

46th Virtual Plenary Meeting of the BEREC Board of Regulators (BoR)

Virtual Meeting

Conclusions

Chair Michel Van Bellinghen

BEREC Chair 2021 (BIPT)

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Annex – List of documents

Main Results of the 46th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 46th Ordinary Plenary Meeting on 11 March, 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) 23 26th BEREC International Roaming Benchmark Data Report - 1 April 2020 to 30 September 2020

1.2 For internal use:

- BoR (21) 24 BERECNet + Governance Paper
- BoR (21) 25 Report on a preliminary assessment of the transition to IPv6 in Europe and a proposal for the next steps by BEREC on the matter
- BoR (21) 26 BEREC Report summarising conclusions from the internal workshop on sustainability (extended version)

2. Documents approved as regular items:

2.1. For publication:

- BoR (21) 22 BEREC BoR Agenda
- BoR (21) 30 BEREC Opinion on the revision of the Broadband Cost Reduction Directive (BCRD)
- BoR (21) 31 Report on the public consultation on the draft BEREC Guidelines on the consistent implementation of the obligations established in Article 22 (2), 22 (3) and 22 (4) of the EECC (carry-over)
- BoR (21) 32 BEREC Guidelines on the consistent implementation of the obligations established in Article 22 (2), 22 (3) and 22 (4) of the EECC (carry-over)
- BoR (21) 35 BEREC Opinion on the EC Digital Markets Act
- BoR (21) 41 Agenda BEREC Workshop on Market Entry
- BoR (21) 39 BEREC Report summarising conclusions from the internal workshop on sustainability (public)

2.2. For internal use:

- BoR (21) 37 Scoping document on the BEREC Opinion on the national implementation and functioning of the general authorisation
- BoR (21) 38 Scoping document on the BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society

3. Documents submitted for public consultation:

- BoR (21) 33 Report on the harmonised definitions for indicators regarding OTT services, relevant to electronic communications markets

- BoR (21) 34 BEREC Report on the ex-ante regulation of digital gatekeepers
- BoR (21) 36 Report on how to handle third-party payment charges on mobile phone bills

4. Documents submitted for information purposes:

- BoR (21) 27 Division of tasks among Miniboard
- BoR (21) 18 Contact lists pack
- BoR (21) 19 Information on the electronic voting procedures since the last plenary meeting
- BoR (21) 28 Information on planned electronic voting procedures between P1 and P2
- BoR (21) 29 2021 BEREC Work Programme status update
- BoR (21) 01 Outline of the BEREC Work Programme 2022

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, as well as BEREC's recent and forthcoming international activities. In addition, the BoR was updated on the progress of work of the Ad Hoc WG on Sustainability, OI WG, and 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. A short video message from Commissioner Breton was presented to the BoR members.

6. Next Meeting

The next Ordinary Plenary Meeting will take place on **10-11 June and will be held 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 46th Ordinary Plenary Meeting virtually on 11 March 2021.

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 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) 22 Draft BEREC BoR Agenda
Introduction by	BEREC Chair (BIPT)
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">– Rita Wezenbeek (Director at DG CONNECT, EC);– Robert Mourik (Commissioner at ComReg);– Laure de La Raudière (Chairwoman of ARCEP);– Lorenc Bako (Board Member at AKEP);– Jeton Akiku (Director of AEC). <p>The BEREC Chair opened the Meeting and presented the draft Agenda for approval by the BoR. The BEREC Chair invited participants to suggest any additional issues to be raised or presented under “Any Other Business” (AOB).</p>
Conclusions	The BoR adopted the agenda without changes.

2 List of ‘A’ items

Document(s)	<u>Approval for publication:</u> BoR (21) 23 Draft 26th BEREC International Roaming Benchmark Data Report - 1 April 2020 to 30 September 2020
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	<p><u>Approval for internal use:</u></p> <p>BoR (21) 24 Draft BERECNet + Governance Paper</p> <p>BoR (21) 25 Draft Report on a preliminary assessment of the transition to IPv6 in Europe and a proposal for the next steps by BEREC on the matter</p> <p>BoR (21) 26 Draft BEREC Report summarising conclusions from the internal workshop on sustainability (extended version)</p>
Introduction by	BEREC Chair (BIPT)
Information presented	<p>The BEREC Chair presented the list of 'A' items, as set out above. The list of 'A' items has been drawn up based on 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 they can make statements for the minutes on any of the '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>
Conclusions	The BoR approved the documents included in the 'A' item list.

3 Information From the BEREC Chair

Document(s)	BoR (21) 27 Division of tasks among Miniboard
Introduction by	BEREC Chair (BIPT)
Information presented	<p>Each year, during the first BoR meeting of the year, the BEREC Chair communicates the division of tasks within the Miniboard to the BoR and the co-chairs. At its meeting held on 13 November 2020 the Miniboard split the tasks among its members. The BEREC Chair briefed the BoR members about the division of tasks among the BEREC Vice-Chairs and the approach taken.</p> <p>In addition, the BEREC Chair reflected on the positive achievements of 2020 and stressed that despite the pandemic, all milestones have been achieved. The BEREC Chair emphasised important milestones and key priorities for 2021. Lastly, the BEREC Chair thanked NRAs for their constructive cooperation with the significant amount of e-clearance procedures in January.</p>
Conclusions	The BoR took note of the information.

4 Information from the BEREC Office

Document(s)	<p>BoR (21) 18 Contact lists pack</p> <p>BoR (21) 19 Information on the electronic voting procedures since the last plenary meeting</p> <p>BoR (21) 28 Information on planned electronic voting procedures between P1 and P2</p> <p>BoR (21) 29 2021 BEREC Work Programme status update</p>
Introduction by	BEREC Office Representative
Information presented	The BEREC Office presented to the BoR the information summary of 2020 regarding BEREC Deliverables and briefed the participants on the number

	<p>of WG meetings, their formats and the expert participation/reimbursement aspects.</p> <p>The BEREC Office presented to the BoR the updated contact lists for the BEREC Heads, CN members and the BEREC Office, the recent and planned electronic voting procedures and implementation status of the 2021 BEREC Work Programme (WP-2021).</p> <p>The representative of BEREC Office briefed the BoR members about the following topics:</p> <ul style="list-style-type: none"> - Environmental Footprint of BEREC and BEREC Office in 2020; - List of ICT tools delivered in 2020; - BEREC Office survey on WGs; - Training in 2021; - Studies on consumer behavior on digital platforms, sustainability and AGM for organising meetings; - Post-COVID measures to close the digital divide.
Conclusions	The BoR took note of the information.

5 Information from the Commission

Document(s)	No documents
Introduction by	Commissioner for the Internal Market Commission Representative
Information presented	<p>A short video message from Commissioner Breton was presented to the BoR members. The Commissioner welcomed the BoR participants on the first Plenary meeting of 2021. He mentioned in particular the recently adopted Digital Decade Communication that sets out the Commission's vision for the digital transformation of Europe and provides targets to be achieved by 2030. The Commissioner was counting on BEREC's and NRAs' support to achieve these targets. The Commissioner highlighted the importance of the European Electronic Communications Code (EECC) to promote high capacity networks and the importance of regulatory actions reflecting support of this objective.</p> <p>The Commissioner addressed BEREC's interest in the Digital Platforms Regulation and thanked for the received contribution. The Commissioner reflected on the Digital Markets Act and its focus on economic aspects as well as goal to ensure fair, open, and competitive markets by tackling the gatekeepers. The Commissioner addressed the high market value price of the gatekeepers, a need for EU tools, including on enforcement, to increase competitive control in the digital market, the importance for the Commission to engage with national authorities without telling Member States which authority should be in charge, and the importance of DMA's future-proof mechanisms. Finally, the Commissioner welcomed the efforts started regarding sustainability.</p> <p>In addition, the representative of the Commission (Roberto Viola) briefed the BoR participants about the digital transformation after the COVID</p>

	<p>pandemic and what impacts it has made while highlighting identified responsibilities as well as the political landscape of the European Union.</p> <p>The representative of the Commission informed the BoR participants about the Digital Decade Communication, including the planned Policy Programme and Digital Principles proposal and the Digital Decade Operations. He briefed the participants on the envisaged targets (skills, infrastructures, business and government). Note that an information paper on the main Commission activities in the area of electronic communications was submitted to the BoR for information before the meeting.</p>
Conclusions	The BoR took note of the information.

6 Fixed Network Evolution

Document(s)	BoR (21) 30 Draft BEREC Opinion on the revision of the Broadband Cost Reduction Directive (BCRD)
Introduction by	FNE WG Co-Chair (RTR)
Information presented	<p>The European Commission asked BEREC to provide an opinion on the revision of the BCRD at the end of October 2020. The draft BEREC opinion answers the 40 questions structured in 10 sections of the Commission's questionnaire. The FNE WG received input from the WNE WG, SUS AH WG and SI WG.</p> <p>In June 2020, the European Commission published a roadmap concerning the review of the Broadband Cost Reduction Directive (BCRD). The FNE WG Co-Chair presented to the BoR the draft BEREC Opinion on the revision of the BCRD. This Opinion is based on previous work related to this topic, as well as the experiences gained by NRAs with the BCRD, in particular as a dispute settlement body and single information point at the national level. The main focus of the draft Opinion is on the topics requested by the European Commission which also include wireless networks (e.g. 5G) and sustainability aspects.</p>
Conclusions	The BoR approved the document for publication and submission to the European Commission.

7 Open Internet - Oral update on the state of play regarding the NN Tool

Document(s)	No document
Introduction by	OI Co-Chair (ILR)
Information presented	<p>The Co-Chairs briefed the BoR on the status update on the BEREC NN Tool. The Co-Chairs informed the BoR that BEREC work on the NN tool project has stopped and that the BEREC Office continues to pay for an (interim) maintenance contract until the end of March 2021. The Co-Chairs also informed the BoR that the source code is uploaded to GitHub, so the NRAs that are interested can utilise the source code.</p> <p>In addition, the Co-Chairs informed the BoR on other measurement-related workstreams, and ongoing collaboration between the NRAs, to improve their respective tools or introduce a new tool. Also, the Co-Chairs provided an update on the regulatory assessment methodology.</p>
Conclusions	The BoR took note of the information.

8 Statistics and Indicators

8.1 Draft BEREC Guidelines on the consistent implementation of the obligations established in Article 22 (2), 22 (3) and 22 (4) of the EECC (carry-over)

<p>Document(s)</p>	<p>BoR (21) 31 Draft Report on the public consultation on the draft BEREC Guidelines on the consistent implementation of the obligations established in Article 22 (2), 22 (3) and 22 (4) of the EECC (carry-over)</p> <p>BoR (21) 32 Draft BEREC Guidelines on the consistent implementation of the obligations established in Article 22 (2), 22 (3) and 22 (4) of the EECC (carry-over)</p>
<p>Introduction by</p>	<p>Sal Co-Chair (CNMC)</p>
<p>Information presented</p>	<p>These draft guidelines are provided by BEREC in response to the task set in Article 22 (7) of the Directive (EU) 2018/1972 of the European Parliament and of the Council of 11th December 2018 establishing the European Electronic Communications Code (hereinafter EECC) to assist national regulatory authorities (NRAs) and/or other competent authorities (OCAs) on the consistent application of geographical surveys of network deployments (hereinafter GS of ND). According to Article 22 of the EECC, NRAs and/or other competent authorities shall conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband (“broadband networks”) by 21 December 2023 and shall update it at least every 3 years.</p> <p>In March 2020, BEREC issued the core Guidelines (BEREC Guidelines on Geographical surveys of network deployments – BoR (20) 42) that dealt with the consistent application of the obligation for NRAs/OCAs to provide for geographical surveys of the reach of electronic communications networks capable of delivering broadband, and the forecasts of the reach of broadband networks, including very high capacity networks (VHCNs), that the authorities may undertake.</p> <p>The current Draft Guidelines complement BoR (20) 42 and deal with the consistent implementation of Article 22, paragraphs 2, 3 and 4. These parts describe optional policies that NRAs/OCAs may undertake to inform private and public agents of the non-availability of VHCN networks in areas with precise boundaries (“designated areas”), and to invite agents to declare their intentions to deploy VHCNs in these areas.</p> <p>The draft BEREC Guidelines were publicly consulted on from 6 October to 5 November 2020. BEREC received 6 contributions from the operators and operator associations. Most of them showed a broad agreement with the Draft Guidelines and expressed several concerns regarding the proportionality of Art. 22, confidentiality, coordinated effects of the procedures and penalties described in Art. 29 EECC. Stakeholders also expressed valid concerns about the length of the periods in the invitation procedures, so the final Guidelines propose longer periods to respond to public consultations: at least 60 days and at least two weeks between the publication of designated areas and the first invitation. BEREC has taken</p>

	<p>into account the public consultation submissions, which have improved the accuracy of the text in the Guidelines.</p> <p>The WG Co-Chairs presented to the BoR the summary of the outcomes of the public consultation, as well as the final draft BEREC Guidelines on the consistent implementation of the obligations established in Article 22.</p>
Conclusions	The BoR approved the document for publication.

8.2 Draft Report on the harmonised definitions for indicators regarding OTT services, relevant to electronic communications markets

Document(s)	BoR (21) 33 Draft Report on the harmonised definitions for indicators regarding OTT services, relevant to electronic communications markets
Introduction by	Sal Co-Chair (ANCOM)
Information presented	<p>Article 2 of the EEC provides a broad definition of interpersonal communications services (hereinafter, ICS). Article 20 of the EEC provides the legal power needed to collect data from providers of number-independent interpersonal communications services (hereafter NI-ICS). Moreover, Article 20 EEC also provides the legal basis to request data from services that are not electronic communication services or networks, insofar these requests are substantiated and proportionate.</p> <p>These new data collection powers apply to all National Regulatory Authorities (NRAs) and Other Competent Authorities (OCAs), increasing the need for the harmonisation of indicators' definitions and metrics. This harmonisation would facilitate the data collection regarding OTT services, relevant to electronic communication markets by NRAs and make it easier for the service providers to report data, allowing for a consistent aggregation of the data, as well as international comparison.</p> <p>The Co-Chair informed the BoR that the report is meant to identify and define relevant indicators for NRAs concerning OTT services, which are useful for performing their regulatory tasks and proportionate to collect. The focus of the report is on NI-ICSs (voice, video and messaging provided over the internet) and video-streaming services.</p> <p>The Co-Chair also provided an overview of indicators, informing the BoR that 15 indicators will be the subject of the public consultation. Finally, Co-Chairs informed the BoR that stakeholders are considerate of the work done and willing to further collaborate with BEREC.</p>
Conclusions	The BoR approved the document for public consultation.

9 Planning & Future Trends

Document(s)	BoR (21) 01 Outline of the BEREC Work Programme 2022
Introduction by	Incoming BEREC Chair (ACM)
Information presented	<p>The BEREC Regulation states that the Board of Regulators shall adopt the outline of the annual work program by 31 January of the year preceding that to which the annual work program relates.</p> <p>The Outline of the BEREC Work Programme 2022 was adopted on 27 January 2021 and subsequently submitted to the European Commission, the European Parliament and the Council of the EU.</p>

	<p>The Incoming BEREC Chair informed the BoR on the content of the outline, adding that some additional suggestions concerning DMA/DSA, sustainability, wholesale mobile access have been received.</p> <p>The Incoming BEREC Chair also presented to the BoR the next steps on the development of BEREC Work Programme 2022 and informed the BoR that the deadline for the input from CN and Co-Chairs is 2 April 2021. Also, she informed the BoR that the call for input from stakeholders will be launched on Public debriefing on 17 March 2021, and the deadline will be 19 April 2021.</p> <p>In addition, the Incoming BEREC Chair presented an overview of the programme for the Stakeholder Forum, which will take place on 1 April 2021. She also informed the BoR that the Second Stakeholder Forum of the year will be held on 28 October 2021 in Brussels.</p>
Conclusions	The BoR took note of the information.

10 Market and Economic Analysis

10.1 Draft BEREC Report on the ex-ante regulation of digital gatekeepers

Document(s)	BoR (21) 34 Draft BEREC Report on the ex-ante regulation of digital gatekeepers
Introduction by	MEA WG Co-Chairs (CNMC/ARCEP)
Information presented	<p>The MEA WG Co-Chairs briefed the BoR members about the context of the Opinion paper on the DMA and Report on digital gatekeepers. This Report is a continuation of the assessment already done by BEREC on 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. The MEA WG Co-Chairs presented to the BoR members the objectives and the main findings of the Opinion on the DMA and the Draft Report on the ex ante regulation digital gatekeepers. Likewise, the MEA WG Co-Chairs reflected on the discussion held during the CN1:</p> <ul style="list-style-type: none"> - NI-ICS and that its inclusion among the CPSs should be considered with caution; - NIAs Advisory Board agreed not to propose to integrate it in the DMAC; - A need to further develop BEREC's position on the protection of end-users' interests. <p>The MEA WG Co-Chairs informed the BoR members about the CN feedback and comments received from the NRAs that contained suggestions, introduced new ideas and raised new questions.</p> <p>The MEA WG Co-Chairs outlined the main findings of the BEREC Opinion on the DMA and Report on the ex-ante regulation of digital gatekeepers:</p> <ul style="list-style-type: none"> - Reinforce the DMA measures on market contestability; - Ensure that digital environments remain open and develop as an engine of innovation;

	<ul style="list-style-type: none"> - Be cautious about including NI-ICS, already regulated under the EECC. Further analysis will be carried out; - Set guidelines for qualitative GK designation, also allowing for national gatekeepers; - Create a regulatory framework to build sound knowledge and detailed understanding of the sector(s); - Ensure a constant regulatory dialogue with all types of relevant stakeholders; - Clarify the directly-applicable obligations; - Allow for case-by-case tailoring of remedies; - Set up dispute resolution mechanisms; - Provide support by NIAs to EU authority for monitoring, enforcement, dispute resolution and remedies design; - Establish an Advisory Board for harmonising NIAs support. <p>Finally, the MEA WG Co-Chairs informed the BoR regarding the plan to organize the BEREC Workshop on end-users. The Co-Chairs noted that this Workshop would complement the workshop on market entry (business users/competitors' perspective and constitute a relevant contribution to the debate, complementing NCAs's position which is only indirectly addressing the issues concerning end-users.</p>
Conclusions	The BoR approved the document for public consultation.

10.2 BEREC Opinion on the Digital Markets Act

Document(s)	BoR (21) 35 Draft BEREC Opinion on the EC Digital Markets Act
Introduction by	MEA WG Co-Chairs (CNMC/ARCEP)
Information presented	<p>The European Commission proposed a legislative initiative for the Digital Markets Act (DMA) on 15 December 2020.</p> <p>During the CN meeting held on 11-12 February 2021, the Co-Chairs presented the draft BEREC Opinion on the Digital Markets Act and requested steering from the CN on the questions of the regulation of NI-ICS in the DMA proposal and on the institutional set-up of the Advisory Board consisted of NRAs, in relation to DMAC.</p> <p>The draft BEREC opinion on the Digital Markets Act presents BEREC's assessment of the EC's proposal.</p> <p>The Co-Chairs presented the final draft of the opinion to the BoR for discussion and approval for publication.</p>
Conclusions	The BoR approved the document for publication.

10.3 Draft agenda BEREC Workshop on Market Entry

Document(s)	BoR (21) 41 Draft agenda BEREC Workshop on Market Entry
Introduction by	MEA WG Co-Chairs (CNMC/ARCEP)
Information presented	One of the key objectives for the DMA is market contestability. On this, encouraging market entry is fundamental, and is an issue where BEREC can contribute based on its experience opening ECS markets to competition. In this context, the MEA-WG considered it adequate to

	organise a workshop with members of the EU institutions (EP (ITRE) and EC) and some key alternative digital platforms that may use regulatory measures to compete with large platforms. In this regard, the workshop would aim to collect input from stakeholders' associations, analyse the problems that the competitors of large platforms/gatekeepers current face related to market entry, and to what extent the DMA proposal is an accurate instrument to address these problems and hear about their proposals for improvement.
Conclusions	The BoR approved the document for publication.

11 End-User

Document(s)	BoR (21) 36 Draft Report on how to handle third-party payment charges on mobile phone bills
Introduction by	End-User WG Co-Chair (AGCOM)
Information presented	The Co-Chairs presented the objectives of the third-party payments project to the BoR participants and informed them about the structure and the content of the draft report on how to handle third-party payment charges on mobile phone bills. The Co-Chairs informed the BoR participants that the Draft Report basically consists of two parts, namely the overview of the major issues identified and data on the consumer protection measures in place. The Co-Chairs presented a data extract from the report concerning information and transparency obligations, on who has an obligation to refund the consumer, and for which kind of third party services a blocking facility on request is available. Finally, the Co-Chairs presented the key elements of the project to date and sought the BoR's approval to submit the draft for public consultation. Publication of the final report is planned after Plenary 3 2021.
Conclusions	The BoR approved the document for public consultation.

12 Regulatory Framework

12.1 The draft scoping document on the BEREC Opinion on the national implementation and functioning of the general authorisation

Document(s)	BoR (21) 37 Draft scoping document on the BEREC Opinion on the national implementation and functioning of the general authorisation
Introduction by	RF WG Co-Chair (AGCOM)
Information presented	The EECC in Article 122 (3) states that BEREC shall, by 21 December 2021 and every three years thereafter, publish an opinion on the national implementation and functioning of the general authorisation, and their impact on the functioning of the internal market. The Co-Chairs briefed the BoR about the workflow of 2021. Likewise, the Co-Chairs informed the BoR about the scope of the opinion on the national implementation and functioning of the general authorisation, suggesting P2 for the launch of a call for inputs and P4 for approval of the draft opinion.
Conclusion	The BoR approved the document for internal use.

12.2 The draft scoping document on the BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society

Document(s)	BoR (21) 38 Draft scoping document on the BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society
Introduction by	RF WG Co-Chair (NMHH)
Information presented	<p>The COVID-19 pandemic has had a significant impact on European electronic communications markets. As lockdown measures were introduced across the European Union during the spring of 2020, the demand for electronic communication services and the requested capacity of electronic communications networks spiked significantly. The crisis has demonstrated that connectivity is essential and a must-have for all parties of society. As there is no clear sign of the end of the pandemic and it seems that increased use of the networks might be a new norm, there is a reason for BEREC to monitor the situation.</p> <p>The Co-Chairs informed the BoR about the scope and lessons learned regarding the Draft scoping document on the BEREC Report on COVID-19 crisis, noting measurements adopted at national levels, assessment of the impact of the crisis, collection of case studies and identification of further necessary measures that would contribute to the NRA preparedness. Likewise, the Co-Chairs proposed to submit the Draft scoping document for public consultation at P2 and to adopt the final report for publication at P4.</p>
Conclusions	The BoR approved the document for internal use.

13 Ad Hoc WG on Sustainability

13.1 Draft BEREC Report summarising conclusions from the internal workshop on sustainability

Document(s)	BoR (21) 39 Draft BEREC Report summarising conclusions from the internal workshop on sustainability (public)
Introduction by	SWG Co-Chair (ARCEP)
Information presented	<p>The Sustainability WG aims to develop the knowledge of NRAs and BEREC about the impact of the digital sector on the environment.</p> <p>In this regard, the SWG Co-Chairs will present to the BoR a summarised version of the report for public use. The report summarises the outcomes of the internal workshop on sustainability held on 5-6 October 2020.</p> <p>The report revealed key learnings regarding the significance of internet traffic, the rebound effect, and the need to focus on the most efficient available infrastructures and technologies for sustainability purposes. Likewise, the report presented that the consumption of raw materials and emissions produced due to device manufacturing can be higher than the emissions needed to run the devices and that there is a lack of standardised data collection and measurement methodologies.</p>
Conclusions	The BoR approved the document for publication.

13.2 Oral update on the external study on sustainability

Document(s)	No documents
Introduction by	SWG Co-Chair (CTU)
Information presented	<p>In addition to addressing sustainability issues related to the technical operations of BEREC/the BEREC Office, the ad hoc group should consider the wider remit of BEREC's/NRAs' work within the telecommunication sector. In this regard, the BEREC 2021 – 2025 strategy states that BEREC could develop “an understanding of how to reduce the carbon footprint, a topic which is gaining importance in the digital sector”.</p> <p>The external study on sustainability shall provide BEREC and NRAs with key information that may become a decision support tool in the field of sustainability within their mandate. The study should also determine the impact on the environment of the digital sector, in general, and of the electronic communication sector, in particular.</p> <p>The Co-Chairs briefed the BoR on the ongoing work on the external study on sustainability.</p> <p>The Co-Chairs informed the BoR on the scope of the work, emphasizing that the focus of the study is on the electronic communications sector, systemic and dynamic view of the issue and life cycle approach.</p> <p>Besides, the Co-Chairs presented the research questions that have been defined.</p>
Conclusions	The BoR took note of the information.

14 BEREC international cooperation

Document(s)	No document
Introduction by	BEREC Chair responsible for international activities (PTS)
Information presented	<p>The BEREC Vice-Chair responsible for international activities briefed the BoR about recent and forthcoming BEREC international activities.</p> <p>He briefed the BoR about the preparations made on the Mid-term strategy for international and institutional collaboration, on which the PFT WG is working on. A draft document will be presented at the workshop planned for Plenary 2 2021. The final draft strategy will be submitted for approval for Plenary 3 2021. He highlighted that the Mid-term strategy will provide a predictable and strategic approach concerning BEREC international cooperation.</p> <p>The BEREC Vice-Chair responsible for international activities briefed the BoR about the cooperation with MoU partners. He noted that in times of pandemic the cooperation is challenging.</p> <p>The BEREC Vice-Chair responsible for international activities reported about the summit planned for Plenary 3 2021. He highlighted that it needs to be seen how it will be organised, since it all depends on the pandemic situation.</p>
Conclusions	The BoR took note of the information.

15 Exchange of regulatory experience

Document(s)	No documents
Introduction by	Representatives of NRA (BNetzA)
Information presented	<p>The representative of BNetzA informed the BoR about the newly established Unit, named “Net Neutrality, Platform Monitoring, Artificial Intelligence” with its sub-department called “Internet, Digitalisation Issues, Market Analysis”. The representative of BNetzA informed the BoR about the rationale behind the formation of the unit by highlighting the importance of core business, telecom target markets, the role of the data, OTT-1 (NIICS), and the role of BNetzA. The representative of BNetzA informed the BoR about the main topics of activity and the importance of the data economy, access to data and data analysis capabilities as well as the main BNetzA activities. Likewise, the representative of BNetzA informed the BoR about the regulation of digital platforms noting the new rules, public consultations launched by BNetzA, and the results that have been incorporated in BNetzA's s proposal for a new European regulatory framework. The representative of BNetzA briefed the BoR about the aim of blockchain technology, a European blockchain infrastructure, and the discussion paper published by BNetzA on the blockchain technology in the telecom and energy sectors and the launched public consultations.</p> <p>Also, the representative of BNetzA highlighted the importance of Artificial Intelligence, a common understanding of the essential AI terms, BNetzA's planned market consultation that will take place at the end of March 2021 as well as the planned conference on AI in the regulated network sectors. Lastly, the representative of BNetzA highlighted the importance of embracing digitalization in SME and the Franco-German GAIA-X initiative and the key issues of the initiative.</p>
Conclusions	The BoR took note of the information.

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Information on the 47th BoR ordinary meeting and workshop (9-11 June, virtual)

Document(s)	No documents
Introduction by	BEREC Chair (BIPT)
Information presented	The BEREC Chair informed the BoR that the next BoR ordinary meeting and workshop will be virtual, in the light of the current pandemic and ongoing travel restrictions.
Conclusions	The BoR took note of the information.