

45th Ordinary Plenary Meeting of the BEREC Board of Regulators (BoR)

Hosted virtually

Conclusions

Chair: Dan Sjöblom

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10-11 December 2020

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Annex I – List of documents

Main Results of the 45th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 45th Ordinary Plenary Meeting virtually on 10-11 December 2020.

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

1. Documents approved as 'A' items

1.1 For publication:

- BoR (20) 208 8th BEREC Report on transparency and comparability of international roaming tariffs
- BoR (20) 209 BEREC Report on Termination Rates at the European level
- BoR (20) 210 BEREC Report on Regulatory Accounting in practice 2020

1.2 For internal use:

- BoR (20) 211 BEREC Internal procedures for the Database of numbering resources with a right of extraterritorial use
- BoR (20) 212 BEREC List/Snapshot of Premium rate numbers

2. Documents approved as regular items:

2.1. For publication:

- BoR (20) 207 BoR Decision on the establishment of the WGs and appointment of their Co-Chairs
- BoR (20) 219 Report on the outcome of public consultation on draft BEREC Work Programme 2021
- BoR (20) 222 Report on the outcome of public consultation on the draft BEREC Guide to the BEREC 5G Radar and 5G Radar
- BoR (20) 223 Guide to the 5G Radar and 5G Radar
- BoR (20) 224 Report on the outcome of public consultation on the BEREC Guidelines on the criteria for a consistent application of Article 61(3) EEC
- BoR (20) 225 BEREC Guidelines on the criteria for a consistent application of Article 61(3) EEC
- BoR (20) 228 Executive summary concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and strengthening national resilience)
- BoR (20) 231 BEREC Report on the outcome of public consultation on the Draft BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76(1) and Annex IV EEC)
- BoR (20) 232 BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76(1) and Annex IV EEC)

2.2. For publication, implementation and submission to the European Parliament, the Council of the EU and the Commission:

- BoR (20) 220 BEREC Work Programme 2021

2.3. For publication and submission to the EC:

- BoR (20) 226 BEREC response to the targeted public consultation on the evaluation of the state aid rules for the deployment of broadband networks

2.4. For internal use:

- BoR (20) 221 List of PRDs for the BEREC Work Programme 2021
- BoR (20) 227 Report concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and strengthening national resilience)

3. Document submitted for public consultation:

- BoR (20) 230 Draft BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments: Phase II: Verification

4. Documents submitted for information purposes:

- BoR (20) 213 Contact lists pack
- BoR (20) 214 Information on the electronic voting procedures since the last plenary meeting
- BoR (20) 215 Information on planned electronic voting procedures between P4 and P1
- BoR (20) 216 2020 BEREC Work Programme status update
- BoR (20) 217 Gap Analysis related to the BEREC Net Neutrality QoS measurement tool project
- BoR (20) 218 Gap analysis related to the BEREC Net Neutrality QoS measurement tool project: Addendum to the Non-Paper

5. Other main topics discussed

The BoR discussed topics related to BEREC's international cooperation and review of the NN tool project. The BoR Members also received an update concerning the work of the OI WG, WNE WG, SI WG, MEA WG and RF WG. The European Commission provided information on recent important developments and activities under its remit that have an impact on the digital sector.

6. Next Meeting

The next Ordinary Plenary Meeting of the MB will take place on **10-12 March 2021, and will be virtual.**

Introduction and participation

The BEREC Board of Regulators held its 45th Ordinary Plenary Meeting virtually on 10-11 December 2020.

The Meeting was attended by the Heads and/or high-level representatives of the National Regulatory Authorities (NRAs) from each EU Member State that have primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. The European Commission also took part in the Meeting. Heads and high-level representatives of the NRAs 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 (20) 206 Draft BoR Agenda
Introduction by	BEREC Chair (PTS)
Information presented	<p>The BEREC Chair welcomed the Meeting participants and provided practical information on the logistics of the Meeting.</p> <p>He welcomed the new Members to the BoR:</p> <ul style="list-style-type: none">• Mr. Mr Vlad STOICA - ANCOM;• Mr. Dragan PEJOVIC - RATEL;• Mr. Pål Wien - NKOM;• Mr. Xabier Ormaetxea Garai - CNMC;• Mr. Giacomo Lasorella - AGCOM. <p>The BEREC Chair opened the Meeting and presented the draft Agenda for approval by the BoR. The BoR invited participants to suggest any additional issues to be raised or presented under “Any Other Business” (AOB).</p>
Conclusions	The BoR adopted the agenda with the suggested changes.

2 Information from the Chair including the appointment of WG (Working Group) Co-Chairs and the structure of the WGs

Document(s)	BoR (20) 207 Draft BoR Decision on the establishment of the WGs and appointment of their Co-Chairs
Introduction by	BEREC Chair (PTS)
Information presented	<p>The BEREC Chair presented the outcome of the recent important meetings he held and reported on the meetings that he is going to attend. He also informed the BoR regarding the EC request for a BEREC Opinion on the Commission Recommendation on the form, content, time-limits and level of detail to be given in notifications under the procedures set in Article 32 and 33 of Directive (EU) 2018/1972.</p> <p>The BEREC Chair recalled that, in line with the provisions of Article 11.1 of the BoR RoP (Board of Regulators Rules of Procedure), the Board of Regulators shall create Working Groups to assist with the performance of the BEREC tasks and functions and request that the BEREC Office provide support. In this respect, the BEREC Chair informed the BoR on the decision to appoint the WG Co-Chairs for 2021-2022. He welcomed the high number of applications and noted that 18 different NRAs will be represented as the Co-Chairs of WGs.</p>
Conclusions	The BoR took note of the information and approved the document for publication.

3 List of 'A' items

Document(s)	<p><u>Approval for publication:</u></p> <p>BoR (20) 208 8th BEREC Report on transparency and comparability of international roaming tariffs</p> <p>BoR (20) 209 Draft BEREC Report on Termination Rates at the European level</p> <p>BoR (20) 210 Draft BEREC Report on Regulatory Accounting in practice 2020</p> <p><u>Approval for internal use:</u></p> <p>BoR (20) 211 Draft BEREC Internal procedures for the Database of numbering resources with a right of extraterritorial use</p> <p>BoR (20) 212 Draft BEREC List/Snapshot of Premium rate numbers</p>
Introduction by	BEREC Chair (PTS)
Information presented	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 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.
Conclusions	The BoR approved the documents included in the 'A' item list.

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

Document(s)	<p>BoR (20) 213 Contact lists pack</p> <p>BoR (20) 214 Information on electronic voting procedures since the last plenary meeting</p> <p>BoR (20) 215 Information on planned electronic voting procedures between P4 and P1</p> <p>BoR (20) 216 2020 BEREC Work Programme status update</p> <p>BoR (20) 217 Gap Analysis related to the BEREC Net Neutrality QoS measurement tool project</p> <p>BoR (20) 218 Gap analysis related to the BEREC Net Neutrality QoS measurement tool project: Addendum to the Non-Paper</p>
Introduction by	BEREC Office Representative
Information presented	<p>A BEREC Office Representative briefed the BoR on the 2020 BEREC Work Programme status update and on the most important finished and ongoing projects:</p> <ul style="list-style-type: none"> - BERECnet+; - Numbering Database; - Brussels AVC facility; - Authorisation Database; - Roaming Database; - Voting Tool for Facilitating e-voting; - Study on Consumer Behaviour on digital platforms; - Launch of a survey on the quality of the support provided to WGs by the BEREC Office; - NN Measurement Tool: Gap Analysis related to the BEREC Net Neutrality (NN) QoS measurement tool project – non-paper document; - Addendum to GAP Analysis.

Conclusions	The BoR took note of the information.
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5 Review of the NN tool project

Document(s)	No documents
Introduction by	Director General at PFS
Information presented	Director General at PFS presented to the BoR the Review of the Net Neutrality tool project and lessons learned for future external and multi-annual projects in BEREC. The analysis was based on the interviews conducted with NN Co-Chairs, BEREC Office, BEREC Chair 2019 and members of the Advisory Group. He informed the BoR that the preparatory, procurement and implementation phases of the project had been analysed.
Conclusions	The BoR took note of the information.

6 Information from the Commission

Document(s)	No documents
Introduction by	Commission Representative
Information presented	<p>The EC Representative informed the BoR about the main Commission activities related to the electronic communications policy and other relevant activities. A paper on the main Commission activities related to the electronic communications policy and other relevant activities since the last Plenary Meeting was submitted to the BoR for information before the Meeting.</p> <p>In addition, he informed the BoR on:</p> <ul style="list-style-type: none"> – European Data Governance regulation <p>The EC representative reported that the regulation was adopted by the EC in November 2020. This regulation is the first set of measures that has been announced in the Data Strategy in February 2020.</p> <ul style="list-style-type: none"> – Proposals of the Digital Services Act and the Digital Market Act <p>The EC representative informed the BoR that the documents would be published on 15 December. He thanked the BEREC for its input. The EC representative reported that, during public consultation, the EC received over three thousand contributions, broadly supporting the initiative. Concerning the DMA, the EC representative reported that it focuses on big market players who are considered as gatekeepers, and not on all market players. The objective is to restore the contestability of the market. He recalled that the EC will propose certain activities and focus on core platform</p>

services, such as online intermediary services, online search engines and operating systems. The EC representative pointed out that the identification of gatekeepers will be based on three components:

1. Impact of large online platforms on the single market;
2. Economic dependency of business users and end users on those gatekeepers;
3. Existence of the entrenched position of gatekeepers.

He noted that the regulation is not only about imposing obligation, but also finding the most effective regulatory dialogue. This regulation needs enforcement at EU level.

– **Cyber Security package**

The EC representative reported that the Cyber Security package will be published on 15 December 2020. It contains three elements:

1. New Cyber Security strategy;
2. Review of the NIS Directive;
3. Report assessing the impact of 5G Cyber Security Recommendation.

He briefed the BoR that the emphasis of the strategy is on the resilience of critical infrastructure, supply chains and connected devices. He informed the BoR that important investments should be made in the upcoming years in critical infrastructure and networks. He added that Europe should take a leadership role and impose global standards to preserve an open and global Internet.

Regarding the Review of the NIS Directive, he informed the BoR that the review would address different regulatory practices and improve the harmonisation of the regulatory landscape.

He added that the package also includes recommendations on the Joint Cyber Unit, the aim of which is to gain better joint preparedness of Member States in the case of particular cross-border cyber threats.

Regarding the report on the 5G Cybersecurity toolbox, he noted that the EC welcomed input from the BEREC and a report on the diversification of supplies.

– **Connectivity Recommendation**

The EC Representative informed the BoR that a special WG is working on best practices and welcomed the Co-Chairs of the FNE WG in participating in the meeting and providing valuable input. He also encouraged an active participation of the BEREC in the future. He informed the BoR that a Joint Workshop with the BEREC may be organized in February 2021, at expert working group level. He informed the BoR that it would be valuable if BEREC could provide collective input, not from individual NRAs.

Conclusions	The BoR took note of the information.
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7 Planning and future trends

7.1 BEREC Work Programme 2021

Document(s)	<p>BoR (20) 219 Draft Report on the outcome of the public consultation on the draft BEREC Work Programme 2021</p> <p>BoR (20) 220 Draft BEREC Work Programme 2021</p> <p>BoR (20) 221 List of PRDs for the BEREC Work Programme 2021</p>
Introduction by	The Incoming BEREC Chair (BiPT)
Information presented	<p>Each year, following consultation with interested parties, BEREC needs to adopt a Work Programme for the following calendar year. In that respect, and to achieve as broad a stakeholder input as possible, BEREC launched an early call for input on its Work Programme 2021, which ran from 11 March 2020 until 13 April 2020.</p> <p>Following BoR discussions and consultation with the WG Co-Chairs, the new draft Work Programme was aligned with the strategic high-level priorities of the BEREC Strategy 2021-2025 around connectivity, digital issues and end-users, and was approved on 16 June 2020. Subsequently, the 44th BEREC Plenary Meeting approved the Draft BEREC Work Programme 2021 for public consultation, which ran from 6 October to 5 November 2020.</p> <p>The Incoming BEREC Chair presented to the BoR the Draft Report on the outcome of public consultation, the draft BEREC Work Programme 2021, and the List of PRDs for the BEREC Work Programme 2021.</p> <p>He reported that 14 non-confidential contributions have been received during public consultation. He outlined the following main objectives of the BEREC Work Programme 2021:</p> <ol style="list-style-type: none"> 1. Promoting full connectivity; 2. Thriving sustainable and open digital markets; 3. Empowering End-Users; 4. BEREC obligatory and ad hoc work; 5. Horizontal issues - institutional and international cooperation.
Conclusions	<p>The BoR approved the draft BEREC Work Programme 2021 for publication, implementation and submission to the European Parliament, the EU Council, and the Commission.</p> <p>The BoR approved the draft report on the outcome of public consultation for publication.</p> <p>The BoR approved draft PRDs for internal use.</p>

7.2 Oral update on the Outline of the BEREC Work Programme 2022

Document(s)	No document
Introduction by	Representative of Incoming BEREC Chair 2022 (ACM)
Information presented	<p>The Representative of the Incoming BEREC Chair 2022 informed the BoR about the process of preparation and drafting of the Outline of the BEREC WP 2022 to be submitted by 31 January 2021 to EP, Council and EC.</p> <p>He also informed the BoR on the next steps leading to the submission of the Outline of the BEREC WP 2022 to the European Parliament, Council and Commission.</p>
Conclusions	The BoR took note of the information.

7.3 BEREC Guide to the 5G Radar and 5G Radar

Document(s)	<p>BoR (20) 222 Draft Report on the outcome of public consultation on the draft BEREC Guide to the BEREC 5G Radar and 5G Radar</p> <p>BoR (20) 223 Guide to the 5G Radar and 5G Radar</p>
Introduction by	PFT Co-Chairs (PTS/ACM)
Information presented	<p>The BEREC 5G Radar was developed as a tool to identify developments in the 5G ecosystem that may need regulatory attention, and prioritise them in time. The 5G Radar shows which the most important aspects are for BEREC and NRAs, and when regulators should be prepared for such developments.</p> <p>At its 43rd Plenary Meeting, the BoR adopted the 5G Radar for the public consultation that ran from 16 June to 31 July 2020.</p> <p>The WG Co-Chair presented the Draft Report on the outcome of public consultation, as well as the final version of the Guide to the 5G Radar and 5G Radar to the BoR with a view to adopting it for publication.</p> <p>The Co-Chair informed the BoR that, in general, stakeholders welcomed the tool and appreciated the BEREC's role in supporting 5G deployment. He also informed the BoR that stakeholders fully agreed with the BEREC's view that 5G has a strategic priority to promote competition. He added that stakeholders agreed that the Radar covers the most relevant regulatory aspects, with the exception of primary satellite communication. In this regard, he informed the BoR that satellite communications have been added to the 5G Radar as a new topic.</p>
Conclusions	The BoR approved the document for publication.

8 Fixed Network Evolution

8.1 Draft BEREC Guidelines on the criteria for a consistent application of Article 61(3) EECC

Document(s)	BoR (20) 224 Draft Report on the outcome of public consultation on the BEREC Guidelines on the criteria for a consistent application of Article 61(3) EECC BoR (20) 225 Draft BEREC Guidelines on the criteria for a consistent application of Article 61(3) EECC
Introduction by	FNE WG Co-Chair (BNetzA)
Information presented	<p>The Guidelines shall provide guidance to the National Regulatory Authorities on criteria to determine key aspects for the application of Article 61(3) EECC, notably the access points, new and small network deployments, and high and non-transitory barriers to replication. The Guidelines shall contribute to the harmonisation of the application of symmetric access regulations.</p> <p>The Draft BEREC Guidelines on the Criteria for a Consistent Application of Article 61(3) EECC were approved by the BoR for public consultation at Plenary 2/2020.</p> <p>The Co-Chair presented the outcome of public consultation and the draft BEREC Guidelines to the BoR, with a view to adopting it for publication. Public consultation took place from 16 June to 31 July 2020. A virtual stakeholder meeting was held on 23 June 2020, with the aim to explain the Guidelines and answer to general questions of understanding. During public consultation, 19 written contributions were submitted. Overall, submissions did not result in substantial changes to the draft Guidelines.</p>
Conclusions	The BoR approved the document for publication.

8.2 Draft BEREC response to the targeted public consultation on the evaluation of the state aid rules for the deployment of broadband networks

Document(s)	BoR (20) 226 Draft BEREC response to the targeted public consultation on the evaluation of the state aid rules for the deployment of broadband networks
Introduction by	FNE WG Co-Chair (BNetzA)
Information presented	On 8 September 2020, the European Commission (DG COMP) launched a targeted public consultation on the evaluation of the State Aid Rules for the deployment of broadband networks. The consultation is open until 5 January 2021. The targeted consultation does not exclusively address NRAs or the BEREC, but also other stakeholders.

	<p>The Co-Chair presented to the BoR the draft BEREC response to the targeted public consultation with a view to adopting it for publication and submission to the EC.</p> <p>In its response, the BEREC focused on those questions where NRAs have specific experience with the application of state aid rules and/or which can be answered based on the experience gained in sector regulation.</p>
Conclusions	The BoR approved the document for publication and submission to the European Commission subject to the proposed changes.

9 Oral update on the work of the Open Internet WG

Document(s)	No documents
Introduction by	OI Co-Chairs (TRAFICOM/ACM)
Information presented	<p>The Co-Chairs provided an oral update to the BoR about the outcome of the IPv6 workshop held on 7 November 2020. The Co-Chairs informed the BoR that 60 participants attended the workshop. The main finding of the workshop was that the deployment of IPv6 is very country-specific, with a lot of variation within Europe.</p> <p>The Co-Chairs briefed the BoR on the public technical workshop on traffic identification which was held on 12 November 2020, and presented the main objectives of the workshop. The Co-Chairs informed the BoR that the workshop was attended by 70 participants. They added that the Summary Report of the workshop will be prepared for publication.</p> <p>The Co-Chairs also presented an update on the measurement tool work plan.</p>
Conclusions	The BoR took note of the information.

10 Oral update on the work of the Wireless Network Evolution WG

Document(s)	No documents
Introduction by	WNE WG Co-Chair (ComReg)
Information presented	<p>The Co-Chair briefed the BoR on the Workshop on Mobile Infrastructure Sharing held on 16 November 2020 and further steps. Bearing in mind that the CPs on Mobile Infrastructure Sharing were set in 2019, the Workshop was held to assess the progress made since 2019 in relation to those areas, and how 5G has been impacting those Common Positions.</p> <p>He outlined the main challenges raised by stakeholders:</p>

	<ul style="list-style-type: none"> – Fragmentation of licensing approaches; – Investing whilst also maintaining networks; – Trade disputes and pandemic eroding revenues; – Open RAN bringing flexibility and complexity, but 2 years away; – Wholesale markets not functioning competitively now will not do so in 5G either; – Predictability around sharing assessments; – Various upgrade costs.
Conclusions	The BoR took note of the information.

11 Ad Hoc WG on Cybersecurity of 5G Networks

Document(s)	<p>BoR (20) 227 Draft Report concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and strengthening national resilience)</p> <p>BoR (20) 228 Draft Executive summary concerning the EU 5G Cybersecurity Toolbox Strategic Measures 5 and 6 (Diversification of suppliers and strengthening national resilience)</p>
Introduction by	Ad hoc WG Co-Chairs (AKOS/EETT)
Information presented	<p>BEREC entered into cooperation with the Network and Information Systems Cooperation Group (NIS CG), ENISA and the EC after its mandate from Recommendation C (2019)2335.</p> <p>The focus of this survey was to gather further information on the state of play about the implementation of the Strategic Measures (SM) 5 and 6 (Diversification of suppliers and strengthening national resilience) so as to capture the actions taken by the competent national authorities, each within their respective capacities and competences, and mobile network operators' (MNOs) views.</p> <p>The Co-Chairs reported that the WG had organised series of webinars with stakeholders during September, to have a deeper understanding of vendors/associations perception on SM05 and SM06.</p> <p>The Co-Chairs informed the BoR that the Draft Executive Summary of the report is complete and waiting for approval for publication.</p> <p>Finally, Co-Chairs informed the BoR that the WG is planning a joint virtual live-streamed event with ENISA and EC, tentatively on 21 December.</p>

Conclusions	The BoR approved the document for internal use and submission to NIS CG, and publication.
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12 Statistics and Indicators

12.1 Draft BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments: Phase II: Verification

Document(s)	BoR (20) 230 Draft BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments: Phase II: Verification
Introduction by	SI WG Co-Chair (ANACOM)
Information presented	<p>In March 2020, the BEREC issued the core Guidelines (BEREC Guidelines on Geographical surveys of network deployments). The Guidelines detailed a series of QoS-1 indicators to characterise the reach and performance of broadband networks at address/small grid level.</p> <p>In the current Draft Guidelines, BEREC deals with the verification of the QoS-1 information provided by operators. This is the verification of data regarding:</p> <ul style="list-style-type: none"> – the current reach of broadband networks and the quality of the services they could offer (and not necessarily offered); – the operator's declaration of an area or grid as being covered with a VHCN network. <p>The Draft Guidelines describe different verification methods and provide recommendations to be considered by Authorities when assessing the quality of QoS-1 data provided by operators. Authorities may choose verification methods, depending on the information available and their needs.</p> <p>The Co-Chairs presented the draft Guidelines to the BoR with a view to approving them for public consultation. Public consultation is planned after public debriefing (15 December – 27 January).</p>
Conclusions	The BoR approved the document for public consultation.

12.2 Oral update on the outcome of the Workshop on OTT indicators

Document(s)	No document
Introduction by	SI WG Co-Chair (ANACOM)
Information presented	<p>The Co-chairs informed the BoR about the outcome of the Workshop on OTT indicators held on 19 November 2020, with more than 100 attendees.</p> <p>The purpose of the workshop was to discuss the list of metrics included in the Annex to the invitation.</p>

	The Co-Chairs informed the BoR that a preliminary list of indicators was discussed during the Workshop. The final list of indicators should be ready by October 2021. The Report on the Workshop with the list of indicators would be drafted in December and submitted to Plenary 1/2021.
Conclusions	The BoR took note of the information.

13 Market and Economic Analysis

13.1 Draft BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76(1) and Annex IV EECC)

Document(s)	BoR (20) 231 BEREC Report on the outcome of public consultation on the Draft BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76(1) and Annex IV EECC) BoR (20) 232 BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76(1) and Annex IV EECC)
Introduction by	MEA WG Co-Chairs (CNMC/Arcep)
Information presented	<p>Article 76 of the EECC addresses the regulatory treatment of new very high-capacity network elements. According to this Article, undertakings designated as having a significant market power (SMP) in one or several relevant markets in accordance with Article 67 of the EECC may offer commitments to open to co-investment for the deployment of new very high capacity networks that consist of optical fibre elements up to the end user premises or base station. If the national regulatory authority concludes that the co-investment commitment offered complies with the conditions set out in paragraph 1 of Article 76, then it shall not impose any additional obligations pursuant to Article 68, as regards the elements of the new very high capacity network that are subject to the commitments.</p> <p>The Co-Chairs outlined the key points addressed in the Guidelines:</p> <ul style="list-style-type: none"> – What is a new VHCN, timing for making an offer, type of investments and co-investments models qualifying for Article 76; – How to assess the openness of offers under the different models (joint-venture, reciprocal access, one way access, mixed models) and lifetime of the network; – How to assess fair, reasonable and non-discriminatory terms under each model; – Flexibility on the participation of co-investors; – Possibility to increase participation and reciprocal rights ;

	<ul style="list-style-type: none"> – Information to be published in advance by SMP operator proposing co-investments; – Review clause. <p>The WG Co-Chairs presented the Report on the outcome of public consultation, which ran from 16 June 2020 to 4 September 2020. During public consultation, 15 written contributions were received.</p>
Conclusions	The BoR approved the document for publication.

13.2 Oral update on the Digital Markets Act

Document(s)	No document
Introduction by	MEA WG Co-Chairs (CNMC/Arcep)
Information presented	<p>The Co-Chair provided an oral update to the BoR on the BEREC Report on Digital platforms and on the BEREC position on the Digital Markets Act (DMA).</p> <p>The report will be ready for public consultation during the Plenary Meeting of 1/2021 and for publication after the Plenary Meeting of 3/2021.</p> <p>–</p>
Conclusions	The BoR took note of the information.

14 Regulatory Framework

Document(s)	No document
Introduction by	RF WG Co-Chair (NMHH)
Information presented	<p>The Co-Chair provided an oral update to the BoR about their recent activities and the work of the WG, focusing on:</p> <ul style="list-style-type: none"> – Informal discussion with EC on the interpretation of institutional provisions as in EECC (Art. 5-11) on 22 October 2020; – Monthly Covid summary report.
Conclusions	The BoR took note of the information.

15 BEREC international cooperation

Document(s)	No document
Introduction by	BEREC Vice-Chair responsible for international activities (ComReg)

Information presented	<p>The BEREC Vice-Chair responsible for international activities will brief the BoR about BEREC’s recent and forthcoming international activities, focusing especially on:</p> <ul style="list-style-type: none"> – The MoUs that require extension – The EaPeReg workshop “Regulatory Framework for the IoT” held on 30 November 2020. – PRIDA initiative. <p>He also reported on the recent conferences and events in which BEREC representatives were present.</p>
Conclusions	The BoR took note of the information.

16 AOB

16.1. Review of the NIS Directive

Document(s)	No documents
Introduction by	RTR representative
Background Information	The NRA representative informed the BoR about the Review of the NIS Directive, which would be published on 15 December by EC.
Conclusions	The BoR took note of the information.

16.2. Potential legal challenge to BEREC’s interpretation of the OI Regulation

Document(s)	No documents
Introduction by	ComReg representative
Background Information	The NRA representative informed the BoR about a potential legal proceeding in relation to BEREC’s Net Neutrality Guidelines.
Conclusions	The BoR took note of the information.

16.3. Information on the 46th BoR ordinary meeting and workshop (10-12 March, Virtual meeting)

Document(s)	No documents
Introduction by	BEREC Chair (PTS)
Background Information	The BEREC Chair informed the BoR on the next BoR meeting and workshop that will be held virtually.

Conclusions	The BoR took note of the information.
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