline. The publication of the tender specification is planned after the first public debriefing of 2018.</p>
Conclusions	The BoR took note of the information and agreed to launch the tender procedure.

9.2 Evaluation of Net Neutrality Regulation

Document(s)	BoR (18) 33 Draft BEREC consultation paper on the evaluation of the NN Regulation
Introduction by	NN EWG Co-Chairs (Nkom/ACM)
Information presented	<p>Article 9 of Regulation 2015/2120 indicates that by 30 April 2019, the Commission shall review Articles 3, 4, 5 and 6 of the aforementioned Regulation and shall submit a report to the European Parliament and to the Council, accompanied, if necessary, by appropriate proposals with a view to amending this Regulation.</p> <p>In view of the above, BEREC will provide its opinion to the EC, in which it will evaluate the experiences with the Regulation and the BEREC Net Neutrality Guidelines.</p>

	<p>In order to prepare its opinion, BEREC envisaged a phase of dialogue with stakeholders to be conducted via public consultation. The EWG Co-Chairs presented to the BoR the draft BEREC consultation paper on the evaluation of the Net Neutrality Regulation, which consists of a series of open questions to the stakeholders on definitions, zero-rating practices, traffic management, specialised services, transparency and new technologies. The public consultation is envisaged to run from 14 March 2018 until 25 April 2018.</p> <p>The EWG Co-Chairs reported that the aim is to gather inputs from stakeholders to prepare, together with the findings of the NRAs, a draft opinion on the evaluation of the NN Regulation. The final draft opinion will be prepared for Plenary 4 2018 for adoption for publication.</p>
Conclusions	The BoR approved the document for public consultation.

9.3 Implementation of Net Neutrality rules – exchange of experiences

Document(s)	<p>BoR (18) 45 Status on national NN cases and questions P1 2018 (only for information)</p> <p>BoR (18) 46 Process description NN case and question database (only for information)</p>
Introduction by	<p>NN EWG Co-Chairs (Nkom/ACM)</p> <p>Representatives of NRAs (Arcep/AGCOM/Ofcom/ANACOM)</p>
Information presented	<p>In accordance with the conclusions of the BoR at Plenary 4 2017, the NN EWG Co-Chairs reported on national NN cases and other NN related questions discussed within the EWG. They also presented, for information, a brief description of the process for sharing experience on NN national cases and NN related questions between the NRAs at the EWG level. No action on the documents was expected from the BoR.</p> <p>Four members of the BoR presented national cases related to the implementation of the Net Neutrality rules.</p>
Conclusions	The BoR took note of the information and agreed to develop general guidance on in-flight offers, such as those presented.

10. Market and Economic Analysis

10.1 Impact of premium content on ECS markets and the effect of devices on the open use of the Internet

Document(s)	<p>BoR (18) 34 Draft BEREC report on the outcomes of the public consultation on the BEREC report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet</p> <p>BoR (18) 35 Draft BEREC report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet</p>
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Introduction by	MEA Co-Chairs (CNMC/Arcep)
Information presented	<p>The draft BEREC report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet provides a snapshot of the current situation in Europe regarding the distribution of premium content by different actors, the application of content-ECS bundling practices and exclusivity agreements applied to content. It identifies areas of concern regarding the impact of these bundling practices and exclusivity agreements on ECS markets and summarises approaches taken by NRAs and competition authorities to address potential competition concerns in this area. The report also provides an analysis of the device industry, in particular how device openness interacts with the objective of promoting end-users' capacity to have access and to contribute to the various content and applications on the Internet.</p> <p>During its 32nd plenary meeting in Bucharest, the BoR approved the Draft BEREC Report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet for public consultation. The public consultation ran from 11 October to 8 November 2017. 8 contributions were received. The draft BEREC report on the outcomes of the public consultation presents how the comments were addressed in the final draft BEREC report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet.</p>
Conclusions	The BoR approved the documents for publication.

10.2 Draft BEREC Opinion on the SMP Guidelines

Document(s)	BoR (18) 36 Draft BEREC Opinion on the SMP Guidelines
Introduction by	MEA Co-Chairs (CNMC/Arcep)
Information presented	<p>The SMP Guidelines are a key document outlining principles related to market analyses and the assessment of significant market power under the present EU regulatory framework. They will continue to perform this important role under the Electronic Communications Code. In 2017 BEREC provided its input to the EC's public consultation, the results of which were published on 5 October 2017.</p> <p>On 14 February 2018 the BEREC Chair received a letter from the European Commission inviting BEREC to provide the Commission with its Opinion on the draft SMP Guidelines and on the accompanying draft Explanatory Note.</p> <p>The EC representative presented the revised SMP Guidelines to the BoR. He recalled the review process and informed the BoR that the adoption of the new SMP Guidelines is foreseen for Q2 2018.</p> <p>The EWG Co-Chairs presented to the BoR the first draft of the BEREC Opinion for information and for discussion on the way forward.</p>
Conclusions	The BoR decided to amend the Opinion on the SMP Guidelines in line with the comments made during the meeting and submit it for urgent e-voting

	procedure with a view to adopting the document by 16 March 2018 and transmitting it to the EC on 19 March 2018 and publishing it on the BEREC website.
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11. Regulatory Framework

Document(s)	No document
Introduction by	RF EWG Co-Chairs (NMHH/AGCOM) Benchmarking EWG Co-Chairs (ANACOM/ComReg)
Information presented	<p>The Co-Chairs of the RF EWG informed the BoR about the progress in the EWG work and recent developments on the regulatory framework review.</p> <p>They recalled the activities from the previous year and documents prepared by the drafters, which were later approved by the BoR. They briefed the BoR on the ongoing trilogues and the agreement reached by the co-legislators so far.</p> <p>Intra-EU calls</p> <p>On 26 February 2018 BEREC approved its preliminary analysis of the intra-EU calls. It was subsequently published on the BEREC website with a view to feeding into the ongoing negotiations on the Code.</p> <p>The EWG Co-Chairs reported on the work done by the EWG since the publication of the initial preliminary analysis. The EWG continued this analysis.</p>
Conclusions	The BoR took note of the information and decided to continue work on the document as suggested by the EWG Co-Chairs, with a view to finalising it by 5 April 2018 and run a CN comments round afterwards.

12. BEREC International cooperation

Document(s)	No document
Introduction by	The BEREC Vice-Chair responsible for international cooperation (Arcep)
Information presented	The BEREC Vice-Chair responsible for international cooperation briefed the BoR in relation to recent and forthcoming BEREC international activities.
Conclusions	The BoR took note of the information.

13. AOB

Information on the 35th BEREC plenary meetings (13-15 June 2018, Gdańsk-Sopot, Poland)

Document(s)	No document
Introduction by	Representative of the meeting host (UKE)
Information presented	The representative of the meeting host, UKE, provided information on the logistics for the meeting.
Conclusions	The BoR took note of the information.

Preparation of the BEREC Work Programme 2019

Document(s)	No document
Introduction by	Incoming BEREC Chair 2019 (ComReg)
Information provided	The incoming BEREC Chair 2019 informed the BoR about the approach he would like to propose on the preparation of the BEREC WP 2019. In order to gather inputs from stakeholders, he would like to follow a two-step public consultation approach.
Conclusions	The BoR took note of the information.

Requests for access to BEREC internal documents from third parties

Document(s)	No document
Introduction by	BEREC Chair (RTR)
Information provided	The BEREC Chair recalled the recent BoR decision on the access to internal BEREC documents. He emphasised that the principle is to be as transparent as possible, but without endangering BEREC's internal decision-making process.
Conclusions	The BoR took note of the information.

Annex

**List of public documents approved during
the 34th BEREC Board of Regulators plenary meetings
(8-9 March 2018)**

Document number	Document title/hyperlink
BoR (18) 23	BEREC Study “Implications of 5G deployment and future business models”
BoR (18) 24	BEREC Report on the need to review the Common Positions on Markets 3a, 3b and 4
BoR (18) 30	BEREC Report on NRAs’ practices for ensuring equivalence of access and choice for disabled end-users
BoR (18) 31	International Roaming BEREC Benchmark Data Report April 2017 - September 2017
BoR (18) 34	BEREC report on the outcome of the public consultation on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet
BoR (18) 35	BEREC report on the impact of premium content on ECS markets and the effect of devices on the open use of the Internet
	For public consultation
BoR (18) 33	Consultation paper on the evaluation of the application of Regulation (EU) 2015/2120 and the BEREC Net Neutrality Guidelines