

49th Ordinary Plenary Meeting of the BEREC Board of Regulators (BoR)

Hosted by the Swedish Post and Telecom Authority (PTS)

Conclusions

Chair Michel Van Bellinghen
BEREC Chair 2021 (BIPT)

9 December 2021

Contents

<i>Main Results of the 49th Meeting of the BEREC Board of Regulators</i>	3
<i>Introduction and participation</i>	5
<i>List of documents</i>	Error! Bookmark not defined.
<i>Items discussed</i>	Error! Bookmark not defined.
1 Opening of the meeting and adoption of the agenda	5
2 List of ‘A’ items	5
3 Information from the BEREC Chair	6
4 Information from the BEREC Office.....	7
5 Information from the Commission.....	7
6 Fixed Network Evolution (FNE)	9
6.1 Draft BEREC Report on a consistent approach to migration and copper switch-off	9
6.2 Oral update on the Draft BEREC response to the public consultation on the draft revised EC Guidelines on State aid for broadband networks – progress and next steps	9
7 Statistic and Indicators (Sal)	10
8 Open Internet (OI)	11
9 Planning and Future Trends (PFT).....	11
9.1 Draft BEREC Work Programme 2022	11
9.2 Oral update on the Outline of the draft BEREC Work Programme 2023.....	12
10 Summary of 10th BEREC Stakeholder Forum	12
11 Oral update on the Digital Markets Act	12
12 End-User (EU).....	13
13 Regulatory Framework (RF)	14
13.1 Draft BEREC Opinion on the national implementation and functioning of the general authorisation.....	14
13.2 Draft BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society	15
14 BEREC International Cooperation	15
15 AOB.....	16
15.1 Information on the 50 th BoR Ordinary Meeting (9-11 March 2022, Virtual meeting) ...	16
15.2 Elderly Citizens Helplines at 116-100 harmonised number.....	16
16 Heads Workshop on the Internet Ecosystem	17
17 Strategic discussion about “BEREC 2030”	18

Annex I – List of documents

Main Results of the 49th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 49th Ordinary Plenary Meeting on 9 December in Stockholm, Sweden, 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) 157 Decision No BoR/2021/03 of the Board of Regulators on the BEREC Working Groups
- BoR (21) 158 9th BEREC Report on transparency and comparability of international roaming tariffs
- BoR (21) 159 Report on termination rates at the European level – 30 June 2021
- BoR (21) 160 BEREC Report on the diversification of the 5G ecosystem
- BoR (21) 161 BEREC Regulatory Accounting in Practice Report 2021
- BoR (21) 163 Report of the Workshop on NRA experiences with 5G
- BoR (21) 164 Report of the Workshop on EMF – How BEREC can best promote science-based EMF exposure limits recommended by experts

1.2 For internal use:

- BoR (21) 162 BEREC Internal Report on the Open Radio Access Network (RAN)

1.3 For public consultation:

- BoR (21) 165 Draft Report on the Update to the BEREC Net Neutrality Regulatory Assessment Methodology

2. Documents approved as regular items:

2.1. For publication:

- BoR (21) 172 Report to enable comparable national broadband coverage indicators throughout Europe
- BoR (21) 174 Report of the outcomes of the Public Consultation on the Draft BEREC Work Programme 2022
- BoR (21) 175 BEREC Work Programme 2022
- BoR (21) 177 BEREC Opinion on the market and technological developments and on their impact on the application of rights of end-users in the EECC
- BoR (21) 178 BEREC Opinion on the national implementation and functioning of the general authorisation

- BoR (21) 179 Report on the outcomes of Public Consultation on the draft BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society
- BoR (21) 180 BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society

2.2. For internal use:

- BoR (21) 176 List of PRDs for BEREC Work Programme 2022

3. Documents submitted for public consultation:

- BoR (21) 171 Draft BEREC Report on a consistent approach to migration and copper switch-off

4. Documents submitted for information purposes:

- BoR (21) 166 Contact lists pack
- BoR (21) 167 Information on the electronic voting procedures since the last plenary meeting
- BoR (21) 168 Information on planned electronic voting procedures between P4 2021 and P1 2022
- BoR (21) 169 Work Programme 2021 status update
- BoR (21) 170 Outline of BEREC Annual Reports 2021
- BoR (21) 173 Draft internal legal analysis on the ECJ judgements related to the application of the Open Internet Regulation (EU) 2015/2120
- BoR (21) 181 Discussion paper

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. In addition, the BoR was briefed about the progress and next steps concerning the draft BEREC response to the public consultation on the draft revised EC Guidelines on State aid for broadband networks, draft internal legal analysis on the ECJ judgements related to the application of the Open Internet Regulation (EU) 2015/2120, as well as on the update on the Digital Markets Act. 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. The BoR members also exchange their experiences and views during the Heads Workshop on the Internet Ecosystem, and during the Strategic discussion about "BEREC 2030".

6. Next Meeting

The next Ordinary Plenary Meeting will take place on **9-11 March 2022 virtually**.

7. Follow-up actions

The follow-up actions arising from the conclusions of the Meeting are presented in Annex I to the Minutes.

Introduction and participation

The BEREC Board of Regulators held its 49th Ordinary Plenary Meeting on 9 December, in Stockholm, Sweden, 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

Document(s)	BoR (21) 156 Draft BEREC BoR Agenda
Introduction by	BEREC Chair (BIPT) Michel Van Bellinghen (michel.van.bellinghen@IBPT.be)
Information presented	The BEREC Chair welcomed the Meeting participants and provided practical information on the logistics of the Meeting. 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).
Conclusion	The BoR approved the agenda with proposed changes.

2 List of ‘A’ items

Document(s)	<u>Approval for publication:</u> BoR (21) 157 Decision No BoR/2021/03 of the Board of Regulators on the BEREC Working Groups BoR (21) 158 9 th BEREC Report on transparency and comparability of international roaming tariffs BoR (21) 159 Report on termination rates at the European level – 30 June 2021 BoR (21) 160 BEREC Report on the diversification of the 5G ecosystem BoR (21) 161 BEREC Regulatory Accounting in Practice Report 2021 BoR (21) 163 Report of the Workshop on NRA experiences with 5G BoR (21) 164 Report of the Workshop on EMF – How BEREC can best promote science-based EMF exposure limits recommended by experts <u>Approval for internal use:</u>
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	<p>BoR (21) 162 BEREC Internal Report on the Open Radio Access Network (RAN)</p> <p><u>Approval for public consultation:</u></p> <p>BoR (21) 165 Draft Report on the Update to the BEREC Net Neutrality Regulatory Assessment Methodology</p>
Introduction by	<p>BEREC Chair (BIPT)</p> <p>Michel Van Bellinghen (michel.van.bellinghen@IBPT.be)</p>
Information presented	<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 the 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>The BEREC Chair firstly requested the consent of the BoR members to include all the items in the list and, secondly, he asked the BoR to approve the documents in the list of 'A' items.</p>
Conclusion	<p>The BoR approved the documents included in the 'A' item list.</p>

3 Information from the BEREC Chair

Document(s)	<p>No document</p>
Introduction by	<p>BEREC Chair (BIPT)</p> <p>Michel Van Bellinghen (michel.van.bellinghen@IBPT.be)</p>
Information presented	<p>The BEREC Chair briefed the BoR about important meetings in which he participated and about recent developments, that were also included in the News Flash.</p> <p>He informed the BoR on the meetings held with the Council and the Parliament in October and November, regarding the Roaming Regulation. The objective was to provide BEREC's views on the developments in both European institutions, before the trilogue discussions.</p> <p>He also informed that the Rapporteur of the Digital Markets Act sought guidance from BEREC about the interoperability of NI-ICS. The advice provided was based on the Report that BEREC adopted on interoperability and the interplay between the DMA and the EECC, last June.</p> <p>Also, he informed the BoR members that Miniboard had meetings with the ETNO and GSMA to discuss Open Internet and the ECJ rulings.</p> <p>He briefed the BoR on the discussion held with the European Commission, to consider how we can work together on the review of the Open Internet Guidelines.</p> <p>Lastly, he noted that, in accordance with Decision No BoR/2021/03, two "ad hoc groups" (5G Cybersecurity & Sustainability) would be transformed into permanent Working Groups, as of January 2022. In addition, mandate of the co-chairs of these groups will be prolonged until the end of 2022, to align their mandates with the rest of the WG co-chairs.</p>
Conclusion	<p>The BoR took note of the information.</p>

4 Information from the BEREC Office

Document(s)	BoR (21) 166 Contact lists pack BoR (21) 167 Information on the electronic voting procedures since the last plenary meeting BoR (21) 168 Information on planned electronic voting procedures between P4 2021 and P1 2022 BoR (21) 169 Work Programme 2021 status update BoR (21) 170 Outline of BEREC Annual Reports 2021
Introduction by	BEREC Office Representative Panos Karaminas (Panos.KARAMINAS@berec.europa.eu)
Information presented	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: <ul style="list-style-type: none"> - WGs/ENGs activity in 2021; - Phase-II cases in 2021; - Statistics of Phase-II cases support since 2010; - BO survey on the quality of support to WGs (Q3 2021); - GADB Database (only 10 NRAs uploaded notification records - deadline is 21 December 2021); - Study on Sustainability; - Study on NRA's independence; - Study on business services; - Study on Mobile; - IAS Audit on organisational preparedness for the implementation of BEREC WGs' activities. <p>Lastly, he provided a status update on the Outline of BEREC Annual Reports 2021 and informed the BoR that the call for SNEs has been closed.</p>
Conclusion	The BoR took note of the information.

5 Information from the Commission

Document(s)	No documents
Introduction by	Commission Representative Rita Wezenbeek (Rita.WEZENBEEK@ec.europa.eu)
Information presented	The EC 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, in particular: <ul style="list-style-type: none"> - The Connecting Europe Facility Work Programme, a programme allowing founding digital infrastructure in Europe; - The Digital 2030 Policy Programme "Path to the Digital Decade", which stems from the Commissions' Communication on Europe's Digital Decade, published on 9 March 2021 and proposes a vision

	<p>for the digital transformation of Europe by 2030. This “Path to the Digital Decade” notably sets up a governance framework as well as a monitoring mechanism based on the DESI to ensure Europe reaches its 2030 Digital Decade objectives.</p> <ul style="list-style-type: none"> - The Roaming trilogue, held on 8 December 2021, where an agreement was reached on the Roaming regulation, which would enter into force on 1 July 2022. In this context, the Commission’s representative thanked the Roaming WG and its Co-Chairs for their contribution to the legislative process and for the support, in particular in regards to developing database and timelines. - Roaming in the Western Balkans (WB), and in particular the Roadmap for decreasing roaming rates between the EU and the WB welcomed at the Western Balkan Summit in October 2021. In this context, BEREC’s support will be important. The Commission’s representative informed that a meeting between BEREC, Regional Cooperation Council and European Commission would be organised in the following week. - DSA and DMA - the Commission’s representative thanked BEREC for the active participation in this decision-making process, in particular in regards to the Digital Markets Act. She informed that the Council and the Parliament have both adopted a position towards these acts, the EP’s IMCO Committee adopted its report on 23 November 2021 and is expected to vote on 13 December 2021 and the Parliament is expected to vote on this report on 15 December 2021. Trilogues would start at the beginning of January 2022. - The Data Governance Act – the Commission’s representative informed that there was a political agreement reached on 30 November 2021 between the Parliament and the European Member States. Therefore, there should be soon a final approval of the legal text. As a result, more data would be shared across Member States. - The Data Act, which would be worked on in the following year. <p>To conclude, the Commission’s representative referred to the EU-US Technology and Trade Council, which should be seen in the context of the Digital Connectivity Strategy and the EU Digital Compass.</p> <p>A paper on the Commission’s main activities was submitted to the BoR for information before the Meeting.</p>
Conclusion	The BoR took note of the information.

6 Fixed Network Evolution (FNE)

6.1 Draft BEREC Report on a consistent approach to migration and copper switch-off

Document(s)	BoR (21) 171 Draft BEREC Report on a consistent approach to migration and copper switch-off
Introduction by	FNE WG Co-Chair (RTR) Wilhelm Schramm (wilhelm.schramm@rtr.at)
Information presented	<p>The FNE Co-Chair presented to the BoR the draft Report on a consistent approach to migration and the copper switch.</p> <p>Based on data provided by the NRAs of 32 European countries (including all 27 EU), the report shows that in 20 countries where the NRA provided data the SMPO has already announced that it plans to switch-off its legacy copper access network (e.g. close MDFs), in 13 of them the SMPO has already closed copper-based network elements (e.g. MDFs) and in 17 countries the NRA has already set rules for the migration process and copper switch-off.</p> <p>The Co-Chair presented the consistent approach to migration and copper switch-off which has been identified based on the rules set by the NRAs in these 17 countries and which comprises the following elements:</p> <ul style="list-style-type: none"> • Type of procedure; • Level (granularity) of the rules; • Scope of the rules; • Stakeholder involvement; • Notice period; • Alternative wholesale access products; • Legacy copper-based wholesale access products; • Migration costs; • Information of the SMPO and monitoring; • Further rules; and • Permission to close MDFs.
Conclusion	The BoR approved the document for public consultation.

6.2 Oral update on the Draft BEREC response to the public consultation on the draft revised EC Guidelines on State aid for broadband networks – progress and next steps

Document(s)	No document
Introduction by	FNE WG Co-Chair (RTR) and SaI WG Co-Chair (ANCOM) Wilhelm Schramm (wilhelm.schramm@rtr.at) Iulia Zaim-Grigore (iulia.zaim@ancom.ro)
Information presented	<p>The Co-Chairs informed the BoR that the public consultation on the revised EC Guidelines on State aid for broadband networks was launched on 19 November 2021 and the planned BEREC response to that consultation.</p> <p>The FNE Co-Chair informed the BoR that the BEREC response will consist in two parts, one developed by the FNE WG in cooperation with the WNE WG and the SUS WG (dealing with the draft revised EC Guidelines on State aid for broadband networks, except Annex I 'Mapping') and one</p>

	<p>developed by Sal WG (dealing specifically with the Annex on broadband 'Mapping' and its interlink with BEREC Guidelines on Article 22 EEC). The Co-Chairs informed the BoR that an Extraordinary CN meeting is planned to be held on 31 January 2022, where both parts will be presented and discussed. After the CN discussion, documents will be submitted to the BoR for two separate e-voting procedures. After the approval, documents will be consolidated in one document and delivered to the EC on one piece, by 11 February 2022.</p>
Conclusion	<p>The BoR agreed that an Extraordinary CN meeting should be organised on 31 January 2022, and the BEREC response to the public consultation on the draft revised EC Guidelines on State aid for broadband networks prepared and submitted to the European Commission by 11 February 2022.</p>

7 Statistic and Indicators (Sal)

Document(s)	<p>BoR (21) 172 Report to enable comparable national broadband coverage indicators throughout Europe</p>
Introduction by	<p>Sal Co-Chairs (CNMC/ANCOM) Begoña García Mariñoso (begona.garcia@cnmc.es) Iulia Zaim-Grigore (iulia.zaim@ancom.ro)</p>
Information presented	<p>The Sal Co-Chairs presented to the BoR the draft Report to enable comparable national broadband coverage indicators throughout Europe. The objective of the report is to reflect on the possible ways to improve the comparability of the national and NUTS 3 coverage indicators included in the EC's "Broadband Coverage in Europe Study" and to establish recommendations, which are meant both for the public authorities submitting the data and for the EC.</p> <p>Based on the WG's experience with the data collection and knowledge gained in the development of the Article 22 BEREC Guidelines, as well as on the 25 answers from NRAs collected through the questionnaire and the 2 workshops held in October 2021, the Co-Chairs proposed to the BoR different types of recommendations, quite varied in nature. As a general recommendation, the sourcing of data should entirely rely upon the national authorities in charge of delivering the Article 22 Broadband maps or their affiliate organisations. Also, the Co-Chairs stressed the importance of transparency when public authorities deviate from the recommendations and definitions included in the Study, as well as in the published reports and in the published reports.</p> <p>The report also provides Methodological recommendations, related to BEREC Guidelines on Article 22, outlining that the Study should rely on "premises and premises passed" concepts, rather than on the "households and households passed".</p> <p>In addition, the Co-Chairs presented the main recommendations on aggregation and treatment of overlapping for short-term implementation. Finally, other topics to think about were touched upon, including further developments in the context of enhancing rural coverage statistics and 5G coverage mapping.</p>
Conclusion	<p>The BoR approved the document for publication.</p>

8 Open Internet (OI)

Document(s)	BoR (21) 173 Draft internal legal analysis on the ECJ judgements related to the application of the Open Internet Regulation (EU) 2015/2120
Introduction by	OI Co-Chairs (ILR/TRAFICOM) Klaus Nieminen (klaus.nieminen@traficom.fi) Véronique Ney (Veronique.Ney@ilr.lu)
Information presented	<p>During its 48th plenary meeting, the BoR decided to launch a call to all the interested stakeholders to offer them the opportunity to share their views on the ECJ rulings on zero-rating with an appropriate justification supporting their understanding. The call for inputs ran from 6 to 20 October 2021 and 27 stakeholders provided responses. The Co-Chairs presented the Stakeholders' remarks on the applicability of zero-rating and the remarks on the relationship between the 2020 and the 2021 rulings to the BoR.</p> <p>Also, the Co-Chairs presented the elements of the internal legal note on the analysis on the ECJ judgements related to the application of the Open Internet Regulation (OIR). The Co-Chairs informed that the internal legal note is a living document that can be reviewed during the BEREC Open Internet Guidelines update process. The note analyses what ECJ preliminary rulings mean; implications of the four rulings; relationship between the 2020 and the 2021 rulings; the possible permissible internet access service (IAS) tariffs and the consequences on existing contracts.</p> <p>The Co-Chairs asked the BoR on their guidance regarding the future work on this topic.</p>
Conclusion	The BoR agreed that the WG should start reviewing the OI Guidelines, in line with the legal analysis and submit it to the CN1/PL1 2022 for public consultation.

9 Planning and Future Trends (PFT)

9.1 Draft BEREC Work Programme 2022

Document(s)	<p>BoR (21) 174 Report of the outcomes of the Public Consultation on the Draft BEREC Work Programme 2022</p> <p>BoR (21) 175 BEREC Work Programme 2022</p> <p>BoR (21) 176 List of PRDs for BEREC Work Programme 2022</p>
Introduction by	Incoming BEREC Chair (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
Information presented	<p>The incoming BEREC Chair provided information to the BoR on the outcomes of the public consultation and presented the draft BEREC Work Programme 2022. She informed that during public consultation (6 October - 5 November 2021), 15 written contributions were received.</p> <p>In general, the responses of the stakeholders are supportive for the BEREC Work Programme 2022 and keen to engage further with BEREC.</p> <p>The list of PRDs for the 2022 BEREC Work Programme was also presented to the BoR.</p>
Discussion	No discussion was held.

Conclusion	To BoR approved the documents for publication and internal use respectively.
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9.2 Oral update on the Outline of the draft BEREC Work Programme 2023

Document(s)	No document
Introduction by	BEREC Chair 2023 (EETT) Kostas Masselos (kmasselos@eett.gr)
Information presented	The BEREC Regulation indicates that the Board of Regulators shall adopt the outline of the annual work programme by 31 January of the year preceding that to which the annual work programme relates. In this regard, the BEREC Chair 2023 informed the BoR about the process for preparation and drafting of the outline of the BEREC Work Programme 2023 to be adopted by 31 January 2022. He also informed the BoR that the draft Outline would be a subject of the e-voting procedure in January 2022 (12 - 18 January 2022 -comments round, 24 - 26 January 2022 – urgent voting round) and submitted to the EP, Council and EC before 31 January. Additionally, informed the BoR that the 10 th Stakeholder Forum will take place on 23 March 2022 in Brussels.
Discussion	No discussion was held.
Conclusion	The BoR agreed to launch the e-vote on the Outline of the draft BEREC Work Programme 2023 in mid-January 2022 and submit it to the European Commission, the European Parliament and the European Council.

10 Summary of 10th BEREC Stakeholder Forum

Document(s)	No document
Introduction by	Incoming Chair (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
Information presented	Incoming Chair presented the main conclusions after the BEREC Stakeholder Forum, held in Brussels on 28 October 2021 and complemented the organisation. She supported the idea that the next Stakeholder forum should be also held in physical format.
Discussion	No discussion was held.
Conclusion	The BoR took note of the information.

11 Oral update on the Digital Markets Act

Document(s)	No document
Introduction by	MEA WG Co-Chairs (ARCEP/CNMC) Jorge Infante (jorge.infante@cnmc.es) Chiara Caccinelli (chiara.caccinelli@arcep.fr)
Information presented	The Co-Chairs informed the BoR that on 23 November 2021, the IMCO committee adopted its report on the draft DMA with large majority (final

	<p>report expected to be voted by the EP plenary in mid-December 2021). Also, on 25 November 2021 - the Council of the EU unanimously adopted its “general approach” on the draft DMA. Now that the Council and the Parliament have both established their position on the Digital Markets Act, the MEA Co-Chairs updated the BoR members on the state of play of the legislative negotiations. More specifically, the Co-Chairs provided an overview of how the positions of the Council and the Parliament relate to the BEREC Opinions on the DMA, adopted by BEREC earlier this year. In this light, the Co-Chairs presented BEREC’s proposals & EU institutions’ positions on the following aspects:</p> <ul style="list-style-type: none"> • Scope & designation; • Regulatory measures; • Involvement of stakeholders in the regulatory process; • Governance & national independent authorities. <p>Lastly, the Co-Chairs informed the BoR that trilogues on the DMA will start in January 2022. They noted that BEREC’s contribution seems to be particularly relevant concerning the interoperability for number-independent interpersonal communication services (in particular the interplay between the provisions in the EECC and the DMA). Also, supporting the EP proposal setting up a European High-Level Group of Digital Regulators including ECS NRAs and giving a role to NIAs to assist the EC in the enforcement of the DMA.</p>
Conclusion	The BoR took note of the information.

12 End-User (EU)

Document(s)	BoR (21) 177 BEREC Opinion on the market and technological developments and on their impact on the application of rights of end-users in the EECC
Introduction by	EU WG Co-Chair (AGCOM) Paolo Lupi (p.lupi@agcom.it)
Information presented	<p>The EU Co-Chair presented to the BoR members the draft Opinion on the market and technological developments and on their impact on the application of rights of end-users in the EECC.</p> <p>First, the Co-Chair outlined the policy principles in accordance to Article 123 (1) of the Directive 2018/1972 establishing the European Electronic Communications Code (EECC). Then, he presented how BEREC assessed to what extent Title III of Part III of the EECC meets the objectives in Article 3.</p> <p>In addition, the Co-Chair described the methodology used to collect evidence for the assessment required under Article 123 of the EECC. It included targeted questionnaire to NRAs, as well as bodies and associations representing stakeholders’ interests at the European level, letters to stakeholders, survey on e-communications in the EU (in June 2021) and BEREC Reports and Studies.</p>

	<p>The Co-Chair also updated the BoR with the status of transposition of EEC and presented the main market and technological developments relating to the end-user rights (since 2018).</p> <p>The Co-Chair concluded that market and technological developments would likely not impact the application of end-user rights. He stressed that provisions around transparency and contractual information should have a positive impact for end-users and aid the development of the retail market. Additionally, he explained that there was no need at present to introduce amendments in the provisions concerning the contract duration and termination, provider switching and number portability, as well as in the provisions concerning effective access to emergency services. Lastly, regarding the equivalent access and choice for end-users with disabilities, the Co-Chair concluded that due to very recent and therefore limited experience with the new regulatory framework makes it was difficult to provide general considerations.</p>
Conclusion	The BoR approved the document for publication.

13 Regulatory Framework (RF)

13.1 Draft BEREC Opinion on the national implementation and functioning of the general authorisation

Document(s)	BoR (21) 178 BEREC Opinion on the national implementation and functioning of the general authorisation
Introduction by	RF WG Co-Chair (AGCOM) Antonio de Tommaso (a.detommaso@agcom.it)
Information presented	<p>According to Article 122 (3) of Directive (EU) 2018/1972 establishing the European Electronic Communications Code "BEREC shall, by 21 December 2021 and every three years thereafter, publish an opinion on the national implementation and functioning of the general authorisation (GA) and on their impact on the functioning of the internal market".</p> <p>The Co-Chair informed the BoR that in line with the scoping document adopted at P1 2021, the RF WG has tried to collect the NRAs' experience on GA, via a questionnaire that was distributed to NRAs for completion between 17 and 30 March. Answers were provided by 24 NRAs. Also, two RF WG meetings were held, on 4 May and 22 September and further info requests in September and October. Lastly, BEREC launched a call for input to interested stakeholders from 14 June 2021 to 9 August 2021. The Co-Chair informed the BoR that BEREC received 10 responses and presented the main outputs of the call. Among the main inputs, there was an overall appreciation towards GA regime.</p> <p>Lastly, the Co-Chair presented the main contents of the draft Opinion as well as its structure to the BoR. The Opinion describes the current state of national transposition, presents stakeholder's view, in particular on the (i) functioning of the GA scheme in the stakeholders' views, (ii) forward-looking considerations and (iii) EU data base. Lastly, the Opinion provides conclusions and possible further steps.</p> <p>The Co-Chair concluded that in general terms, it is deemed appropriate to keep the analysis on GA regime open and updated, in the light of national transposition choices.</p>
Conclusion	The BoR approved the document for publication.

13.2 Draft BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society

Document(s)	BoR (21) 179 Report on the outcomes of Public Consultation on the draft BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society BoR (21) 180 BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society
Introduction by	RF WG Co-Chair (NMHH) Ervin Kajzinger (kajzinger.ervin@nmhh.hu)
Information presented	<p>The Co-Chair presented to the BoR the Draft BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society. The aim was to compile a report on the measures that NRAs implemented during the COVID-19 pandemic and assess the impact of the crisis on the sector. The Report collected case studies and drew regulatory lessons to ensure that European electronic communication networks are future-proof. The public consultation ran from 16 June 2021 until 9 August 2021. Eight written contributions were received. Also, the Co-Chair informed the BoR that RF WG and OI WG provided their comments on the draft report.</p> <p>The Co-Chair outlined the structure of the report, as well as main updates and changes in each chapter of the final Report. He added that the Report includes a new Annex, which presents the findings and recommendations of the external study on the digital divide.</p> <p>Lastly, the Co-Chair presented the main messages of the report to the BoR. The Co-Chair noted that measures implemented by NRAs during the pandemic were effective. NRAs refrained from direct regulation of traffic delivery, relying instead on operators and content providers to manage potential congestion, but retaining the right to intervene in appropriate circumstances if necessary. He stressed that good relationships among the European Commission, BEREC, NRAs and operators helped to manage the crisis in a calm and responsible way. The report showed that NRAs had sufficient regulatory tools to deal with the pandemic, although certain expectations existed towards the NRAs. The Co-Chair concluded that current sectoral institutional framework has proven to be fit to deal with the crises.</p>
Conclusion	The BoR approved the document for publication.

14 BEREC International Cooperation

Document(s)	No document
Introduction by	BEREC Vice-Chair responsible for international activities (PTS) Dan Sjoblom (Dan.Sjoblom@pts.se)
Background information	<p>The BEREC Vice-Chair responsible for international activities will brief the BoR about recent and forthcoming BEREC international engagements.</p> <p>He reiterated the very successful 4-lateral summit between BEREC, EMERG (The European Mediterranean Regulators Group), EapeReg (Eastern partnership countries) and Regulatel ((Latin-America regulators) held in Dubrovnik on 29 September 2021, as well as the bilateral meetings</p>

	<p>between regulatory groups. He stressed that this occasion might serve as a restart of BEREC international cooperation which has suffered during the pandemic.</p> <p>In addition, he informed the BoR that the second and last plenary meeting of the EaPeReg in 2021 was held on 3 December in Kyiv, Ukraine, with very good participation from the BEREC Miniboard and other members. He noted that the BEREC-EaPeReg cooperation has developed and expressed BEREC interest to deepen this exchange even further.</p> <p>Regarding the MoU with CRTC (Canada), he informed the BoR that the MoU is ready for signing and both parties are now trying to find an opportunity to sign the MoU in person.</p> <p>He concluded by saying that BEREC is active in international cooperation. Expectations and interest from other regions are high and there is a substantial value also for BEREC to engage with other jurisdictions on many issues. However, he noted that this will require a more structured and sustainable approach and endorsed new structure of the international cooperation under PFT WG, which would be a good support for BEREC going forward.</p>
Action requested	The BoR took note of the information.

15 AOB

15.1 Information on the 50th BoR Ordinary Meeting (9-11 March 2022, Virtual meeting)

Document(s)	No document
Introduction by	BEREC Chair (BIPT) Michel Van Bellinghen (michel.van.bellinghen@IBPT.be)
Information presented	The BEREC Chair provided information on the next BoR Meeting.
Conclusion	The BoR took note of the information.

15.2 Elderly Citizens Helplines at 116-100 harmonised number

Document(s)	No document
Introduction by	The representative of CTU Hana Továrková (chair@ctu.cz)
Information presented	<p>The Representative of CTU informed the BoR that Czech Republic (via CTU) has proposed to the Commission to designate a new 116-100 number for harmonised services of social value, which should be dedicated to nationwide free-of-charge elderly citizens helplines.</p> <p>The CTU noted that it would be highly desirable for senior citizens of the EU, including travellers and disabled users, to be able to reach services of social value designed precisely for their needs by using one, harmonised, easily-to-remember, number accessible free of charge across the Union. She informed the BoR that CTU has delivered to the Commission necessary initial documentation and informed that the initiation of a formal process to reserve the number 116100 could be obtained, if the initiative is supported by at least 14 Member States. In this light, she invited respective NRAs to support the initiative.</p>

Conclusion	The BoR took note of the information.
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16 Heads Workshop on the Internet Ecosystem

Document(s)	BoR (21) 181 Discussion paper
Introduction by	<p>MEA WG Co-Chairs Jorge Infante (jorge.infante@cnmcs.es) Chiara Caccinelli (chiara.caccinelli@arcep.fr) OI WG Co-Chairs Klaus Nieminen (klaus.nieminen@traficom.fi) Véronique Ney (Veronique.Ney@ilr.lu) External speaker Olaf Kolkman, Principal – Internet Technology, Policy and Advocacy, Internet Society (kolkman@isoc.org)</p>
Information presented	<p>The workshop was structured around two sessions:</p> <p>In the first one, an external speaker shared some insights on the potential challenges in the internet ecosystem and the MEA Co-Chairs then shortly presented the preliminary work done by the MEA and OI WGs.</p> <p>The external speaker focused on the notion of Internet as a network of networks, which he perceives as connected digitised aspects of the society and economy globally. He noted that the global nature of Inter-networking creates scale and value, and is expressed in the dynamic nature of applications and their use. By describing the evolution of ‘smart’, the external speaker defined different possibilities of applications and their extensions, like intuitive ways of interactions between the users and the apps. By combining all the senses, the applications would collect all the possible data. The more smart applications become, the more data is collected. Therefore, the scale is the most important indicator of the competitiveness. Because of all the data collected, it is crucial to make a use of it to thrive on the market. For him, networks are the enablers of the digital society as they connect sensing, data, storage, computation resources, access to customers. The external speaker stressed how the evolution of the networks changed the face of how the content is produced and consumed. He explained the hyper dimension of today’s networks by giving examples of most up-to-date solutions, including the transition from cache infrastructures to hyper-scaling cloud architectures in the form of datacentres. The availability of the network is the key for running a successful network. As networks become programmable, there will be a possibility of using it while creating new applications. Each limited domain would correspond to the new, specific applications. In addition, he stated that it is very likely that in the future each service comes with its own supply chain and the interoperability is provided per app and per service. According to him, traditional standards make sense for long term stability and interoperability, but they are currently challenged by the independent protocols. The bottom line of the presentation was to stress the importance of interoperability and the “inter” component of the Internet, possible problems of authentication. As the “Inter” in Internet is the public good, the current developments slowly substitute this component by the proprietary services. The external speaker also explained that consolidation in the Internet is both, a driver and the ultimate result of any scenario. Based on the 2019 Internet Society’s report, it was concluded that the consolidation</p>

	<p>in the Internet includes the following phenomena: the evolution of total service environments, the standard development and deployment becoming a function of scale, the scale for common entrepreneurs – the SMEs, the growing number of regulatory responses to what is currently happening in the domain, namely concentration and consolidation. At the end, the external speaker posed questions regarding the assessment of the ongoing advancements and their impact. He also warned the participants that there is a possibility of the Internet becoming a large number of small domains. That would result in the loss of the ‘inter’ character of the Internet. He also stressed the increase of the trustworthiness in the context of the Open Internet.</p> <p>In the second session, the Co-Chairs presented the planned activities in regards to the Internet ecosystem and how BEREC can contribute to the developments currently taking place on the market, in particular in terms of competition. Based on the information presented, the Heads were invited to share their views around two questions:</p> <ol style="list-style-type: none"> 1. Is there any element of the internet ecosystem where you have identified an issue in terms of openness or (unsatisfactory) competition dynamics? Have national players reached out to you with a specific issue on this matter? In particular, have you felt that you did not have the mandate, tools, resources or knowledge/data to intervene/solve it? 2. Have you observed any trend or evolution in the Internet ecosystem elements that may become a topic of interest/analysis for NRAs? Should BEREC be developing this topic further in the coming year(s)? And if so, how should BEREC act and position itself in this perspective?
Conclusion	The BoR took note of the information.

17 Strategic discussion about “BEREC 2030”

Document(s)	BoR (21) 182 Discussion paper
Introduction by	BEREC Chair (BIPT) Michel Van Bellinghen (michel.van.bellinghen@IBPT.be)
Information presented	<p>In the past months, the BEREC Miniboard 2021/2022 discussed the challenges NRA’s face in a digital age and the relevance of BEREC’s mandate for the upcoming years. During the Plenary 3 in Dubrovnik, it was concluded that it would be interesting to discuss this more broadly within the BoR.</p> <p>In order to provide context to the discussion, the BEREC Chairs noted that the digital transformation is heading to a regulatory transformation. This impacts daily work of regulators and raises questions related to how regulators can keep contributing to meaningful end-to-end connectivity which serves societal needs and how to keep track with the digital era. In the past years, BEREC has consistently increased its knowhow in several fields outside our core competence and the BEREC Chair suggested that BEREC should continue to invest in upskilling the knowhow, in order to ensure a high level of expertise. He stated that dealing with digital</p>

	<p>challenges requires appropriate regulatory tools, since the electronic communications and telecom networks are becoming the part of a growing ecosystem of services that are interlinked.</p> <p>The BEREC Chair concluded that these questions require further brainstorming and presented a roadmap in order to address this questions and to develop a view on how BEREC could see a future-orientated regulation of digital infrastructure, contributing to the societal needs, ensuring smooth end-to-end connectivity.</p>
Conclusion	The BoR agreed to continue the discussion on Plenary 1 (March 2022) and Plenary 2 (June 2022).