

## **48<sup>th</sup> Plenary Meeting of the BEREC Board of Regulators (BoR)**

**Hosted by the Croatian Network Regulatory Agency (HAKOM)**

# **Conclusions**

**Chair            Michel Van Bellinghen**

BEREC Chair 2021 (BIPT)

**30 September 2021**

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## Main Results of the 48<sup>th</sup> Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 48<sup>th</sup> Ordinary Plenary Meeting on 30 September, in Dubrovnik, Croatia, in a hybrid setting (both physically and virtually).

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

### 1. Documents approved as 'A' items

#### 1.1 For publication:

- BoR (21) 115 27th BEREC International Roaming Benchmark Data Report - 1 October 2020 to 31 March 2021
- BoR (21) 116 2nd BEREC Benchmark Data Report on Intra-EU communication
- BoR (21) 117 BEREC Report on the outcomes of the Public consultation on the draft Report on how to handle third-party payment charges on mobile phone bills
- BoR (21) 118 Report on how to handle third-party payment charges on mobile phone bills
- BoR (21) 119 BEREC Report on the implementation of the Open Internet Regulation
- BoR (21) 121 Decision No BoR/2021/02 of the Board of Regulators on the appointment of the Co-Chairs of the Ad-hoc Sustainability Working Group and End Users Working Group (WG)

#### 1.2 For internal use:

- BoR (21) 120 BEREC Internal report regarding components and guidance for net neutrality tools

### 2. Documents approved as regular items:

#### 2.1. For publication:

- BoR (21) 126 BEREC Report on the outcome of the Public consultation on the BEREC Draft Report on harmonised definitions for indicators regarding over-the-top services relevant to electronic communications markets
- BoR (21) 127 BEREC Report on harmonised definitions for indicators regarding over-the-top services relevant to electronic communications markets
- BoR (21) 130 BEREC Report on the outcome of the public consultation on the Draft BEREC Report on the *ex ante* regulation of digital gatekeepers
- BoR (21) 131 BEREC Report on the *ex ante* regulation of digital gatekeepers
- BoR (21) 135 BEREC medium-term Strategy for international cooperation
- BoR (21) 137 BEREC medium-term Strategy for relations with other institutions
- BoR (21) 138 Study on post-Covid measures to close the digital divide

#### 2.2. For internal use:

- BoR (21) 132 Preliminary results on the effect of electronic communications on the environment - Actions and Impacts
- BoR (21) 134 BEREC medium-term Strategy for international cooperation
- BoR (21) 136 BEREC medium-term Strategy for relations with other institutions
- BoR (21) 140 Internal Report about the ECA questionnaire for NRAs on security of 5G networks

### **3. Documents submitted for public consultation:**

- BoR (21) 129 Draft Report on regulatory treatment for fixed and mobile backhaul
- BoR (21) 133 Draft BEREC Work Programme 2022

#### **Documents submitted for information purposes:**

- BoR (21) 122 Contact lists pack
- BoR (21) 123 Information on the electronic voting procedures since the last Plenary Meeting
- BoR (21) 124 Information on planned electronic voting procedures between P3 and P4
- BoR (21) 125 Work Programme 2021 status update
- BoR (21) 128 Discussion paper on the recent rulings of the ECJ related to the application of the Open Internet Regulation (EU) 2015/2120
- BoR (21) 139 Scoping document on external study on NRA's independence - list of topics
- BoR (21) 141 Memorandum of Understanding between the Canadian Radio-Television and Telecommunications Commission (CRTC) and the Body of European Regulators for Electronic Communications (BEREC)

### **5. Other main topics discussed**

The BoR was briefed on the recent activities of the BEREC Chair, important projects carried out by the BEREC Office in support of BEREC, and BEREC's recent and forthcoming international activities. The BoR elected the BEREC Chair 2023 and Vice-Chair 2022. In addition, the BoR was briefed about the progress of work of the Statistics and Indicators Working Group, activities of the Wireless Network Evolution Working Group, the recast of the Roaming Regulation, and the Market and Economic Analysis Working Group's proposal to launch an external study on business services. The BoR was also updated on the activities of the Regulatory Framework Working Group's report on the COVID-19 crisis and about the launched 5G Cybersecurity surveys. The BoR members also exchanged experiences on regulatory activities. The European Commission was invited to provide information on important recent developments and activities under its remit that have an impact on the digital sector.

### **6. Next Meeting**

The next Ordinary Plenary Meeting will take place on **9 - 10 December 2021 in Sweden and will be** hosted by [the Swedish Post and Telecom Authority](#) (PTS).

## Introduction and participation

The BEREC Board of Regulators held its 48<sup>th</sup> Ordinary Plenary Meeting on 30 September, in Dubrovnik, Croatia, in a hybrid setting (both physically and virtually).

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 with whom BEREC has concluded working arrangements 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

<b>Document(s)</b>	BoR (21) 114 Draft BEREC BoR Agenda
<b>Introduction by</b>	BEREC Chair (BIPT) <b>Michel Van Bellinghen</b> ( <a href="mailto:michel.van.bellinghen@IBPT.be">michel.van.bellinghen@IBPT.be</a> )
<b>Information presented</b>	The BEREC Chair welcomed the Meeting participants and provided practical information on the logistics of the Meeting. The BEREC Chair welcomed the new BoR member: - Mr. Nazim Rahimi - ARKEP.  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).
<b>Conclusions</b>	The BoR approved the agenda with the proposed change.

### 2 Election of the BEREC Chair 2023 and Vice-Chairs 2022

<b>Document(s)</b>	No Document
<b>Introduction by</b>	BEREC Chair (BIPT) <b>Michel Van Bellinghen</b> ( <a href="mailto:michel.van.bellinghen@IBPT.be">michel.van.bellinghen@IBPT.be</a> )
<b>Information presented</b>	Based on Article 10(1) of the BEREC Regulation, the Board of Regulators shall appoint, acting by a two-thirds majority of its members, a Chair and at least two Vice-Chairs from among its members.  The elections took place under the BoR, as indicated in the BEREC Regulation (Articles 10(1) and 17(1)), following the procedure outlined in

	<p>Article 2 of the BoR RoP (Rules of Procedure) - BoR (19) 58 to the extent possible under current circumstances.</p> <p>The following persons had submitted valid nominations to the BEREC Office to participate in the election process at the 48<sup>th</sup> BEREC Ordinary Meetings:</p> <ul style="list-style-type: none"> <li>- Prof. Konstantinos Masselos, President of the Hellenic Telecommunications and Post Commission (EETT), Greece - for the post of BEREC Chair for 2023;</li> <li>- Mr. Klaus Steinmaurer - Chief Executive Officer of Rundfunk und Telekom Regulierungs-GmbH (RTR), Austria - for the post of additional BEREC Vice-Chair for 2022;</li> <li>- Mr. Emmanuel Gabla, Board Member of the Autorité de Régulation des Communications Electroniques et des Postes et de la distribution de la presse (ARCEP), France - for the post of additional BEREC Vice-Chair for 2022;</li> <li>- Mr. Pål Wien Espen, Director of the Nasjonal Kommunikasjonsmyndighet (NKom), Norway - as a representative of the participants without voting rights to the Miniboard 2022.</li> </ul> <p>According to the BoR RoP, if the BEREC Office receives only one candidacy for the position of BEREC Chair, this candidate shall be elected provided that she/he receives the support of a 2/3 majority of all members (18 positive votes). Should the candidate not receive that support in the first round, the vote shall be repeated once.</p> <p>In addition to the support provided to the Chair by the two Vice-Chairs (the Incoming and Outgoing BEREC Chairs), the Board of Regulators may decide to elect other members as additional Vice-Chairs for 1 year. The election shall take place in accordance with the voting rules applicable to the election of the BEREC Chair. This procedure shall also apply to the election of a representative of the participants without voting rights to the Mini Board, as foreseen in Article 3(3) of the BoR RoP.</p> <p>The BEREC Chair presented the voting procedure to the BoR.</p>
<p><b>Conclusions</b></p>	<p>The BoR agreed on the election process and the number of vice chairs and elected:</p> <ul style="list-style-type: none"> <li>- Prof. Konstantinos Masselos, President of the Hellenic Telecommunications and Post Commission (EETT), Greece - for the post of BEREC Chair for 2023;</li> <li>- Mr. Klaus Steinmaurer - Chief Executive Officer of Rundfunk und Telekom Regulierungs-GmbH (RTR), Austria - for the post of additional BEREC Vice-Chair for 2022;</li> <li>- Mr. Emmanuel Gabla, Board Member of the Autorité de Régulation des Communications Electroniques et des Postes et de la distribution de la presse (ARCEP), France - for the post of additional BEREC Vice-Chair for 2022;</li> </ul>

	– Mr. Pål Wien Espen, Director of the Nasjonal Kommunikasjonsmyndighet (NKom), Norway - as a representative of the participants without voting rights to the Miniboard 2022.
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### 3 List of ‘A’ items

<b>Document(s)</b>	<p><u>Approval for publication:</u></p> <p>BoR (21) 115 Draft 27th BEREC International Roaming Benchmark Data Report - 1 October 2020 to 31 March 2021</p> <p>BoR (21) 116 Draft 2<sup>nd</sup> BEREC Benchmark Data Report on Intra-EU communication</p> <p>BoR (21) 117 Draft BEREC Report on the outcomes of the Public consultation on the draft Report on how to handle third-party payment charges on mobile phone bills</p> <p>BoR (21) 118 Draft Report on how to handle third-party payment charges on mobile phone bills</p> <p>BoR (21) 119 Draft BEREC Report on the implementation of the Open Internet Regulation</p> <p>BoR (21) 121 Draft Decision No BoR/2021/xx of the Board of Regulators on the appointment of the Co-Chairs of the Ad hoc Sustainability Working Group and End-Users Working Group (WG)</p> <p><u>Approval for internal use:</u></p> <p>BoR (21) 120 Draft BEREC Internal report regarding components and guidance for net neutrality tools</p>
<b>Introduction by</b>	<p>BEREC Chair (BIPT)</p> <p><b>Michel Van Bellinghen</b> (<a href="mailto:michel.van.bellinghen@IBPT.be">michel.van.bellinghen@IBPT.be</a>)</p>
<b>Information presented</b>	<p>The BEREC Chair presented the list of ‘A’ items, as set out above. The list of ‘A’ items was drawn up on the basis of the conclusions of the Contact Network (CN), according to which BoR approval of the documents should be possible without further discussion. The BEREC Chair informed the BoR members that, if needed, they can 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>First, the BEREC Chair requested the consent of the BoR members to include all the items in the list. Second, he asked the BoR to approve the documents in the list of ‘A’ items.</p>
<b>Conclusions</b>	The BoR approved the documents included in the ‘A’ item list.

### 4 Information from the BEREC Chair

<b>Document(s)</b>	No document
<b>Introduction by</b>	<p>BEREC Chair (BIPT)</p> <p><b>Michel Van Bellinghen</b> (<a href="mailto:michel.van.bellinghen@IBPT.be">michel.van.bellinghen@IBPT.be</a>)</p>
<b>Information presented</b>	<p>The BEREC Chair briefed the BoR about important meetings in which he participated and about recent developments.</p> <p>He also noted that the BoR is regularly updated by the BEREC Chair through the ‘Newsflash’ E-mails. He informed the BoR on the recent</p>



	<p>teambuilding event, which took place in Lichtenstein from 13 to 16 September 2021.</p> <p>Finally, he welcomed the newly elected Co-Chairs of the End-Users Working Group and the Ad Hoc Sustainability Working Group.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 5 Information from the BEREC Office

<b>Document(s)</b>	<p>BoR (21) 122 Contact lists pack</p> <p>BoR (21) 123 Information on the electronic voting procedures since the last Plenary Meeting</p> <p>BoR (21) 124 Information on planned electronic voting procedures between P3 and P4</p> <p>BoR (21) 125 Work Programme 2021 status update</p>
<b>Introduction by</b>	<p>BEREC Office Representative</p> <p><b>Panos Karaminas</b> (<a href="mailto:Panos.KARAMINAS@berec.europa.eu">Panos.KARAMINAS@berec.europa.eu</a>)</p>
<b>Information presented</b>	<p>The BEREC Office submitted to the BoR for information the updated contact lists for the BEREC Heads, BoR members and the BEREC Office, and the overview of the recent and planned electronic voting procedures. The representative of the BEREC Office updated the BoR members on the main projects and studies run by the BEREC Office in support of BEREC, namely:</p> <ul style="list-style-type: none"> <li>– WG activities in 2021;</li> <li>– Results of the BEREC Office survey on the quality of support to WGs;</li> <li>– Studies: ‘Sustainability’, ‘Post-COVID measures to close the digital divide’ and a ‘Study on NRA independence’;</li> <li>– Status of the received data in the ‘General Authorisation Database’ and development of the ‘Roaming Database’; He asked the NRAs to fill in the database with necessary information.</li> <li>– The Heads’ discussion on sustainability, which took place during the MB meeting at the Plenary 3 Meeting 2021.</li> </ul> <p>Lastly, he informed the BoR that the call for SNEs at the BEREC Office was extended until 31 October 2021.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 6 Information from the Commission

<b>Document(s)</b>	No document
<b>Introduction by</b>	<p>European Commission representative</p> <p><b>Rita Wezenbeek</b> (<a href="mailto:Rita.WEZENBEEK@ec.europa.eu">Rita.WEZENBEEK@ec.europa.eu</a>)</p>

<b>Information presented</b>	<p>The Commission representative informed the BoR about the European Commission's main activities in the area of electronic communications and other relevant activities since the last Plenary.</p> <p>A paper on the Commission's main activities was submitted to the BoR for information before the Meeting.</p> <p>The Commission representative updated the BoR on the following topics:</p> <ul style="list-style-type: none"> <li>- State of Union;</li> <li>- Europe's Digital Decade;</li> <li>- EU digital Covid certificate;</li> <li>- Recovery and Resilience facility;</li> <li>- Policy developments in the area of electronic communications (New Roaming Regulation proposal, transposition of the European Electronic Communications Code (EECC), Connectivity Toolbox Recommendation, Review of Broadband Cost Reduction Directive (BCRD), Revision of the Access Recommendations, Open Internet Regulation - ECJ rulings and Delegated Act on emergency communications and study on emergency communications).</li> </ul> <p>Finally, the Commission representative thanked the BEREC for cooperation on the development of two Roaming databases – one on the Emergency services and the other on Value Added Services.</p>
<b>Conclusions</b>	<p>The BoR took note of the information.</p>

## 7 Statistics and Indicators (SAI)

### 7.1 Oral update on the current state of communication between BEREC and the Commission on the relationship between the EC Mapping methodology for state aid and the BEREC Guidelines on Art. 22 EECC

<b>Document(s)</b>	<p>No document</p>
<b>Introduction by</b>	<p>SAI WG Co-Chair (CNMC)  <b>Begoña García Mariñoso</b> (<a href="mailto:begona.garcia@cnmc.es">begona.garcia@cnmc.es</a>)</p>
<b>Information presented</b>	<p>The Co-Chair reminded the BoR that in July this year the EC would publicly consult on the revision of the State Aid Guidelines for Broadband and that BEREC plans to respond to this public consultation. BEREC was informed that the draft document would include an Annex dealing with broadband mapping for intervention zones.</p> <p>Because of this, the BEREC response will consist of two parts, one developed by the Fixed Network Evolution (FNE) WG and one developed by SAI WG (dealing specifically with the Annex on broadband mapping and its interlink with BEREC Guidelines on Article 22 EECC). Both documents will be subject to CN and BoR approval as separate documents but delivered to the EC in one piece.</p> <p>The Co-chair also informed that the S&amp;I WG had provided the EC with some preliminary views on the mapping Annex. Those were without prejudice of future BEREC contributions. Overall, the Annex presented a substantial improvement compared to the prior proposed broadband</p>

	mapping methodology, which triggered a prior letter exchange between BEREC and the EC. However, NRAs had expressed concerns on the feasibility and proportionality of some of the data requests the Annex included and the reasonability and appropriateness of the assumptions to characterize traffic at peak time.
<b>Conclusions</b>	The BoR took note of the information.

## 7.2 Draft BEREC Report on harmonised definitions for indicators regarding over-the-top services relevant to electronic communications markets

<b>Document(s)</b>	BoR (21) 126 Draft BEREC Report on the outcome of the Public consultation on the BEREC Draft Report on harmonised definitions for indicators regarding over-the-top services relevant to electronic communications markets  BoR (21) 127 Draft BEREC Report on harmonised definitions for indicators regarding over-the-top services relevant to electronic communications markets
<b>Introduction by</b>	SAI Co-Chair (ANCOM) <b>Iulia Zaim-Grigore</b> ( <a href="mailto:iulia.zaim@ancom.ro">iulia.zaim@ancom.ro</a> )
<b>Information presented</b>	<p>The Co-Chair informed the BoR that the report aimed to identify OTT services for which NRAs need to collect data, with the focus on number-independent interpersonal communication services and video-streaming services, to specify the particular metrics of interest, provide definitions therefor and a minimal set of indicators for which harmonisation is sought. Thus, the objective of the report was to identify and define relevant indicators for NRAs with respect to OTT services, which are useful for performing their regulatory tasks and proportionate to collect.</p> <p>BEREC held a public consultation on the Draft Report between 16 March and 21 April 2021. Nine written submissions were received. The Co-Chair presented the summary of the outcomes of the public consultation, as well as the Draft Report. The Co-Chair presented to the BoR the list of indicators and main changes concerning NI-ICS. For the video-streaming services, no considerable changes have been brought, following the public consultation. Also, a definition for the business user has been introduced in the final version of the Report, while, regarding the data traffic indicator, BEREC did not consider to include such a metric at this stage.</p> <p>Finally, the Co-Chairs presented the follow-up work in 2022, which would focus only on NI-ICS. In that regard, the Co-Chairs informed that a PRD (Report on the business and revenue models of NI-ICS and update on NRA data collection practices on NI-ICS) is included in the draft BEREC Work Programme 2022, with a P4 deadline and a workshop planned by Q2.</p> <p>The Co-Chair asked the BoR to approve the report for publication.</p>
<b>Conclusions</b>	The BoR approved the document for publication.

## 8 Open Internet (OI) - Exchange of views regarding the way forward in light of the ECJ ruling

<b>Document(s)</b>	BoR (21) 128 Discussion paper on the recent rulings of the ECJ related to the application of the Open Internet Regulation (EU) 2015/2120
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<b>Introduction by</b>	<p>OI Co-Chairs (ILR/TRAFICOM)</p> <p><b>Klaus Nieminen</b> (<a href="mailto:klaus.nieminen@traficom.fi">klaus.nieminen@traficom.fi</a>)</p> <p><b>Véronique Ney</b> (<a href="mailto:Veronique.Ney@ilr.lu">Veronique.Ney@ilr.lu</a>)</p>
<b>Information presented</b>	<p>The Co-Chairs briefed the BoR on the rulings of the Court of Justice of the European Union (ECJ) related to the application of the Open Internet Regulation (OIR) and their implications. The ECJ judgements state that the practices by three German mobile operators are incompatible with the EU Open Internet Regulation. All 3 judgments refer to the obligation of ‘equal treatment of traffic’ (OIR Art. 3(3)) on the basis of commercial considerations, including non-compliance of the zero-rating offers based on differentiated billing without differentiated traffic management. In the light of this, the Co-Chairs informed the BoR that currently most or all zero-rating offers in the market are banned according to the rulings, but that some zero-rating offers could still be possible and further analysis is needed. The BEREC Guidelines would need to be reviewed in light of the Court’s decision to reflect the interpretation of the ECJ ruling. The Co-Chairs informed the BoR of the state of play of the discussion at WG level and proposed the next steps of the OI WG to the BoR:</p> <ul style="list-style-type: none"> <li>• to launch a call for stakeholder input;</li> <li>• to carry out an internal legal analysis of the judgments;</li> <li>• to update the BEREC Open Internet Guidelines;</li> <li>• to adapt the draft WP 2022 accordingly. In addition, the Co-Chairs proposed communication at the public debriefing on 6 October 2021.</li> </ul> <p>The Co-Chairs asked the BoR to discuss the matter and agree on the way forward, stating that the call for stakeholder input would be open from 6 to 20 October 2021. An internal legal analysis is expected to be ready for discussion at CN4/P4, while continuing the information sharing with the NRAs in order to align the enforcement and supervision actions.</p> <p>Lastly, the Co-Chairs informed the BoR that the Public consultation on the draft Guidelines are envisaged after Plenary 1 2022, and the publication of the final Guidelines and the public consultation report are planned for Plenary 2 2022.</p>
<b>Conclusions</b>	<p>The BoR discussed the document and agreed to continue the assessment of the ECJ rulings at WG level in cooperation with the Commission, with a view to revising the OI Guidelines.</p>

## 9 Wireless Network Evolution (WNE) - Oral Update regarding the activities in the WG

<b>Document(s)</b>	No document
<b>Introduction by</b>	<p>WNE WG Co-Chairs (ComReg/PTS)</p> <p><b>Joe Lynch</b> (<a href="mailto:joe.lynch@comreg.ie">joe.lynch@comreg.ie</a>)</p> <p><b>Bo Andersson</b> (<a href="mailto:Bo.Andersson@pts.se">Bo.Andersson@pts.se</a>)</p>
<b>Information presented</b>	<p>The WNE Co-Chairs updated the BoR members on the activities of the WNE WG and on the outcomes of the two workshops that were organised by BEREC: - Workshop on EMF (electromagnetic fields) – “How BEREC</p>

	<p>can best promote science-based EMF exposure limits recommended by experts”, which was held on 21 September 2021 and the Workshop on NRA experiences with 5G which was held on 23 September 2021.</p> <p>The Co-Chairs thanked the BEREC Chair for the opening of the workshop on EMF and informed the BoR on the prominent panellists that participated. The workshop was consisted of two panels:</p> <ul style="list-style-type: none"> <li>• Panel I fireside chat format: Roles, responsibilities, communication activities of expert bodies;</li> <li>• Panel II presentations: Practical examples of cooperation between expert bodies to promote science based EMF limits.</li> </ul> <p>The Co-Chairs outlined main takeaways from the first panel of the workshop.</p> <p>Also, the Co-Chairs informed the BoR that during the second panel, very similar understandings from different expert bodies have been heard. As a main takeaway, the Co-Chairs stressed the importance of cooperation among relevant competent authorities and sharing good examples and scientific information, through different channels of communication. The Co-Chairs informed the BoR that the information about the different levels of cooperation between competent bodies in countries and about national policies around monitoring, communicating and implementing EMF-related issues is published on BEREC website <a href="#">here</a>.</p> <p>A workshop on NRA experiences with 5G was planned to provide a high level of interaction among the experts on the challenges for mapping of 5G mobile networks coverage. During the breakout sessions, experts brainstormed and shared their views and opinions on three different topics: (1) expectations of consumers/verticals, (2) Issues surrounding meeting expectations and (3) Differences in terms of mapping 5G. The Co-Chairs presented the main outcomes of the workshop.</p> <p>Summary Reports on both workshops will be prepared and submitted to Plenary 4 for approval.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 10 Roaming WG - oral update on the Recast of the Roaming Regulation

<b>Document(s)</b>	No document
<b>Introduction by</b>	Roaming WG Co-Chairs (RTR/EETT) <b>Elisabeth Felber</b> ( <a href="mailto:Elisabeth.Felber@rtr.at">Elisabeth.Felber@rtr.at</a> ) <b>Ioanna Choudalaki</b> ( <a href="mailto:ichoudalaki@eett.gr">ichoudalaki@eett.gr</a> )
<b>Information presented</b>	On 24 February 2021, the European Commission published a proposal for a recast of the Regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union, as the current applicable Regulation (EU) No 531/2012 expires on 30 June 2022. The proposal aims to extend the Regulation, adjust the maximum wholesale charges and introduce new measures that are intended to ensure a similar roaming experience as at home concerning the quality of service, to increase transparency for value added services and to ensure cost-free access to emergency services for roaming subscribers.

	<p>BEREC provided its Opinion and input to the European Commission in 2019 and 2020, in which it analysed the benefits of the Roaming Regulation as well as the functioning of the retail and the wholesale roaming market and made suggestions for the future Regulation. Against this background, BEREC analysed the Commission's proposal and provided its expert opinion on the impact of the proposed measures on 30 April 2021, via an electronic voting procedure.</p> <p>The Co-Chairs presented the timeline to the BoR and informed them that the BEREC Chair/ WG Co-Chairs would start discussions with the Council, ITRE (European Parliament Committee on Industry, Research and Energy) and IMCO (European Parliament Committee on the Internal Market and Consumer Protection) as well as with some stakeholders. Lastly, the Co-Chairs presented potential new tasks for BEREC.</p> <p>The Co-Chairs presented the views of the EP and Council, noting the QoS measures on the wholesale and retail level and that the EP goes much further than the Council. Similarly, the views included transparency measures and an opt-out mechanism for non-terrestrial networks and wholesale caps, the Council's mentioned role of competent authorities and the EP's proposal for regulating the intra-EU communication services at domestic prices.</p> <p>Similarly, the Co-Chairs presented the ITRE amendments regarding wholesale access and additional clarifications regarding wholesale access and to new technologies and for IoT.</p> <p>For the QoS, the amendments included:</p> <ul style="list-style-type: none"> <li>– Seamless handover between mobile communications networks at internal Union borders;</li> <li>– Same quality as at home, when there are less favourable conditions, operators need to inform users;</li> <li>– BEREC Guidelines within 6 months and specific monitoring provisions.</li> </ul> <p>Lastly, the Co-Chairs presented the list of potential new tasks for BEREC related to updating the wholesale and retail Guidelines, value added and emergency services, and decrease of monitoring quantity and increase of scope to collect more data.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 11 Market and Economic Analysis (MEA)

### 11.1 Draft Report on regulatory treatment for backhaul

<b>Document(s)</b>	BoR (21) 129 Draft Report on regulatory treatment for fixed and mobile backhaul
<b>Introduction by</b>	MEA WG Co-Chair (CNMC) <b>Jorge Infante</b> ( <a href="mailto:jorge.infante@cnmc.es">jorge.infante@cnmc.es</a> )
<b>Information presented</b>	Backhaul infrastructure is key for enabling 5G and facilitating the deployment of very high-speed networks in non-densely populated areas. The objectives of this report are to present the legal provisions applicable to mobile and fixed backhaul, the regulation in force and use of different types of backhaul networks and services in Europe, as well as views expressed by operators on their current and future needs for backhaul. The report is based on the responses received to a BEREC questionnaire for National Regulatory Authorities (35 NRA respondents) and another



	<p>questionnaire for operators, answered by 60 operators around Europe and two operators' associations.</p> <p>The report analyses the legal provisions applicable to backhaul regulation in the EECC, the 2020 EC recommendation on relevant markets and the BCRD (Broadband Cost Reduction Directive).</p> <p>The Co-Chair outlined the main objectives and the organisation of the report:</p> <ul style="list-style-type: none"> <li>• Summarising legal framework for backhaul regulation (chapter 3);</li> <li>• Providing insights on present and expected use of backhaul regarding type of provision (self-supply, regulated, commercial), speeds, type of inputs (active products, dark fibre, passive infrastructure) and relevance of regulation for operators (chapter 4);</li> <li>• Providing a snapshot on how backhaul is regulated by NRAs: which markets, market definition, technologies, speeds, etc. (chapter 5);</li> <li>• Summarising conclusions from input received (chapter 6);</li> <li>• Future work (chapter 7).</li> </ul> <p>The Co-Chair also presented to the BoR the operators' and NRAs' inputs and the main findings of the report.</p> <p>Adoption of the final report is envisaged for the Plenary 1 2022.</p>
<b>Conclusions</b>	The BoR approved the document for public consultation.

## 11.2 Draft BEREC Reports on digital gatekeepers

<b>Document(s)</b>	<p>BoR (21) 130 Draft BEREC Report on the outcome of the public consultation on the Draft BEREC Report on the <i>ex ante</i> regulation of digital gatekeepers</p> <p>BoR (21) 131 Draft BEREC Report on the <i>ex ante</i> regulation of digital gatekeepers</p>
<b>Introduction by</b>	<p>MEA WG Co-Chair (ARCEP)</p> <p><b>Chiara Caccinelli</b> (<a href="mailto:chiara.caccinelli@arcep.fr">chiara.caccinelli@arcep.fr</a>)</p>
<b>Information presented</b>	<p>This Report is a continuation of the assessment already performed by BEREC of digital markets, which was initially planned for 2020. The delivery of the Report on digital platforms had to be re-scheduled due to the public consultation on the Digital Services Act launched by the European Commission in June 2020. BEREC had to reassign its resources in order to formally respond to the public consultation, resulting in the publication of the "BEREC Response to the Public Consultations on the Digital Services Act package and the New Competition Tool".</p> <p>During its 46<sup>th</sup> Plenary Meeting held on 11 March 2021, the BEREC Board of Regulators approved the Draft BEREC Report on the <i>ex ante</i> regulation of digital gatekeepers for public consultation, which ran from 16 March to 4 May 2021. Sixteen written submissions were received during the public consultation period. Stakeholders expressed strong support for most of the proposals.</p> <p>The Co-Chair presented the summary of the outcomes of the public consultation, as well as the main changes compared to the draft report to the BoR, in particular:</p> <ul style="list-style-type: none"> <li>• Scope &amp; designation of gatekeeper's (GK);</li> </ul>

	<ul style="list-style-type: none"> <li>• Regulatory measures;</li> <li>• Dispute resolution;</li> <li>• Advisory Board and national support.</li> </ul> <p>Finally, the Co-Chair presented the table with an overview of BEREC's proposals and referred to the chapters of the report for details.</p> <p>The Co-Chair invited the BoR members to discuss potential interest for future topics related to digital economy.</p>
<b>Conclusions</b>	The BoR approved the document for publication.

### 11.3 Oral update on the proposal to launch an external study on business services

<b>Document(s)</b>	No document
<b>Introduction by</b>	MEA WG Co-Chairs (CNMC) <b>Jorge Infante</b> ( <a href="mailto:jorge.infante@cnmc.es">jorge.infante@cnmc.es</a> )
<b>Information presented</b>	<p>According to the draft WP2022, the MEA WG will work on a BEREC report on the regulatory treatment of business services due for Plenary 1 2022. To support and complement this analysis, the draft WP2022 included an external study on business services which, by means of in-depth analysis and structured interviews, will present the evolution of retail business services (e.g. Very High Capacity Networks, 5G, cloud services etc.), the portfolios offered by operators other than leased lines, the evolution of the competitive landscape and insights on the demand sides' needs and features.</p> <p>Scope for the external report would be oriented towards the:</p> <ul style="list-style-type: none"> <li>• Evolution of retail business services;</li> <li>• Evolution of the competitive landscape;</li> <li>• Characterisation of the demand side.</li> </ul> <p>Additionally, the Co-Chairs informed the BoR on the methodology, timing and estimated cost of the external report. The external study could be published at P3 2022 and feed the BEREC report on the related topic that is to be published for public consultation after P1 2023. To keep this schedule, the procedure for the tender could be prepared and launched after P4 2021, once the terms are approved.</p> <p>The Co-Chairs asked the BoR to agree on starting to work on the tender just after Plenary 3 2021. The tender will be after P4 2021, so the BEREC report on regulatory treatment of wholesale business services would not be delayed.</p>
<b>Conclusions</b>	The BoR agreed to setup the Advisory Committee and launch the tender procedure for the external study.

## 12 Ad Hoc WG on Sustainability (SWG)

<b>Document(s)</b>	BoR (21) 132 Preliminary results on the effect of electronic communications on the environment - Actions and Impacts
<b>Introduction by</b>	SWG Co-Chairs (CTU/ARCEP) and external contractor (WIK)



	<p><b>Katerina Dekanovska</b> (<a href="mailto:dekanovskak@ctu.cz">dekanovskak@ctu.cz</a>)  <b>Sandrine Elmi Hersi</b> (<a href="mailto:Sandrine.ELMIHERSI@arcep.fr">Sandrine.ELMIHERSI@arcep.fr</a>)  <b>Ilsa Godlovitch (WIK)</b> (<a href="mailto:I.Godlovitch@WIK.ORG">I.Godlovitch@WIK.ORG</a>)</p>
<p><b>Information presented</b></p>	<p>The Ad Hoc Sustainability Working Group aims to develop BEREC's basic knowledge about the different aspects of sustainability in the digital sector (in particular EC networks). Specific emphasis was given to energy efficient and circular economy solutions but also indicators to monitor the impact and assess the improvements made by the sector. The objective was to increase BEREC and NRA awareness regarding the growing interest in sustainability within the digital sector.</p> <p>In 2021, the Ad Hoc WG procured an external study from the consortium WIK/Ramboll. The study will take the whole year and the final report will be provided on 31 December 2021. The study is divided into three phases. Phase II ended on 31 September and it included interviews with NRAs and selected stakeholders, and an analysis of their results.</p> <p>The contractor presented the report on Phase II of the study to the BoR. The report summarised the background research and priorities, provides an overview of actions that were already taken by NRAs and stakeholders and proposes other possible actions and activities, and assessed their impact. It also provided evidence for this assessment and provides an estimate of the impact of different policies implemented by NRAs.</p> <p>The objective of the report was to evaluate:</p> <ul style="list-style-type: none"> <li>– to what extent Electronic Communication Network (ECN) operators and National Regulatory Authorities have taken specific actions to promote environmental objectives;</li> <li>– the impact of these actions; and</li> <li>– which potential regulatory strategies may be of interest for BEREC and NRAs.</li> </ul> <p>Research was based on the previously conducted literature review, as well as interviews during Q2 2021 with selected NRAs and a questionnaire circulated via BEREC to EU27 (input from 22 authorities) and interviews with ECN operators and equipment manufacturers providing a representative overview of initiatives across the EU (input from 10 operators and 1 equipment manufacturer).</p> <p>In addition to the Draft Report, the contractor presented the Annex "Sustainability initiatives in electronic communications - Interview synopsis", which provided a detailed view of the information gathered from interviews and questionnaires taken during Q2 2021.</p> <p>Additionally, the Co-Chairs provided an oral update on the ongoing work of the Ad Hoc WG regarding the final "BEREC Report assessing BEREC's contribution to limiting the impact on the environment". The Co-Chairs informed the BoR that the 3<sup>rd</sup> specific contract will be signed in September, and that on 1 October, Phase III of the study will begin. The Co-Chairs mentioned the intention of planning an internal workshop that would take place in December 2021.</p> <p>The draft report will be finished in January 2022 and delivered for approval for public consultation at CN 1/Plenary 1 2022.</p>
<p><b>Conclusions</b></p>	<p>The BoR approved the document for internal use.</p>

## 13 Planning and Future Trends (PFT) WG

### 13.1 Draft BEREC Work Programme 2022

<b>Document(s)</b>	BoR (21) 133 Draft BEREC Work Programme 2022
<b>Introduction by</b>	Incoming Chair (ACM) <b>Annemarie Sipkes</b> ( <a href="mailto:Annemarie.Sipkes@acm.nl">Annemarie.Sipkes@acm.nl</a> )
<b>Information presented</b>	<p>According to BEREC's requirement to adopt the outline of the subsequent year's annual Work Programme by 31 January each year, and the BEREC decision to plan its Work Programmes on a multiannual rather than an annual basis, there is a requirement to adhere to a process that describes how Work Programmes should be developed in a consistent and recurring manner.</p> <p>In that respect, and to achieve as broad a stakeholder input as possible, BEREC launched an early call for input on the BEREC Work Programme 2022, which ran from 26 March 2021 until 19 April 2021.</p> <p>The Incoming Chair presented the list of projects and the draft version of the BEREC WP 2022 to the BoR, with a view to adopting it for public consultation. She noted that the draft WP is very balanced and innovative, providing opportunity for BEREC to act and to learn.</p> <p>Also, she informed the BoR that the Review of Open Internet Guidelines will be included as an additional item. Regarding the Chair's study, she informed the BoR on the intention of redefining and outsourcing the Mobile access project.</p> <p>Finally, the incoming Chair presented the calendar of CN and Plenary meetings in 2022 to the BoR.</p>
<b>Conclusions</b>	The BoR approved the document for public consultation.

### 13.2 Draft BEREC medium-term Strategy for international cooperation

<b>Document(s)</b>	BoR (21) 134 Draft BEREC medium-term Strategy for international cooperation (for internal use) BoR (21) 135 Draft BEREC medium-term Strategy for international cooperation (for publication)
<b>Introduction by</b>	PFT WG Co-Chairs (MCA) <b>Jean-Marie Mifsud</b> ( <a href="mailto:jean-marie.mifsud@mca.org.mt">jean-marie.mifsud@mca.org.mt</a> )
<b>Information presented</b>	<p>BEREC has been working on the development and introduction of a medium-term Strategy and a multiannual Working Programme related to its international activities, in which it evaluates its current international commitments and defines what type of cooperation and engagement could be envisaged with each of its international partners, transparently. This has become increasingly prominent with the increasing volume of electronic communications between the EU and the rest of the world, which shows the global nature of such services and calls for policies, legislation and regulation to take a more global perspective.</p> <p>During the internal workshop that took place on June 9, 2021, BEREC sought to examine ways of promoting international cooperation.</p> <p>The Co-Chair presented the outcomes of the workshop, outlining that the objective of the medium-term Strategy has been to develop a systematic</p>

	<p>and structured approach to identify those international relationships that are most beneficial to the attainment of BEREC's priorities and the fulfilment of its Work Programme, in line with BEREC's resources.</p> <p>Likewise, the Co-Chair presented the models of strategic cooperation that could be applied. They envisaged that the Mini Board, with appropriate input from Co-Chairs, determine the timing, subject and nature of engagements/collaboration. The engagements with regional (multilateral) regulatory bodies should be prioritised over individual NRAs. The BEREC Chair and the outgoing Vice-Chair would be responsible for external relations, while an internationally experienced team would provide them the horizontal support (as a workstream under the PFT WG). Co-Chairs and the Working Groups provide specific technical expertise. Such a structured approach would allow continuity from one chairmanship to the other.</p> <p>The Co-Chair submitted the two versions of the Strategy to the BoR – the integral one for internal use, and the shortened one for publication.</p>
<b>Conclusions</b>	The BoR approved the documents for internal use and publication respectively.

### 13.3 Draft BEREC medium-term Strategy for relations with other institutions

<b>Document(s)</b>	<p>BoR (21) 136 Draft BEREC medium-term Strategy for relations with other institutions (for internal use)</p> <p>BoR (21) 137 Draft BEREC medium-term Strategy for relations with other institutions (for publication)</p>
<b>Introduction by</b>	<p>PFT WG Co-Chairs (AMCA)</p> <p><b>Jean-Marie Mifsud</b> (<a href="mailto:jean-marie.mifsud@mca.org.mt">jean-marie.mifsud@mca.org.mt</a>)</p>
<b>Information presented</b>	<p>Having established links and cooperation channels with various EU Agencies, Institutions and Bodies, BEREC seeks to explore ways to increase collaboration and dialogue with European Institutions and European Authorities and Agencies. In light of this, the aim of the medium-term Strategy is for BEREC to continue working together with the Radio Spectrum Policy Group (RSPG), based on the working arrangement established in 2019, and to continue to play a supporting role regarding 5G and cybersecurity, by maintaining its close cooperation with the Network and Information Systems (NIS) Cooperation Group and the European Union Agency for Cybersecurity (ENISA) by contributing to the implementation of the toolbox.</p> <p>During the internal workshop that took place on June 9, 2021, BEREC sought to examine ways of promoting closer collaboration and dialogue with other relevant European Institutions and European Authorities and Agencies to make a valuable contribution to the European digital market.</p> <p>The Co-Chairs presented the outcomes and conclusions of the workshop, outlining that the objective of the medium-term Strategy was to develop a systematic and structured approach to identify the institutional relationships that are most beneficial to the attainment of BEREC's priorities and the fulfilment of its Work Programme, in line with BEREC's resources.</p> <p>Also, the Co-Chair presented the list of entities that BEREC intends to keep strategic relations with. The most beneficial relations should be prioritised in order to ensure BEREC carries out its Work Programme and addresses</p>

	its strategic priorities. Systematic and Structured Approach is needed, which would require involvement of the Co-Chairs early on in the process. The Co-Chair submitted the two versions of the Strategy to the BoR - the integral one for internal use, and the shortened one for publication.
<b>Conclusions</b>	The BoR approved the documents for internal use and publication respectively.

## 14 Regulatory Framework (RF)

### 14.1 Preview of the final outcome of the study on post-COVID measures to close the digital divide

<b>Document(s)</b>	BoR (21) 138 Study on post-COVID measures to close the digital divide
<b>Introduction by</b>	The Representative of consultant Iclaves-Esade <b>Juan Pablo Villar García</b> ( <a href="mailto:juanpablovillar@iclaves.es">juanpablovillar@iclaves.es</a> )
<b>Information presented</b>	<p>The aim of the Study on post-COVID measures to close the digital divide is to help NRAs in designing the right conditions to improve digital inclusion for all citizens. It should thoroughly analyse the experience gained during the COVID-19 crisis. The objectives of the Study were:</p> <ul style="list-style-type: none"> <li>– To analyse the real impact of the digital divide in the European economy and society before, during and after Covid-19 pandemic.</li> <li>– To identify effective initiatives developed across Europe to tackle the digital divide.</li> <li>– To propose recommendations to NRAs to bridge the digital divide.</li> </ul> <p>The representative of the consultant Iclaves-Esade presented the preview of the final outcomes of the Study to the BoR. In addition, he presented the methodology of the Study:</p> <ul style="list-style-type: none"> <li>- Literature review: 118 documents from European Institutions, international organisations, private companies, sectoral associations, civil society organisations and Academia have been reviewed. The main findings of the literature review suggest the existence of three different levels of digital divide: digital divide on access, skills and outcomes that are affected by the supply and demand side of the market.</li> <li>- Quantitative analysis: a descriptive analysis (both univariate and multivariate) of a comprehensive set of statistical variables had been conducted. The quantitative analysis revealed that the coverage, mobile connectivity, internet infrastructure and affordability have improved in all countries. However, the digital divides of the past persist between countries and between urban and rural areas.</li> <li>- Interviews: 23 interviews with relevant experts have been conducted.</li> <li>- Case studies: 5 BEREC members have been selected to analyse the initiatives implemented by several stakeholders (NRAs, public bodies, telecom operators, civil society organisations) to deal with digital divides.</li> </ul> <p>The main findings of the Study revealed that the consequences of the digital divide affects the following sectors in terms of their accessibility, diversity, service variety, quality availability: healthcare, education, socio-economic conditions and other key services related to finance, accessibility of 'only digital' services, e-government services and cyber fraud exposure. Similarly, the Study revealed that mostly elderly, vulnerable social group representatives, people with low education and</p>

	<p>disabilities, migrants and minorities are affected the most by the digital divide within the aforementioned sectors. The Study concluded that there is an intrinsic relationship between digital exclusion and social exclusion - being socially excluded leads to being digitally excluded, and vice versa. Lastly, the Study reflected on the positive and negative effects of COVID-19, stating that it has helped to increase awareness about digital divide across variety of sectors. This increased awareness led governments, public bodies and the private and civil society sectors to take action to bridge digital divides. Likewise, the pandemic has brought to light the pre-existing causes of the digital divide and it has accentuated the pernicious effects of digital divides.</p> <p>The Study concluded that despite the complexity of the phenomenon of the digital divide and the limited competencies that NRAs have in this area, they are a key element in making progress towards bridging of digital divides.</p> <p>A comprehensive set of recommendations had been proposed to help NRAs guide their future activity on tackling digital divides. During the CN Meeting, diverse comments and suggestions were proposed. Therefore, the recommendations have been revised, and the Study was presented to the BoR for approval for publication.</p>
<b>Conclusions</b>	The BoR approved the document for publication.

#### 14.2 Oral update on the outcomes of the Call for input on the draft BEREC Opinion on the national implementation and functioning of the general authorisation and of the public consultations on the Draft BEREC Report on COVID-19 crisis - lessons learned

<b>Document(s)</b>	No document
<b>Introduction by</b>	RF WG Co-Chairs (NMHH/AGCOM) <b>Antonio de Tommaso</b> ( <a href="mailto:a.detommaso@agcom.it">a.detommaso@agcom.it</a> ) <b>Ervin Kajzinger</b> ( <a href="mailto:kajzinger.ervin@nmhh.hu">kajzinger.ervin@nmhh.hu</a> )
<b>Information presented</b>	<p>The European Electronic Communications Code tasks BEREC to publish by 21 December 2021, and every three years thereafter, an opinion on the national implementation and functioning of the general authorisation and their impact on the functioning of the internal market.</p> <p>The call for all interested stakeholders to provide their inputs in the light of any issues identified in the field, both in the EU legislative framework and in national implementation solutions, by means of answering a set of questions, was launched on 14 June and ran until 9 August 2021. 11 responses were received, and 4 confidentiality requests. The Co-Chairs presented to the BoR the main messages conveyed with respects to the draft Opinion. The opinion would be submitted for CN4/Plenary 4 2021 for adoption.</p> <p>The COVID-19 pandemic has had a significant impact on the European electronic communications markets. As lockdown measures were introduced across the European Union from spring 2020, the demand for electronic communications services and the requested capacity of electronic communications networks spiked significantly. The crisis has clearly demonstrated that connectivity is essential for all sectors of society.</p> <p>The public consultation on the Draft BEREC Report on the COVID-19 crisis - lessons learned regarding communications networks and services for a</p>

	resilient society ran from 16 June until 9 August 2021. 8 responses were received, 2 of them confidential. The Co-Chairs presented the main messages in view of the draft report and provided additional comments/proposals to the BoR that should be considered. The report would be submitted for CN4/Plenary 4 2021 for adoption.
<b>Conclusions</b>	The BoR took note of the information.

### 14.3 Draft scoping document on external study on NRA independence - list of topics

<b>Document(s)</b>	BoR (21) 139 Draft scoping document on external study on NRA independence - list of topics
<b>Introduction by</b>	RF WG Co-Chairs (NMHH/AGCOM) <b>Antonio de Tommaso</b> ( <a href="mailto:a.detommaso@agcom.it">a.detommaso@agcom.it</a> ) <b>Ervin Kajzinger</b> ( <a href="mailto:kajzinger.ervin@nmhh.hu">kajzinger.ervin@nmhh.hu</a> )
<b>Information presented</b>	<p>Based on the discussions and steering from the 47<sup>th</sup> BoR Meeting, the RF WG Co-Chairs, along with the Chair's office and the BO, worked on the idea of entrusting a consultant with the task of developing a report taking stock of EU e-comm NRA institutional layout, with a focus on independence. It was agreed that the RF WG would develop a list of potential topics in view of defining the relevant tender and eventually launching the Procurement.</p> <p>The first tentative list of topics was distributed to the RF WG for comments between 21 July and 10 August 2021. 4 NRAs and the EC provided their comments. The majority of NRAs supported the approach taken at Plenary 2 2021, i.e. of delivering a factual study and not providing any assessment of national transposition choices.</p> <p>Finally, the Co-Chairs presented the outline of the study, by proposing the list of topics:</p> <ol style="list-style-type: none"> <li>1. The foundations of the doctrine of independent sectoral NRAs: recollection of institutional, academic and consultancy studies on NRA independence, its main features and characteristics;</li> <li>2. General overview of independence of regulatory authorities in different sectors, including electronic communications;</li> <li>3. Analysis of former NRA independence-related cases in the EU;</li> <li>4. Evolution of NRA independence requirements in the European sectoral electronic communication legislation;</li> <li>5. Competences and safeguards for NRA independence in the Member States.</li> </ol> <p>In order to support the prospective consultant's activities, following a call for interest in July, an Advisory Committee has been set up, composed of experts from 6 NRAs.</p> <p>Subsequent to the agreement of the BoR, the public tender should be arranged to select the consultant. The final report would be submitted for adoption at Plenary 3 or Plenary 4 2022.</p> <p>The Co-Chairs invited the BoR members to express their views on the list of topics and agree on the proposed way forward.</p>
<b>Conclusions</b>	The BoR discussed the document and agreed to launch the tender procedure for the external Study following the list of topics presented during the meeting and comments made during the meeting.



## 15 5G Cybersecurity

### 15.1 Draft Internal Report about the European Court of Auditors (ECA) questionnaire for NRAs on the security of 5G networks

<b>Document(s)</b>	BoR (21) 140 Draft Internal Report about the ECA questionnaire for NRAs on security of 5G networks
<b>Introduction by</b>	5G Cybersecurity WG Co-Chair (BIPT) <b>Tim Masy</b> ( <a href="mailto:tim.masy@BIPT.be">tim.masy@BIPT.be</a> )
<b>Information presented</b>	<p>The European Court of Auditors (ECA) announced on 8 December 2020 that an audit had been initiated to assess whether the EU and its Member States (MS) are rolling out secure 5G networks in a timely and concerted manner. The audit focused on the 5G policy framework at EU level, the European Commission's activities and on the implementation by the MS.</p> <p>The Working group decided the information gathered via the questionnaire would be useful also to BEREC members. Following this conclusion, the NRAs responded to the questionnaire and also shared their answers submitted to the ECA with BEREC.</p> <p>The Co-Chair presented the Draft Internal Report about the European Court of Auditors questionnaire sent to NRAs on the security of 5G networks to the BoR. The questionnaire consisted of 14 questions. This internal report summarizes all the answers received from the responding NRAs. The main aim is to offer BEREC members a view on this exercise and to enable the information gathered to be used in BEREC's future work on cybersecurity.</p> <p>Finally, the Co-Chair briefed the BoR on the main conclusions of the report.</p>
<b>Conclusions</b>	The BoR approved the document for internal use.

### 15.2 Oral update on the Open Radio Access Network (RAN) and Network Operations Center (NOC)/Security Operations Center (SOC) surveys

<b>Document(s)</b>	No document
<b>Introduction by</b>	5G Cybersecurity WG Co-Chair (AKOS) <b>Katja Kmet-Vrcko</b> ( <a href="mailto:Katja.Kmet-Vrcko@akos-rs.si">Katja.Kmet-Vrcko@akos-rs.si</a> )
<b>Information presented</b>	<p>The Co-Chair provided an oral update to the BoR regarding the Open Radio Access Network (RAN) and Network Operations Center (NOC)/Security Operations Center (SOC) surveys for Mobile Network Operators (MNOs).</p> <p>The Co-Chair informed the BoR regarding the process of collection and analysis of survey responses from MNOs. In total, 75 responses have been gathered. Also, the Co-Chairs provided some preliminary results of the Open RAN survey.</p> <p>BEREC Internal Report on Open RAN survey will follow for CN4/Plenary 4, due to request of Commission and NIS Cooperation Group to prioritize this survey. The Internal Report on the NOC-SOC Survey will follow for CN1/Plenary 1 2022.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 16 BEREC International Cooperation

<b>Document(s)</b>	BoR (21) 141 Draft Memorandum of Understanding between the Canadian Radio-Television and Telecommunications Commission (CRTC) and the Body of European Regulators for Electronic Communications (BEREC)
<b>Introduction by</b>	BEREC Chair responsible for international activities (PTS) <b>Dan Sjoblom</b> ( <a href="mailto:Dan.Sjoblom@pts.se">Dan.Sjoblom@pts.se</a> )
<b>Information presented</b>	The BEREC Vice-Chair responsible for international activities briefed the BoR about recent and forthcoming BEREC international engagements. He presented the Draft Memorandum of Understanding between the Canadian Radio-Television and Telecommunications Commission (CRTC) and the Body of European Regulators for Electronic Communications (BEREC). He asked BoR members to approve the proposed draft MoU for signature, and informed that the signing ceremony would be organised as soon as possible. Lastly, he informed the BoR on the ongoing discussions with PRIDA regarding the possible future cooperation. Also, he recalled that the draft declaration, summarising the outcome from the 4-lateral summit was circulated to the BoR members for approval. The purpose, from a BEREC perspective, is to reiterate what is already expressed in the MoUs already signed with the regulatory networks.
<b>Conclusions</b>	The BoR took note of the information and approved the Memorandum of Understanding between BEREC and CRTC for signature.

## 17 AOB

### 17.1 Information on the 49<sup>th</sup> BoR Ordinary Meeting (9-10 December Stockholm, Sweden)

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Chair <b>Michel Van Bellinghen</b> ( <a href="mailto:michel.van.bellinghen@IBPT.be">michel.van.bellinghen@IBPT.be</a> ) Representative of the Meeting host (PTS) <b>Dan Sjoblom</b> ( <a href="mailto:Dan.Sjoblom@pts.se">Dan.Sjoblom@pts.se</a> )
<b>Information presented</b>	The BEREC Chair and the representative of the Meeting host (PTS) provided information on the logistics for the Meeting.
<b>Conclusions</b>	The BoR took note of the information.

### 17.2 Czech Wholesale Mobile Market Analysis

<b>Document(s)</b>	No document
<b>Introduction by</b>	The NRA Representative (CTU) <b>Hana Továrková</b> ( <a href="mailto:tovarkova@ctu.cz">tovarkova@ctu.cz</a> )
<b>Information presented</b>	The NRA Representative informed the BoR about the Czech Wholesale Mobile Market Analysis. The NRA representative presented a list of remedies and key solutions that could change the wholesale mobile market on a national level. Lastly, the NRA representative referred to the <i>ex ante</i> regulation and its emphasis on transparency, non-discrimination, accounting separation,



	wholesale access and price regulation, which would enable retail price replicability by the MVNOs. The NRA representative asked the BoR to discuss the topic presented.
<b>Conclusions</b>	The BoR took note of the information.