

**43rd Ordinary Plenary Meeting of the BEREC Board of Regulators
(BoR)**

Hosted virtually

Conclusions

Chair: Dan Sjöblom

Director-General
Swedish Post and Telecom Authority (PTS)

11-12 June 2020

Contents

Main Results of the 43 rd Meeting of the BEREC Board of Regulators.....	3
Introduction and participation	5
List of documents	5
Items discussed	5
1. Opening of the meeting and adoption of the agenda	5
2. List of 'A' items	5
3. Information from the Chair including information on the appointment of the BEREC Chair 2022 and Vice Chairs 2021	6
4. 2020 BEREC Work Programme status update and information on major projects underway 7	
5. Information from the Commission.....	7
6. Fixed Network Evolution.....	9
7. Planning and Future Trends	9
7.1. Draft BEREC Strategy.....	9
7.2. Draft Guidelines for developing BEREC Work Programmes.....	10
7.3. Draft BEREC Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem	10
8. Open Internet	11
8.1. Update to the BEREC Guidelines on the implementation of the Open Internet Regulation	11
9. Oral update on the special reporting mechanism on the status of internet capacity in light of the Covid-19 crisis and other national measures against the pandemic	12
10. Discussion on NRA independence	12
11. Market and Economic Analysis.....	13
11.1. Draft BEREC Guidelines to foster the consistent application of the criteria for assessing co-investments on very high capacity network elements.....	13
11.2. (poss.) Oral update on BEREC input to public consultation on Digital Service Act	13
12. Wireless Network Evolution.....	14
13. Remedies.....	14
14. Ad hoc WG on Cybersecurity of 5G Networks	15
15. BEREC international cooperation	15
16. AOB	16
16.1. Information on the 44 th BoR ordinary meetings (30 September - 02 October, 2020, Dublin, Ireland)	16

Annex I – List of documents

Main Results of the 43rd Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 43rd Ordinary Plenary Meeting virtually on 11-12 June. During the Meeting, the BoR discussed and/or approved the following documents:

1. Documents approved as 'A' items

1.1 For publication and submission to the European Parliament, the Council, the Commission and the European Economic and Social Committee:

- BoR (20) 96 Draft BEREC Annual Reports 2019

1.2 For publication:

- BoR (20) 97 Draft BEREC Report on the Termination Rates at the European level
- BoR (20) 98 Draft report on the outcomes of the public consultation on the BEREC Report on Member States' best practices to support the definition of adequate broadband Internet Access Service (IAS)
- BoR (20) 99 Draft BEREC Report on Member States' best practices to support the definition of adequate broadband Internet Access Service (IAS)
- BoR (20) 100 Draft Summary Report from Miniboard Study Trip to the USA

1.3 For internal use:

- BoR (20) 101 Summary Report of 2nd Stakeholder Workshop on the consistent application of the criteria for assessing co-investments in new very high capacity network elements (Article 76 EECC)

2 Documents approved as regular items:

2.1. For publication:

- BoR (20) 95 BoR Agenda
- BoR (20) 107 Draft BEREC Report on the outcomes of the public consultation on BEREC Strategy
- BoR (20) 108 Draft BEREC Strategy
- BoR (20) 111 Draft Report on the outcomes of the public consultation on the Update to the BEREC Guidelines on the implementation of the Open Internet Regulation
- BoR (20) 112 Update to the BEREC Guidelines on the implementation of the Open Internet Regulation
- BoR (20) 114 Draft Report on the outcomes of the public consultation on the BEREC Guidelines on how to assess the effectiveness of public warning systems transmitted by different means
- BoR (20) 115 Draft BEREC Guidelines on how to assess the effectiveness of public warning systems transmitted by different means
- BoR (20) 116 Draft BEREC Report on WACC parameters

2.2. For internal use:

- BoR (20) 109 Draft Guidelines for developing BEREC Work Programmes

3. Documents submitted for public consultation:

- BoR (20) 106 Draft BEREC Guidelines on the criteria for a consistent application of Article 61
- BoR (20) 110 Draft BEREC Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem
- BoR (20) 113 Draft BEREC Guidelines to foster the consistent application of the criteria for assessing co-investments in new very high capacity network elements (Article 76 EECC)

4. Documents submitted for information purposes:

- BoR (20) 102 Contact lists pack
- BoR (20) 103 Information on the electronic voting procedures since the last plenary meeting
- BoR (20) 104 Information on planned electronic voting procedures between P2 and P3
- BoR (20) 105 2020 BEREC Work Programme status update

5. Other main topics discussed

The BoR discussed topics related to BEREC's international cooperation. The BoR Members also received an update concerning the progress of the COVID-19 reporting mechanism. In addition, the BoR had an exchange of views on the topic of NRA independence. The European Commission to provide information on recent important developments and activities under its remit that have an impact on the digital sector.

6. Next Meeting

The next Ordinary Plenary Meeting of the BoR will take place on **30 September - 2 October 2020 in Dublin, Ireland and will be hosted** by the [Commission for Communications Regulation](#) (COMREG).

Introduction and participation

The BEREC Board of Regulators held its 43rd Ordinary Plenary Meeting virtually on 11-12 June 2020.

The Meeting was attended by the Heads and/or high-level representatives of the National Regulatory Authorities (NRAs) from each EU Member State that have primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. The European Commission also took part in the Meeting. Heads and high-level representatives of the NRAs whom BEREC has concluded working arrangements with were also present.

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 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 are presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	BoR (20) 95 Draft BoR Agenda
Introduction by	BEREC Chair (PTS)
Information presented	<p>The BEREC Chair welcomed the meeting participants and presented practical information on the logistics of the meeting.</p> <p>He thanked the NRA representatives attending their last BoR meeting:</p> <ul style="list-style-type: none">- Vladica Tintor (RATEL), <p>He welcomed the NRA representatives participating in the BoR meeting for the first time:</p> <ul style="list-style-type: none">- Mrs Manon Leijten (ACM). <p>The BEREC Chair opened the meeting and presented the draft agenda for approval by the BoR. The BoR were invited to suggest any additional issues to be raised or presented under “Any other business” (AOB).</p> <p>The BEREC Chair informed the BoR about an invitation received from RSPG to co-sign a high level paper on EMF. He also informed the BoR that this could be discussed under AOB.</p>
Conclusions	The BoR adopted the agenda with the proposed change.

2. List of ‘A’ items

Document(s)	<u>Approval for publication and submission to the European Parliament, the Council, the Commission and the European Economic and Social Committee:</u> BoR (20) 96 Draft BEREC Annual Reports 2019
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	<p><u>Approval for publication:</u></p> <p>BoR (20) 97 Draft BEREC Report on the Termination Rates at the European level</p> <p>BoR (20) 98 Draft report on the outcomes of the public consultation on the BEREC Report on Member States' best practices to support the definition of adequate broadband Internet Access Service (IAS)</p> <p>BoR (20) 99 Draft BEREC Report on Member States' best practices to support the definition of adequate broadband Internet Access Service (IAS)</p> <p>BoR (20) 100 Draft Summary Report from Miniboard Study Trip to the USA</p> <p><u>Approval for internal use:</u></p> <p>BoR (20) 101 Summary Report of 2nd Stakeholder Workshop on the consistent application of the criteria for assessing co-investments in new very high capacity network elements (Article 76 EECC)</p>
Introduction by	BEREC Chair (PTS)
Information presented	<p>The BEREC Chair presented the list of 'A' items, as set out above. The list of 'A' items has been drawn up on the basis of the conclusions of the Contact Network (CN), according to which the BoR approval of the documents should be possible without further discussion. The BEREC Chair informed the BoR members that, if needed, they could still make statements for the minutes on any of the 'A' items. If a position taken on an 'A' item should lead to further discussion or if a member of the BoR so requests, this item shall be withdrawn from the list of 'A' items.</p> <p>The BEREC Chair firstly requested the consent of the BoR members to include all items in the list and, secondly, he asked the BoR to approve the documents in the list of 'A' items.</p>
Conclusions	The BoR approved the documents included in the 'A' item list.

3. Information from the Chair including information on the appointment of the BEREC Chair 2022 and Vice Chairs 2021

Document(s)	No documents
Introduction by	BEREC Chair (PTS)
Information presented	<p>The BEREC Chair briefed the BoR on the outcome of the recent important meetings he held and on the meetings that he would to attend.</p> <p>In addition, the BEREC Chair provided information on the procedure for the appointment of the BEREC Chair 2022 and the Vice-Chairs for 2021 in line with the Rules of Procedure.</p> <p>The 2022 Chair and additional Vice-Chairs for 2021 will be elected at P3 2020 (1 October 2020). The necessary details of the appointment procedure, as well as the precise date of the appointment, will be circulated to the NRAs at least 3 months prior to the appointment (July 2020).</p> <p>Candidacies for the position of 2022 Chair are to be submitted at the beginning of August 2020 (at least 2 months before the appointment). Then, the lists of candidates will be circulated to the NRAs within five working days following the closing date. For the additional 2021 Vice-Chairs, the candidacies are to be submitted 1 month before the appointment (at the beginning of September 2020). The list of candidates will be circulated to</p>

	<p>the NRAs according to the aforementioned deadline (within five working days following the closing date).</p> <p>The decisions for both the 2022 Chair and the additional 2021 Vice-Chairs are to be adopted by a 2/3 majority of the BEREC Members.</p> <p>He also reported that the CN3 meeting is going to be a virtual meeting and that the situation is more promising for organising a physical or partially physical Plenary meeting in Dublin.</p>
Conclusions	The BoR took note of the information.

4. 2020 BEREC Work Programme status update and information on major projects underway

Document(s)	<p>BoR (20) 102 Contact lists pack</p> <p>BoR (20) 103 Information on the electronic voting procedures since the last plenary meeting</p> <p>BoR (20) 104 Information on planned electronic voting procedures between P2 and P3</p> <p>BoR (20) 105 2020 BEREC Work Programme status update</p>
Introduction by	BEREC Office representative
Information presented	<p>The BEREC Office submitted the updated contact lists for the BEREC Heads, CN members and the BEREC Office, the recent and planned electronic voting procedures, and the implementation status of the 2020 BEREC Work Programme (WP-2020) to the BoR for information.</p> <p>A BEREC Office representative also updated the BoR on:</p> <ul style="list-style-type: none"> – BERECnet+ – Authorisation Database – Roaming Database – Numbering Database – Brussels AVC Facility Upgrade – Net Neutrality Tool – Study on Digital Platforms – Data required for the WACC
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 reported that, in terms of dealing with the crisis, the Commission has been active in many different fronts, which include the digital area: from getting the right data about the pandemic to develop right models to gathering mobility data to understand if confinement was effective. He noted that thanks to the data gathered by telecom operators in anonymous ways it was possible to correlate the decrease of the pandemic with the decrease of mobility. He informed that the</p>

	<p>next step is to make sure the model will be used in all Member States in the same way (standardization of data format).</p> <p>He also reported on the use of technology to fight the pandemic and how the EC worked on grouping all the European supercomputers to search matches with the library of the existing pharmaceutical compounds. He also mentioned the use of AI in hospitals (a growing network in Europe) and in testing and the use of robotics to alleviate workloads in hospitals.</p> <p>As for the cybersecurity topics he informed the BoR that there had been attacks against hospital and laboratories and that the Commission is taking all the necessary measures in order to improve their security.</p> <p>The EC representative thanked everyone for monitoring the quality of networks during the crisis: he expressed satisfaction about the resilience of telecom networks and about the fact that operators could cope with the increased load. He noted that networks have coped well with the situation and the existing regulation (in particular the NN Regulation) proved to be effective. He also reported that the EC had been cooperating closely with ICAN to ensure efficient handling of increased network traffic.</p> <p>He informed the BoR about the tracing apps helping to stop the spread of the COVID-19. The EC has been working with all the Member States and the main recommendation is to use Bluetooth technology and not to use any system that would allow localisation or identification of the user. He reported that based on this recommendation MS have started developing and using apps. On this basis a number of Member States have already published some of these apps. He pointed out that the next challenge is to make them interoperable when the border restrictions will be lifted.</p> <p>In this context he also pointed out that there are two elements to clarify from the regulatory point of view. The first one is that the tracing apps should be zero rated: no payment should be required by the user in terms of used data – he noted that this is in line with the NN regulation. The second element is that this download is outside of the roaming bundle under the FUP of the Roaming regulation. He said he would like to propose the BoR that the element of NN would be taken up by BEREC, clarifying how this would be compatible with the NN Regulation and the Guidelines, while the part about Roaming would be clarified by EC. He also noted the need to monitor the quality of services in this respect.</p> <p>The EC representative reported that the EC is preparing the exit strategy from the crisis. It has prepared the recovery package, which is founded on two drivers: green deal and digital change. He informed the BoR that the Recovery Plan will be discussed in the coming weeks and that its implementation phase should take place after the summer.</p> <p>From the regulatory point of view the EC representative concluded that the EC cannot afford delays in presenting legislative proposals for regulation of the platform economy. He reported that two public consultation documents had been published. All of this needs to be tested with stakeholders, the idea is to present the legislation by the end of the year.</p> <p>He finished by informing the BoR that by the end of this year it is expected that the new NIS directive on cybersecurity in Europe will be presented as well as the new Regulation on AI, both of which should be published at the beginning of next year.</p>
Conclusions	The BoR took note of the information.

6. Fixed Network Evolution

Document(s)	BoR (20) 106 Draft BEREC Guidelines on the criteria for a consistent application of Article 61
Introduction by	FNE WG Co-Chair (BNetzA)
Information presented	<p>The WG Co-Chair recalled that, according to the EECC (Article 61 (3)), BEREC shall issue guidelines setting out the criteria to determine:</p> <ol style="list-style-type: none"> the first concentration or distribution point; the point beyond the first concentration or distribution point, capable of hosting a sufficient number of end-user connections to enable an efficient undertaking to overcome the significant replicability barriers identified; which network deployments can be considered to be new; which network deployments can be considered to be small; which economic or physical barriers to replication are high and non-transitory. <p>BEREC shall publish these guidelines by the end of 2020.</p> <p>During its 39th Plenary meeting in Ghent, the BoR agreed to launch a “Call for initial Stakeholder Input” for the development of the BEREC Guidelines on the criteria for a consistent application of article 61 (3).</p> <p>Based on the inputs received from stakeholders, the WG continued its work and prepared the draft Guidelines document which was presented by the Co-Chair to the BoR.</p> <p>The Co-Chair then informed the BoR about the next steps to be taken: a virtual stakeholders meeting to be held on 23 June 2020 to guide the stakeholders through the draft guidelines to answer general questions of understanding and the public consultation of the document.</p>
Conclusions	The BoR approved the document for public consultation.

7. Planning and Future Trends

7.1. Draft BEREC Strategy

Document(s)	BoR (20) 107 Draft BEREC Report on the outcomes of the public consultation on BEREC Strategy BoR (20) 108 Draft BEREC Strategy
Introduction by	Incoming BEREC Chair (BiPT)
Information presented	<p>The BEREC Strategy is a core document, on which BEREC’s annual Work Programmes are based and which provides strategic orientations to map BEREC’s actions.</p> <p>The draft BEREC Strategy covers a period of five instead of three years as it is in the current strategy, namely 2021-2025.</p> <p>The Incoming BEREC Chair reported that the first call for input to the review of the BEREC Strategy was launched on 7 November 2019. After considering the inputs received, at the 42nd BEREC Plenary meeting, the BoR approved the draft BEREC Strategy 2021-2025 for public consultation. The public consultation ran in the period 10 March 2020 - 13 April 2020. BEREC received 17 non-confidential contributions.</p>

	<p>The Incoming BEREC Chair presented the main changes introduced to the document after the public consultation in relation to introduction and objectives, Market, Technological and Policy Developments, and high level strategic priorities.</p> <p>He highlighted that the draft Strategy also addresses issues related to international and interinstitutional BEREC cooperation and interaction with stakeholders.</p> <p>In addition, the Incoming BEREC Chair informed the BoR about the email circulated to the NRA in relation to the prioritisation exercise on the BEREC WP 2021.</p>
Conclusions	The BoR approved the documents for publication subject to proposed changes.

7.2. Draft Guidelines for developing BEREC Work Programmes

Document(s)	BoR (20) 109 Draft Guidelines for developing BEREC Work Programmes
Introduction by	PFT Co-Chair (PTS)
Information presented	<p>The WG Co-Chair recalled that, traditionally, BEREC has initiated the work on a new Work Programme for a given year at the end of the first quarter of the preceding year. The Work Programme is, after a public consultation, finally decided upon at the fourth Plenary meeting in December. According to the new BEREC Regulation, BEREC shall adopt the outline of its annual Work Programme by 31 January of the year preceding that to which the annual Work Programme relates. This means that the preparation of the Work Programme needs to start earlier or in practice be a multiannual task.</p> <p>He also recalled that in 2019 the Co-Chairs of the PFT WG, in collaboration with the 2019 Chair's team and the 2020 Chair's team, set out a draft process for developing BEREC's WPs.</p> <p>The guidelines for developing BEREC Work Programmes submitted to the BoR were revised and fine-tuned, based on experiences from 2019.</p> <p>The WG Co-Chair presented the amendments made in the document to the BoR. In particular, he reported that the update intends to increase the focus on the importance of an early and timely engagement of WG Co-Chairs and BEREC Office in the process. He also informed the BoR that comments from the CN were taken on board and that an important point is the explicit mentioning of the CN's role in the prioritisation process.</p>
Conclusions	The BoR approved the document for internal use.

7.3. Draft BEREC Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem

Document(s)	BoR (20) 110 Draft BEREC Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem
Introduction by	PFT Co-Chair (ACM)
Information presented	The WG Co-Chair reported that the BEREC Planning & Future Trends Working Group (PFT WG) was tasked with developing a report that aims

	<p>at helping the National Regulatory Authorities for electronic communications anticipate where and how 5G deployment and development may have an impact on the regulatory environment.</p> <p>As decided during P4 2019, the PFT WG shall continue working on a report with further analysis and stronger focus, and with the involvement of co-chairs of other working groups.</p> <p>The WG Co-Chair presented the 5G radar, as an extension to the BEREC Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem, and explained how to use it.</p> <p>He showed to the BoR how the Radar works. The radar shows which the most important aspects for BEREC and NRAs are and when regulators should be prepared for those developments. The BEREC 5G radar is developed as a tool to identify developments in the 5G ecosystem that may need regulatory attention and prioritise them in time.</p>
Conclusions	The BoR approved the document for public consultation.

8. Open Internet

8.1. Update to the BEREC Guidelines on the implementation of the Open Internet Regulation

Document(s)	<p>BoR (20) 111 Draft Report on the outcomes of the public consultation on the Update to the BEREC Guidelines on the implementation of the Open Internet Regulation</p> <p>BoR (20) 112 Update to the BEREC Guidelines on the implementation of the Open Internet Regulation</p>
Introduction by	OI Co-Chairs (TRAFICOM/ACM)
Information presented	<p>The WG Co-Chairs recalled that at the 40th BEREC Plenary meetings in Crete the BoR approved the draft of the new Guidelines on the implementation of the Open Internet Regulation for Public Consultation.</p> <p>The Public Consultation ran from 10 October to 28 November 2019: BEREC received 52 responses to the public consultation from various types of stakeholders. 50 contributions will be published as two stakeholders provided a confidential version only.</p> <p>The Co-Chairs noted that there are still some opposing views among stakeholders concerning for example zero rating and specialised services. This had however no major impact to the Guidelines, and only some clarifications were introduced in the document.</p> <p>They also briefly summarised the responses and how they were addressed in the updated Guidelines. They focused mainly on the recently introduced amendments and the information to be included on the BEREC website section dedicated to the Open Internet.</p>
Conclusions	The BoR approved the documents for publication.

9. Oral update on the special reporting mechanism on the status of internet capacity in light of Covid-19 crisis and other national measures against pandemic

Document(s)	No documents
Introduction by	RF WG Co-Chair (NMHH)
Information presented	<p>Due to the outbreak of the COVID-19 pandemic, BEREC decided to set up information-gathering exercises on the measures implemented to mitigate the potential adverse consequences of it in Europe.</p> <p>The OI WG is coordinating the special monitoring mechanism that was established to ensure regular monitoring of the Internet traffic situation in each Member State to be able to respond swiftly to any capacity issues. In accordance with Article 40(2) of the BEREC Regulation, the European Commission has requested BEREC to deliver regular monitoring of the situation and signal any significant unexpected event of the Internet traffic situation in each Member State linked to the pandemic.</p> <p>Further to the information collection on the Internet traffic situation, the Miniboard asked the RF WG to collect information on national measures taken by NRAs or other competent authorities in response to the COVID-19 pandemic. The purpose of this activity is to compile a snapshot about national initiatives that would help NRAs to propose and implement effective measures at national level. Given the fast-changing nature of the epidemic, the snapshot requires frequent updating.</p> <p>The RF WG Co-chair briefly presented the outcomes of these information-gathering exercises focusing on network capacity issues and other COVID-19-related measures like: consumer protection issues, spectrum and security issues, etc.</p>
Conclusions	The BoR took note of the information.

10. Discussion on NRA independence

Document(s)	No documents
Introduction by	BEREC Chair (PTS)
Information presented	<p>The independence of national regulatory authorities is a key principle of EU law and something BEREC puts a high value on and relies on in order to be able to fulfil its tasks. Independence from both market players and national institutions is vital both for individual NRAs, as well as for BEREC collectively in ensuring a harmonised and predictable application of the regulatory framework.</p> <p>The NRAs were invited to share their views and opinions on the topic of NRAs independence.</p>
Conclusions	The BoR took note of the information and agreed that the RF WG will update the 2012 BEREC paper on NRA's independence.

11. Market and Economic Analysis

11.1. Draft BEREC Guidelines to foster the consistent application of the criteria for assessing co-investments on very high capacity network elements

Document(s)	BoR (20) 113 Draft BEREC Guidelines to foster the consistent application of the criteria for assessing co-investments in new very high capacity network elements (Article 76 EECC)
Introduction by	MEA WG Co-Chairs (CNMC/Arcep)
Information presented	<p>The Co-Chairs recalled that BEREC is required under Article 76 of the European Electronic Communications Code (“EECC”) to publish guidelines to foster the consistent application by NRAs of the criteria for assessing co-investments in new very high capacity network elements (Article 76 EECC and Annex IV).</p> <p>They also recalled the previous steps in the drafting of the Guidelines and the key points addressed. They noted that the EC has actively participated in the preparation of the guidelines and the MEA-EWG organised two workshops with stakeholders associations to collect their views on aspects to be covered in the guidelines (March 2019) as well as views on specific issues in relation to these aspects (January 2020).</p> <p>They informed the BoR about the key points addressed in the Guidelines.</p>
Conclusions	The BoR approved the document for public consultation.

11.2. Oral update on BEREC input to public consultation on Digital Service Act

Document(s)	No document
Introduction by	MEA WG Co-Chairs (CNMC/Arcep)
Information presented	<p>At the 42nd Plenary Meetings in Belgrade, following a high-level discussion on the regulation of digital platforms, the BoR decided to establish a drafting team under the MEA WG to prepare BEREC input for the public consultation on the Digital Services Act. The public consultation was expected to be launched by the EC in mid-March, however, it was delayed and opened on 2 June 2020.</p> <p>The Co-Chairs reported that the EC opened 2 parallel consultations focusing on competition and economic issues in digital markets, namely on the DSA package (focusing on ex-ante rules targeting large platforms acting as gatekeepers) and New Competition Tool (to address structural competition problems raised by specific market features and market failures).</p> <p>The Co-Chairs reported that BEREC will respond to the first public consultation in line with the conclusions of the 42nd Plenary Meetings in Belgrade. They also suggested that BEREC could respond to the second public consultation in more general fashion (for instance by a position paper).</p>
Conclusions	The BoR took note of the information and agreed to have an extraordinary plenary meeting dedicated to the BEREC input to public consultation on Digital Service Act

12. Wireless Network Evolution

Document(s)	<p>BoR (20) 114 Draft Report on the outcomes of the public consultation on the BEREC Guidelines on how to assess the effectiveness of public warning systems transmitted by different means.</p> <p>BoR (20) 115 Draft BEREC Guidelines on how to assess the effectiveness of public warning systems transmitted by different means.</p>
Introduction by	WNE WG Co-Chair (ARCEP/ComReg)
Information presented	<p>The Co-Chairs recalled that these guidelines are provided by BEREC in response to the task set in article 110(2) of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the EECC to assist Member States in assessing the effectiveness of alternative Public Warning Systems using means of electronic communications services as described in that article.</p> <p>By 21 June 2022, Member States shall ensure that, when public warning systems regarding imminent or developing major emergencies and disasters are in place, public warnings are transmitted by providers of mobile NB-ICS to the end-users concerned.</p> <p>By 21 June 2020, BEREC must publish guidelines on how to assess whether the effectiveness of public warnings transmitted through ECS other than mobile NB-ICS and broadcasting services, or through a mobile app (relying on an IAS) is equivalent to that transmitted through mobile NB-ICS.</p> <p>They welcomed the input from the Commissions representatives at the WG level to clarify any differences of opinions.</p> <p>The Co-Chairs recalled that the draft Guidelines document was adopted by the BoR for public consultation at the 41st Plenary meeting in Malta. In addition to comments on the document, stakeholders were invited to answer a set of questions related to the minimum operational requirements a public warning system should be able to fulfil.</p> <p>They presented the three-step methodology, which suggests that competent authorities establish a performance benchmark on the basis of a hypothetical ECS-PWS that meets the requirements of Article 110(1) EECC (110(1)-PWS), such PWS being typically location based SMS or cell-broadcast. The envisaged IAS-PWS would then have to be assessed against the benchmark so established.</p>
Conclusions	The BoR approved the document for publication.

13. Remedies

Document(s)	BoR (20) 116 Draft BEREC Report on WACC parameters
Introduction by	REM WG Co-Chair (BNetzA)
Information presented	On 6 November the Commission published a Notice on the calculation of the cost of capital for legacy infrastructure in the context of the Commission's review of national notifications in the EU electronic communications sector.

	<p>This Notice sets out the Commission’s methodology for estimating the weighted average cost of capital (WACC) as a reference in the context of reviewing draft measures notified by national regulatory authorities under Article 7 of the Framework Directive, which as of 21 December 2020 will be replaced by Article 32 of the new European Electronic Communications Code.</p> <p>BEREC has agreed to calculate various parameters of the WACC formula according to the methodology laid down in the Notice.</p> <p>These WACC parameters will be calculated at the beginning of each year and published in a separate report to allow NRAs to base their national WACC decisions on this up-to-date information.</p>
Conclusions	The BoR approved the document for publication.

14. Ad hoc WG on Cybersecurity of 5G Networks

Document(s)	BoR (20) 118 Survey on the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and ensuring national resilience)
Introduction by	Ad hoc WG Co-Chairs (AKOS/EETT)
Information presented	<p>The Co-Chairs reported about their recent activities as well as the WG’s contact and communication with the Network and Information Systems Co-operation Group (NIS CG).</p> <p>The WG Co-Chairs reported that the WG will deliver two documents:</p> <ul style="list-style-type: none"> – Input for the NIS CG, ENISA and EC for implementation of the toolbox, namely regarding SM05 (diversification of suppliers) and SM06 (strengthening national resilience) – Snapshot for BEREC members regarding the conditions and outcomes of the toolbox implementation <p>They briefly describe the work done in the recent weeks, focusing on the questionnaire concerning the EU Toolbox Strategic measures 5 (Ensuring the diversity of suppliers for individual MNOs through appropriate multi-vendor strategies) and 6 (Strengthening the resilience at national level). They presented the scope of the questionnaires under each strategic measures. They also presented both questionnaires, one addressed to the MNOs and the other to the NRAs.</p>
Conclusions	The BoR approved the way forward proposed by the WG Co-Chairs.

15. BEREC international cooperation

Document(s)	No document
Introduction by	BEREC Vice-Chair responsible for international activities (ComReg)
Information presented	<p>The BEREC Vice-Chair responsible for international activities briefed the BoR about recent and forthcoming BEREC international activities.</p> <p>He noted that the Miniboard Study trip to the United States was adopted as an ‘A’ item.</p>

	<p>In addition, he reported about the cooperation with MoU partners. He recalled that several meetings were scheduled, but due to COVID-19 pandemic they had to be cancelled. Instead he reported that BEREC has shared some relevant documents with its partners.</p> <p>He reported that BEREC was invited to attend Virtual EaPeReg plenary meeting which is planned to take place in July 2020 and that BEREC will be represented there.</p> <p>The BEREC Vice-Chair responsible for international activities reported also about the Digital Africa initiative where BEREC was invited to share its experience regarding regulation of networks and measures undertaken to respond to the COVID-19 impact.</p> <p>The BEREC Chair added that BEREC had received invitation to the Global Symposium of Regulators which is the annual ITU event. He informed the BoR that the event will be held virtually and he and the Incoming BEREC Chair will be representing BEREC during the symposium.</p>
Conclusions	The BoR took note of the information.

16.AOB

16.1. Information on the 44th BoR ordinary meetings (30-02 October, Dublin, Ireland)

Document(s)	No documents (<i>this agenda item was addressed under MB</i>)
Introduction by	Representative of the meeting host (ComReg)
Information presented	The representative of the meeting host, ComReg, provided information on the logistics for the meeting.
Conclusions	The BoR took note of the information.

16.2. Information on request from RSPG

Document(s)	No documents
Introduction by	BEREC Chair (PTS)
Information presented	<p>The BEREC Chair informed the BoR that RSPG invited BEREC to co-sign a joint statement dedicated to ENF. He reported that the document was shared by the RSPG late and that it was only consulted with the WNE Co-Chairs.</p> <p>The BEREC Chair asked the BoR to share their views if this document could be co-signed by BEREC and how it could be adopted.</p>
Conclusions	The BoR took note of the information.