

51st Ordinary Plenary Meeting of the BEREC Board of Regulators (BoR)

Hosted in a hybrid format

Conclusions

Chair: Annemarie Sipkes

Director of Telecommunications, Transport and Postal
Services Department
Netherlands Authority for Consumers and Markets (ACM)

9 June 2022

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Main Results of the 51st Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 51st Ordinary Plenary Meeting virtually on 8-10 June 2022.

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

1. Documents approved as ‘A’ items

1.1 For publication:

- BoR (22) 68 BEREC Report on the outcome of the public consultation on the Draft BEREC Report on a consistent approach to migration and copper switch-off
- BoR (22) 69 BEREC Report on a consistent approach to migration and copper switch-off
- BoR (22) 70 BEREC Report on WACC parameters 2022
- BoR (22) 71 Report on the outcome of the public consultation on the Draft Report on the Update to the BEREC Net Neutrality Regulatory Assessment Methodology
- BoR (22) 72 Report on the Update to the BEREC Net Neutrality Regulatory Assessment Methodology
- BoR (22) 73 Report on the monitoring of the termination rates for mobile and fixed voice calls

2. Documents approved as regular items:

2.1. For publication:

- BoR (22) 32 BEREC Report on the outcome of the public consultation on the Draft BEREC Report on the regulatory treatment for fixed and mobile backhaul
- BoR (22) 78 BEREC Annual Reports 2021
- BoR (22) 80 Report on the outcome of the public consultation on the Update to the BEREC Guidelines on the Implementation of the Open Internet Regulation
- BoR (22) 81 Update to the BEREC Guidelines on the Implementation of the Open Internet Regulation
- BoR (22) 89 BEREC Report on national resilience of network operations (public version)
- BoR (22) 92 BEREC Report on the outcomes of Public Consultation on the Draft BEREC Report on Sustainability: Assessing BEREC’s contribution to limiting the impact on the environment

- BoR (22) 93 BEREC Report on Sustainability: Assessing BEREC's contribution to limiting the impact of the digital sector on the environment.

2.2. For internal use:

- BoR (22) 95 BEREC Report on the monitoring of measures in relation to the war in Ukraine
- BoR (22) 82 PRD on the Assessment of the IP interconnection ecosystem and impact of the potential sending-party-pays principle ("OTT fair share") on this ecosystem and on end-users
- BoR (22) 89 BEREC Report on national resilience of network operations (internal version).

2.3. For public consultation:

- BoR (22) 83 Draft Report on satellite connectivity for universal service
- BoR (22) 87 Draft BEREC Report on the internet ecosystem
- BoR (22) 88 Draft BEREC Guidelines on the new Roaming Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines)
- BoR (22) 90 Draft BEREC Report on measures for ensuring equivalence of access and choice for disabled end-users.

3. Documents submitted for information purposes:

- BoR (22) 74 Schedule for the election of BEREC Chair 2024 and Vice-Chairs 2023
- BoR (22) 75 Contact lists pack
- BoR (22) 76 Information on the electronic voting procedures since the last plenary meeting
- BoR (22) 77 Information on planned electronic voting procedures between P2 and P3
- BoR (22) 79 2022 BEREC Work Programme status update
- BoR (22) 84 List of proposed items for the WP 2023
- BoR (22) 94 Preliminary schedule of the ordinary BoR and MB meetings and Contact Network (CN) meetings and public debriefings in 2023
- BoR (22) 85 Consolidated report on the outcome of the BEREC 2030 break-out sessions
- BoR (22) 91 Progress document on the BEREC Databases of numbering ranges for value-added services and means of access to emergency services for roaming users.

4. Other main topics discussed

The BoR was briefed on the recent activities of the BEREC Chair, important projects carried out by the BEREC Office in support of BEREC and BEREC's recent and forthcoming international activities. The BoR was also informed about the development of the BEREC Work Programme 2023. In addition, the BoR Members received an update concerning the war in Ukraine and the actions in support to Ukraine. Furthermore, the BoR was briefed on the work of the OI WG and RF WG, as well as regulatory exchange on robust transmission networks for Norway as part of

the 2030 Agenda. 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.

5. Next Meeting

The next Ordinary Plenary Meeting of the BoR will take place on **6-7 October 2022 in Salzburg, Austria.**

Introduction and participation

The BEREC Board of Regulators held its 51st Ordinary Plenary Meeting in a hybrid format on 8-10 June 2022.

The Meeting was attended by the Heads and/or high-level Representatives of the National Regulatory Authorities 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 the 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 (22) 67 Draft BEREC BoR Agenda
Introduction by	BEREC Chair (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
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 adopted the agenda without changes.

2 List of ‘A’ items

Document(s)	Approval for publication: BoR (22) 68 BEREC Report on the outcome of the public consultation on the Draft BEREC Report on a consistent approach to migration and copper switch-off BoR (22) 69 Draft BEREC Report on a consistent approach to migration and copper switch-off BoR (22) 70 Draft BEREC Report on WACC parameters 2022 BoR (22) 71 Draft Report on the outcome of the public consultation on the Draft Report on the Update to the BEREC Net Neutrality Regulatory Assessment Methodology BoR (22) 72 Draft Report on the Update to the BEREC Net Neutrality Regulatory Assessment Methodology
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	BoR (22) 73 Draft Report on the monitoring of the termination rates for mobile and fixed voice calls
Introduction by	BEREC Chair (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
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 the BoR's 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, asked the BoR to approve the documents in the list of 'A' items.
Conclusion	The BoR approved the documents included in the 'A' item list.

3 Information from the BEREC Chair including information on the election of the BEREC Chair 2024 and Vice-Chairs 2023

Document(s)	BoR (22) 74 Schedule for the election of the BEREC Chair 2024 and Vice-Chairs 2023
Introduction by	BEREC Chair (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
Information presented	The BEREC Chair briefed the BoR about recent developments and important meetings she participated in. She thanked the Co-Chairs for their input and preparing responses to questions for those meetings and discussions, especially on cybersecurity and issues concerning fair share. She briefed the BoR on the situation in regard to Ukraine. Firstly she mentioned the previous BEREC work done by the OI and Roaming WGs. Secondly, she reported on the ongoing discussions with the EC, based on the Ukrainian National Regulatory Authority NCEC's request concerning the rebuilding of their telecommunication infrastructure. Lastly, she informed the BoR about the newly adopted EC decision on Ukraine's future participation in BEREC's work as a participant without voting rights. NCEC will be participating in BEREC's meetings as of Plenary 3 2022. In addition, she illustrated the schedule for the election of the BEREC Chair 2024 and Vice-Chairs 2023. The BEREC Chair reported that the Chair will circulate the date of the election and will launch a call for candidates at least three months in advance of the election – by 5 July at the latest. The deadline for submission of candidacies for the Incoming BEREC Chair (BEREC Chair 2024) will be 8 August, while for the candidacies for additional Vice-Chairs and the Representative of participants without voting rights to the Mini-Board, it will be 6 September. The BEREC Chair explained that candidates must submit their applications in writing to the BEREC Office and that detailed instructions on the procedure with relevant templates to be filled in will be circulated in the launching E-mail. The election will take place on 6 October, on the occasion of the penultimate Ordinary Meeting of the year.
Conclusion	The BoR took note of the information

4 Update on the war in Ukraine

Document(s)	No document
Introduction by	BEREC Chair (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl) Chairman of NCEC Alexander Zhyvotovskyy (alexander.zhyvotovskyy@nkrzi.gov.ua)
Information presented	The Representative of the Ukrainian NRA NCEC presented the structure of and basic information about the telecommunications market in Ukraine. He reported on the damage to the telecommunications infrastructure caused by the Russian invasion and its costs. The Representative of the NCEC expressed thanks for the support and for accession to BEREC as a participant without voting rights. He noted that connectivity and telecommunications services are important in peace time and even more important during war time.
Conclusion	The BoR took note of the information.

5 Oral update regarding the actions in support to Ukraine

Document(s)	BoR (22) 95 Draft BEREC Report on the monitoring of measures in relation to the war in Ukraine
Introduction by	Roaming WG Co-Chairs (RTR/EETT) Elisabeth Felber (elisabeth.felber@rtr.at) Ioanna Choudalaki (ichoudalaki@eett.gr) NCEC Representative Liliia Malon (malonlilia@gmail.com)
Information presented	The Representative of the NCEC gave a presentation on the assistance provided to Ukrainian refugees to keep them connected. She noted that people and connectivity between them are important. She presented key figures on the refugees fleeing the war. She also recalled the Joint Statement (JS) concluded between the EU and Ukrainian operators and its purpose. The Representatives of the NCEC informed the BoR how the JS was implemented by the UA operators. She reported the need to review the JS by 8 July 2022 and said that consideration is being given as to how these measures could be sustained in the long term. She underlined that it is important to create a common roaming space between Ukraine and the EU. The Roaming WG Co-Chairs presented to the BoR the results of the second monitoring exercise. They reported that this time, the questionnaire was more extensive and covered retail measures, wholesale roaming rates & volumes and termination rates & volumes. In total, 111 mobile operators and 74 fixed operators from the EU and 3 mobile operators from Ukraine provided their inputs. The Co-Chairs highlighted that the operators offered measures immediately after the war broke out, mainly free or very low prices, free SIM cards, free Wi-Fi and extra capacity in camps and border regions, etc. They reported that Ukrainian operators passed low wholesale rates on to end-users and provided “roam like at home” for refugees roaming in the EU and free or very cheap international calls to the EU.

	The Co-Chairs asked to publish the Report with aggregated and averaged data, as many operators said that the data provided are confidential.
Conclusion	The BoR approved the Report for internal use with a view to continuing the work on the public version.

6 Information from the BEREC Office (BO)

Document(s)	BoR (22) 75 Contact lists pack BoR (22) 76 Information on the electronic voting procedures since the last plenary meeting BoR (22) 77 Information on planned electronic voting procedures between P2 and P3 BoR (22) 78 draft BEREC Annual Reports 2021 BoR (22) 79 2022 BEREC Work Programme status update
Introduction by	BEREC Office Representative Panos Karaminas (Panos.KARAMINAS@bereg.europa.eu)
Information presented	The BEREC Office submitted to the BoR, for information, the updated contact lists for the BEREC heads, CN members and the BEREC Office, the details of recent and planned electronic voting procedures and reported on the implementation status of the 2022 BEREC Work Programme. The Representative of the BEREC Office updated the BoR members about ongoing projects and in particular: <ul style="list-style-type: none"> • New Phase II Case PL/2022/2370 and PL/2022/2371; • WGs activities in 2022; • Greening BEREC and the BO; • BO audit by IAS on the support to WGs; • Results of the BEREC Office survey on the quality of support to WGs; • Authorisation Database; • Studies on ‘Business Services’, ‘Independence of NRAs’ and ‘Chair’s study on wholesale mobile access connectivity, trends and issues for emerging mobile technologies and deployments’; • BEREC Annual Reports 2021.
Conclusion	The BoR took note of the information. The BoR approved the BEREC Annual Reports 2021 for publication and submission to the EU institutions.

7 Information from the European Commission (EC)

Document(s)	No document
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 and latest developments in the area of electronic communications, in particular: <ol style="list-style-type: none"> 1. The Proposal for a Data Act was adopted on 23 February 2022. A first reading has been completed in the Council, while

	<p>examination in the European Parliament has been delayed. The Commission welcomes BEREC's statement in this respect and welcomes further input, bearing in mind the potential impact on BEREC's future work;</p> <ol style="list-style-type: none"> 2. The European Parliament and the Council reached a political agreement on 24 March 2022 on the Digital Markets Act (DMA) and the Digital Services Act (DSA). The political agreement is now subject to formal approval by the two co-legislators. The EC supported a continuation of the discussions on interoperability. Regarding the initiated work to create a High-level group within the DMA, she pointed out that BEREC should be one of the members. She also reported that the Commission is in the process of establishing a Digital Market Advisory Committee; 3. On 13 May 2022, the co-legislators reached a political agreement on the Directive on the Security of Network and Information Systems (NIS2). Cybersecurity is at the top of the agenda for the Commission, so the enhanced cooperation between BEREC and ENISA is very much welcomed. 4. The Council has adopted a position on the Digital Policy Programme, so the Parliament got the green light to start the negotiations in trialogues. Once it is adopted, the Commission would start giving guidance to the Member States on national strategic roadmaps, since at the end of the year or beginning of next year, Member States would be expected to submit Digital Strategic Roadmaps taking into account the targets of the Digital Policy Programme. 5. On the review of the Broadband Cost Reduction Directive (BCRD) and Access Regulation, she explained that the final analyses are taking place, in order to assess its effects on the broader context of connectivity, taking into account investments needed and new technologies that need to be developed. The draft new Recommendation is planned to be submitted for an opinion to BEREC as soon as possible after the internal decision-making process is completed. The Commission is aware that BEREC should have enough time for a thorough assessment before providing its opinion.
Conclusion	The BoR took note of the information.

8 Open Internet (OI)

8.1 Draft Update to the BEREC Guidelines on the Implementation of the Open Internet Regulation

Document(s)	BoR (22) 80 Draft Report on the outcome of public consultation on the Update to the BEREC Guidelines on the Implementation of the Open Internet Regulation BoR (22) 81 Draft Update to the BEREC Guidelines on the Implementation of the Open Internet Regulation
Introduction by	OI Co-Chairs (ILR/TRAFICOM) Klaus Nieminen (klaus.nieminen@traficom.fi) Véronique Ney (Veronique.Ney@ilr.lu)
Information presented	<p>On 2 September 2021, the European Court of Justice (ECJ) issued three judgments regarding the violation of European Union net neutrality rules in cases where zero-rating offers were involved.</p> <p>The OI WG prepared an update to the BEREC Guidelines, in order to contribute to the consistent application of the Open Internet Regulation (OIR) and to promote an effective internal market in the electronic communications sector.</p> <p>The public consultation was held from 16 March 2022 to 14 April 2022. In total, BEREC received 22 responses to the public consultation from various types of stakeholders (civil society, content, applications or services providers (CAPs), Internet service providers (ISPs), industry and academia.</p> <p>The Co-Chairs presented the main inputs received together with the main BEREC responses. As a result, the OI WG provided clarifications in 8 paragraphs of the Guidelines (19, 34a, 35, 37, 37a, 40b, 48, 81).</p>
Conclusion	The BoR approved the documents for publication.

8.2 Oral update on other OI Working Group (WG) work streams

Document(s)	BoR (22) 82 Draft PRD on the Assessment of the IP interconnection ecosystem and impact of the potential sending-party-pays principle (“OTT fair share”) on this ecosystem and on end-users
Introduction by	OI Co-Chairs (ILR/TRAFICOM) Klaus Nieminen (klaus.nieminen@traficom.fi) Véronique Ney (Veronique.Ney@ilr.lu)
Information presented	Firstly, the Co-Chairs provided a short update on NRA supervision and enforcement actions by emphasising that discussions regarding potential transitional periods are still ongoing and there are different timelines of NRA actions due to national circumstances. The Co-Chairs also reported that there is currently little data available on national deadlines. However, and mentioned that further information is expected after the publication of the Guidelines. A status update will be provided at the next Plenary meeting. There are also differing views on the right of customers to withdraw contracts without penalties as the national legislations differ. The Co-Chairs also outlined the need to clarify at the public debriefing that

	<p>potential transitional periods are to be based on national circumstances and that BEREC will not set a European-wide timeline.</p> <p>Secondly, the Co-Chairs informed the Meeting participants about the BEREC Opinion to the EC on the review of the Open Internet Regulation (OIR). The EC has to review the OIR and submit a report to the European Parliament and Council by 30 April 2023. Since the BEREC Opinion will be delivered in December 2022, the Co-Chairs informed the BoR that the drafting process already started and outlined the topics to be covered.</p> <p>Furthermore, the Co-Chairs presented the new Draft ad-hoc Project Requirements Definition (PRD) document for a work item related to the assessment of the IP interconnection ecosystem and the impact of the potential sending-party-pays principle on this ecosystem and on end-users.</p> <p>Internet Service Providers are heavily lobbying for a new “OTT fair share” framework, where Content and Application Providers (CAPs) would need to pay Internet Service Providers (ISPs) a fair contribution to network investments.</p> <p>Lastly, the Co-Chairs presented the actions regarding media sanctions, since the EU's sixth package of sanctions against Russia includes new media sanctions.</p>
Conclusion	The BoR took note of the information and approved the PRD for internal use.

9 Wireless Network Evolution (WNE)

Document(s)	BoR (22) 83 Draft Report on satellite connectivity for universal service
Introduction by	<p>WNE WG Co-Chairs (ComReg/PTS)</p> <p>Bo Andersson (Bo.Andersson@pts.se)</p> <p>Joe Lynch (joe.lynch@comreg.ie)</p>
Information presented	<p>Given the crucial role of NRAs in the implementation of universal service obligations, BEREC proposed considering the potential of Satcom solutions in an objective and technology-neutral way. Several geostationary (GSO) and non-geostationary (NGSO) satellite networks and systems are available or will become available within the 2022-2025 timeframe, which can provide Satcom broadband services to end-users that use appropriate customer premises equipment.</p> <p>The Co-Chairs presented to the BoR the final Report, providing an overview of relevant Satcom solutions and key important aspects such as pricing, service quality, expected role in the market, available satellite capacity and demand, as well as important regulatory considerations. The Co-Chairs illustrated BEREC’s preliminary position, i.e. that a number of regulatory issues have a national dimension, which supports a case-by-case approach to Satcom solutions for universal service.</p> <p>A questionnaire was issued to all BEREC members and participants without voting rights and the key results are as follows: of the twenty-nine responses received, two NRAs indicate that Satcom solutions currently contribute to universal service, and two NRAs are studying Satcom solutions for that same purpose, while the remaining respondents said that they have no firm plans or do not envisage such a role for Satcom solutions. The Report provides an overview of the results of the</p>

	questionnaire, showing some information on how the subject of Satcom solutions for universal service is considered in some European countries.
Conclusion	The BoR approved the document for public consultation.

10 5G Cybersecurity WG

Document(s)	BoR (22) 89 BEREC Report on national resilience of network operations (internal and public version)
Introduction by	5G Cybersecurity WG Co-Chairs (AKOS/BIPT) Katja Kmet (Katja.Kmet@akos-rs.si) Tim Masy (tim.masy@BIPT.be)
Information presented	<p>The 5G Cybersecurity WG presented to the BoR the main results of the work on national network operations resilience, which started with the Network Operations Centres and Security Operations Centres survey, to understand how and where mobile network operators are involved in some of the network security-related functions.</p> <p>The Co-Chairs presented to the BoR the main results of two surveys that were conducted: the MNO survey and the NRA survey.</p> <p>The results are based on 70 responses that provide insight into how a significant number of MNOs in the EU organise important security-related network functions. Most MNOs manage these functions internally or at least within the EU/EEA. On the other hand, the NRA survey enables the identification of countries where current or planned legislation imposes requirements on how MNOs manage security-related functions within their network.</p> <p>Lastly, the Co-Chairs informed the BoR of the possible further work and increased cooperation with ENISA. An ENISA-BEREC internal workshop about ENISA's work on certification schemes will be held on 14 June 2022.</p>
Conclusion	The BoR approved the document for publication and internal use, respectively.

11 Planning and Future Trends (PFT)

11.1 Update on the development of the BEREC Work Programme 2023

Document(s)	BoR (22) 84 List of proposed items for the WP 2023 BoR (22) 94 Preliminary schedule of the ordinary BoR and MB meetings and Contact Network (CN) meetings and public debriefings in 2023
Introduction by	The Incoming BEREC Chair (EETT) Konstantinos Masselos (kmasselos@EETT.GR)
Information presented	<p>The Incoming BEREC Chair presented the consolidated list of proposed items for the WP 2023 to the BoR. The inputs were received from NRAs, Co-Chairs and stakeholders. Four main categories of projects were identified: obligatory projects, carry-overs, new ideas and customary projects. In total, 93 proposals were received.</p> <p>The prioritisation exercise took place from 6 to 16 May 2022. The Representative of the Incoming Chair presented the 16 most popular proposals that were prioritised by the NRAs during the exercise and after</p>

	<p>the CN2. He also presented the number of PRDs per WG in total, as well as the main points discussed within the CN and PFT WG.</p> <p>The adoption of the final Work Programme 2023 is planned for Plenary 4 2022.</p> <p>Lastly, the Incoming BEREC Chair presented the preliminary schedule of the Ordinary BoR and MB Meetings and Contact Network (CN) Meetings and public debriefings in 2023.</p>
Conclusion	The BoR agreed on the list of items for the WP 2023 and agreed that comments made during the meeting should be taken into account in further work on the draft BEREC Work Programme 2023.

11.2 Update on BEREC 2030

Document(s)	BoR (22) 85 Consolidated report on the outcome of the BEREC 2030 break-out sessions
Introduction by	PFT WG Co-Chair (ACM) Bert Klaassens (Bert.Klaassens@acm.nl)
Information presented	<p>After completion of phase I of the BEREC 2030 project, the Mini-Board members were asked to initiate discussions within their groups and go to phase II, i.e. to discuss the “BEREC 2030”: Phase 2 – SWOT Analysis.</p> <p>The Co-Chair updated the BoR on the group discussions that have already taken place and presented a summary of the group discussions collected in the Consolidated report on the outcome of the BEREC 2030 break-out sessions. He outlined that the work was organised in two phases. Firstly, the future-looking challenges were identified, taking note of ongoing and anticipated societal challenges, technological developments or changed market structures. In the second phase, the SWOT analysis was conducted, to achieve a common understanding of BEREC’s possible role.</p>
Conclusion	The BoR agreed that the preparatory documents for the Heads Workshop have to be circulated before CN 3 and the Heads Workshop organised during Plenary 3 2022.

11.3 Update on the draft Data Act and further work

Document(s)	No document
Introduction by	PFT WG Co-Chair (ACM) Bert Klaassens (Bert.Klaassens@acm.nl)
Information presented	<p>The European Commission has proposed a draft Regulation on harmonised rules on fair access to, and use of, data: the Data Act. Certain responsibilities from that act may fall under the remit of national regulators, notably tasks stemming from chapter 6 on switching. The Mini-Board has tasked the PFT group with drafting a short statement on this draft Regulation.</p> <p>The draft statement expresses that the draft Regulation has BEREC’s full attention and that BEREC is preparing more substantive input, and communicates BEREC’s availability to engage with the European Institutions.</p>

	The Co-Chair informed that BEREC is preparing a draft Opinion on the draft Data Act. The Opinion shall be adopted by the BoR via an electronic procedure, at the end of June 2022. The idea is to offer to advise to European Institutions and to provide substantive input.
Conclusion	The BoR agreed that the WG should continue the work on the document with a view to preparing it for adoption for publication via an e-voting procedure.

12 Market and Economic Analysis (MEA)

12.1 Draft BEREC Report on the internet ecosystem

Document(s)	BoR (22) 87 Draft BEREC Report on the internet ecosystem
Introduction by	MEA WG Co-Chairs (ARCEP/CNMC) Jorge Infante (jorge.infante@cnmc.es) Chiara Caccinelli (chiara.caccinelli@arcep.fr)
Information presented	<p>The objective of the Report is to provide a comprehensive overview of the internet ecosystem and illustrate how it is affected by some digital players – showing their position, role and practices in terms of, for instance, competition dynamics, internet openness, users’ choice and experience, etc.</p> <p>The different elements in the internet ecosystem have been divided into three sides: client, internet infrastructure and server-side. The Co-Chairs analysed different aspects, such as actors active in the IE (Big Tech companies and Electronic Communication Service [ECS] providers), competition dynamics and openness issues for each element.</p> <p>The Co-Chairs reported that Big Tech companies are traditionally prominent in the client and server-side, while ECSs are mainly focused on Internet Access Service (IAS) and infrastructure. However, Big Tech are increasingly investing in telco infrastructure. This may impact ECSs’ competition dynamic and regulation.</p> <p>They also observed that the shift from web architecture towards app architecture affects the relations between Big Tech companies and CAPs and the potential of the internet to provide an open, easy-to-access and common infrastructure. The Co-Chairs identified potential bottlenecks, most of which are dominated by provider-specific ecosystems (Big Tech companies).</p> <p>The WG also presented the following topics for future work: competition and collaboration dynamics between Big Tech companies and ECS providers; increasing investment by Big Tech companies in telco infrastructure (e.g. submarine cables) and its implications for ECS competition dynamics and regulation; Content Delivery Networks (CDNs) and cloud computing; evolution of interconnection architecture and its impact on interconnection agreements, openness and competition dynamics; other topics concerning devices, including smart speakers, virtual assistants, IoT and the increasing use of e-SIMs and its implications in terms of openness, restrictions on competition, switching, interoperability, etc.</p> <p>In conclusion, the Co-Chairs emphasised their holistic approach, recalling that environmental aspects could be considered on top of competition and openness.</p>

Conclusion	The BoR approved the documents for public consultation.
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12.2 Oral update on the Digital Markets Act (DMA)

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	<p>The Co-Chairs presented the update on the Digital Markets Act, originating from a political agreement on the text reached on 24 March 2022 between the Council and the European Parliament.</p> <p>Three elements were outlined under the scope: 1) an asymmetric approach focusing on platforms raising significant concerns; 2) taking account of ecosystem nature for gatekeeper designation; 3) other services may need further investigation (and become “core platform services” [CPSs] in the near future): e.g. web browsers and virtual assistants.</p> <p>BEREC proposed to include interoperability measures for some relevant CPSs, but did not refer to number-independent interpersonal communication services – NI-ICS (Art. 61(2) EEC already covers interoperability measures for NI-ICS) (see BoR (21) 85, June 2021). The Co-Chairs illustrated that the final text of the DMA includes interoperability obligations for NI-ICS, which should be applied “without prejudice to Directive (EU) 2018/1972 and particularly the conditions and procedures laid down in Article 61 thereof”. Moreover, they reported on Article 6a DMA and Recital 57b DMA.</p> <p>Regarding governance, the EC is the sole enforcer of the DMA, and BEREC proposed to create an Advisory Board with national independent authorities (NIAs) to assist the EC. In line with this: 1) Art. 31(a) DMA says that the EC may consult national authorities where appropriate, on any matter relating to the application of the DMA; 2) Art. 31(d) DMA sets up the High-Level Group composed of (a) BEREC, (b) European Data Protection Supervisor and European Data Protection Board, (c) European Competition Network, (d) Consumer Protection Cooperation Network, and (e) European Regulatory Group of Audiovisual Media Regulators. This High-Level Group may provide the Commission with advice and expertise in the areas falling within the competencies of its members.</p> <p>Furthermore, the Co-Chairs also reported on the current and potential future BEREC work related to the DMA, supporting sustainable and open digital markets.</p>
Conclusion	The BoR took note of the information.

13 Roaming

Document(s)	BoR (22) 88 draft BEREC Guidelines on the new Roaming Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines)
Introduction by	Roaming WG Co-Chairs (RTR/EETT) Elisabeth Felber (elisabeth.felber@rtr.at) Ioanna Choudalaki (ichoudalaki@eett.gr)

Information presented	<p>These BEREC Retail Guidelines were defined to illustrate the Roaming Regulation, including the Commission Implementing Regulation laying down detailed rules on the application of a “fair use policy”, the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment. These Guidelines will replace the BEREC Guidelines published in 2017 (BoR (17) 56).</p> <p>These revised Guidelines are complementary to the provisions set out in the Roaming Regulation and are not presented as an official legal interpretation of those provisions. These Guidelines are complementary to the BEREC Guidelines on wholesale roaming access, and NRAs have to take these BEREC Guidelines into utmost account when supervising compliance with the Roaming Regulation.</p> <p>The Co-Chairs presented the parts of the Retail Guidelines that remain stable and presented the updated and new parts.</p>
Conclusion	The BoR approved the document for public consultation.

14 End-User (EU)

Document(s)	BoR (22) 90 Draft BEREC Report on measures for ensuring equivalence of access and choice for disabled end-users
Introduction by	<p>EU WG Co-Chair (AGCOM/ANACOM)</p> <p>Paolo Lupi (p.lupi@agcom.it)</p> <p>Iris Pita (iris.pita@anacom.pt)</p>
Information presented	<p>The Co-Chairs presented to the BoR the Report on measures and initiatives for ensuring equivalence of access and choice for disabled end-users, which is a follow-up to three previous reports published in 2011, 2015 and 2018 and aims to gather information from NRAs in order to compile an inventory of measures and initiatives in place in the Member States to meet the needs of end-users with disabilities that NRAs might consider when evaluating any action to be pursued to ensure equivalence of access and choice for these end-users.</p> <p>In particular, the Report provides information on how Member States are implementing the measures referred to in Articles 111 and 85.4 of the EECR on the availability and affordability of specific equipment and services that enhance equivalent access, including total conversation and relay services.</p> <p>The Co-Chairs informed the BoR that the responses received from NRAs showed that there is no single way to ensure equivalence of access for end-users with disabilities in all Member States. Moreover, NRAs have different competencies and, considering the differences between national situations, it is not possible to recommend a single approach, methodology or set of measures that NRAs should use to ensure equivalence of access to electronic communication services for disabled end-users.</p> <p>The name of the document was changed to “Report on measures for ensuring equivalence of access and choice for disabled end-users”.</p> <p>In conclusion, the Co-Chairs suggested: collaboration between NRAs, government and other national entities in each country; a constant dialogue between NRAs and disability associations; targeted campaigns</p>

	and other educational activities organised by NRAs; and promotion of accessible solutions for access to emergency services.
Conclusion	The BoR approved the document for public consultation.

15 Summary of the 10th BEREC Stakeholder Forum

Document(s)	No document
Introduction by	The Incoming BEREC Chair (EETT) Konstantinos Masselos (kmasselos@EETT.GR)
Information presented	<p>On 23 March 2022 in Brussels, BEREC held its annual Stakeholder Forum to exchange ideas and engage in discussions with its stakeholders. More than 400 participants attended the Forum, representing NRAs, stakeholders and media.</p> <p>Presentations and speeches were held on a wide range of topics, covering Europe's Digital Decade Policy Programme, AI, digital platform regulation, as well as the impact of electronic communications on the environment.</p> <p>The Incoming BEREC Chair outlined the main inputs and conclusions to the BoR and informed that the next Stakeholders Forum will be organised in March/April 2023 in Brussels.</p>
Conclusion	The BoR took note of the information.

16 Regulatory Framework (RF)

16.1 Oral update regarding the External Study on National Regulatory Authority (NRA) independence

Document(s)	No documents
Introduction by	RF WG Co-Chairs (AGCOM/NMHH) Antonio De Tommaso (a.detommaso@agcom.it) Ervin Kajzinger (kajzinger.ervin@nmhh.hu)
Information presented	<p>The Co-Chairs provided a status update on the External Study on NRA independence, which has been envisaged as an item 5.3.4 of the WP22. The consultant has been selected (Ecorys), so the Advisory Committee and BEREC Office started to meet regularly as of the kick-off meeting on 11th April.</p> <p>Based on discussions held so far, the consultant will conduct interviews with selected experts from academia, OECD, and NRAs, set up indicators and present its preliminary findings at CN 3/Plenary 3 2022. The Co-Chairs informed the BoR that NRAs will be called to participate in a survey to collect data on NRA independence in practice.</p> <p>Lastly, the Co-Chairs informed the BoR that a workshop with the NRAs is envisaged in the first week of September (tentatively, 8 September) for NRAs to provide input and discuss the approach and preliminary findings of the Study.</p> <p>Ecorys' Final Report is envisaged to be adopted at Plenary 4 2022, while the final BEREC observations on the results of the Study will be ready for adoption at Plenary 1 2023.</p>

Conclusion	The BoR took note of the information and agreed that the workshop should be organised on 8 September 2022 and preliminary findings presented at CN 3/Plenary 3.
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16.2 Progress document/Oral update on the BEREC Databases to be established pursuant to Regulation 2022/612 (new Roaming Regulation)

Document(s)	BoR (22) 91 Progress document on the BEREC Databases of numbering ranges for value-added services and means of access to emergency services for roaming users
Introduction by	RF WG Co-Chairs (AGCOM/NMHH) Antonio De Tommaso (a.detommaso@agcom.it) Ervin Kajzinger (kajzinger.ervin@nmhh.hu)
Information presented	According to Article 16 of the recently adopted new Roaming Regulation, BEREC is required to establish, and subsequently maintain: (a) a single, Union-wide database of numbering ranges for value-added services in each Member State, to be made accessible to operators, national regulatory authorities and, where applicable, to other competent authorities; and (b) a single, Union-wide database of means of access to emergency services that are mandated in each Member State and that are technically feasible to be used by roaming customers, to be made accessible to operators and national regulatory authorities and, where applicable, to other competent authorities. The Co-Chair presented the main features of both databases to the BoR asked the BoR to agree on the format of the databases developed so far. Lastly, the Co-Chairs presented the timeline of this workstream. A Progress Document will be presented at CN 3/Plenary 3, while the final approval of the databases is envisaged for Plenary 4 2022.
Conclusion	The BoR took note of the information and agreed that the updated progress document should be presented at CN 3/PL 3.

17 WG on Sustainability (SWG)

Document(s)	BoR (22) 92 Draft BEREC Report on the outcomes of Public Consultation on the Draft BEREC Report on Sustainability: Assessing BEREC's contribution to limiting the impact on the environment BoR (22) 93 Draft BEREC Report on Sustainability: Assessing BEREC's contribution to limiting the impact of the digital sector on the environment
Introduction by	SWG Co-Chairs (ARCEP/CTU) Sandrine Elmi Hersi (dekanovskak@ctu.cz) Katerina Dekanovska (Sandrine.ELMIHERSI@arcep.fr)
Information presented	The Co-Chairs illustrated the Report on environmental sustainability, which focuses on the environmental footprint of the digital sector. The public consultation on the Draft Report was held in the period from 16 March to 15 April. In total, 17 responses were received, one of which requested confidentiality. The Co-Chairs presented the final Report and outlined BEREC's positions with regard to the received stakeholders' contributions

	<p>and presented the main amendments in each chapter of the Draft BEREC Report.</p> <p>The WG showed the different types of environmental effects of Information and Communication Technologies (ICTs), not only in terms of GHG emissions but also considering other factors. The Report provides a clearer vision of electronic communications' relative contribution to ICTs' environmental footprint and tackles relationships between the environmental footprint of networks, datacentres and devices through digital usage.</p> <p>Complementary to academic research and studies, the WG interacted with external parties through workshops and bilateral meetings in order to gain knowledge and expertise across different aspects of ICT sustainability; Furthermore, it recognised ICTs positive role in other sectors and recalled the current focus on direct environmental effects and on how to promote sustainability while bearing in mind BEREC's current legal mandate.</p> <p>Lastly, it welcomed the support of potential future actions identified to contribute with its expertise to the twin digital and green transition.</p>
Conclusion	The BoR approved the documents for publication.

18 BEREC International cooperation

Document(s)	No document
Introduction by	BEREC Chair responsible for international activities (BIPT) Michel Van Bellinghen (michel.van.bellinghen@IBPT.be)
Information presented	<p>The BEREC Vice-Chair responsible for international activities briefed the BoR about the cooperation with regional networks:</p> <ul style="list-style-type: none"> - EaPeReg Plenary Meeting is scheduled for 17 June 2022, while the 10th anniversary of the EaPeReg will be marked in Prague during the 4th Plenary Meeting; - EMERG Plenary was held on 31 May at IRG premises. Main cooperation focus is on connectivity; - BEREC-REGULATEL Summit will be held in virtual format on 23 June 2022, and it will be organised by Regulatel with the support of CNMC; - Future cooperation with PRIDA would be discussed, with a view to reactivating activities if possible. <p>Regarding the activities with other IO and bilateral activities, he reported that the ITU Plenipotentiary Conference (PP22) will be held from 26 September to 14 October 2022 in Bucharest, and invited BEREC members to meet international partners. In addition, he informed that the renewal of the MoU with FCC is planned during the study visit in September. Lastly, the signing of the MoU with CRTC is planned at the Ericson event in Stockholm, on 27 June 2022.</p>
Conclusion	The BoR took note of the information.

19 AOB

19.1. Exchange of regulatory experience

Document(s)	No document
Introduction by	BEREC Chair (ACM), Representative of the NRA (Nkom) Annemarie Sipkes (Annemarie.Sipkes@acm.nl) Pål Wien Espen (pwe@nkom.no)
Information presented	<p>The Representative of the NRA (Nkom) exchanged relevant regulatory experience with the BoR members on robust transmission networks for Norway in line with the 2030 Agenda.</p> <p>The transmission networks represent the core foundation for delivering electronic services to users in the context of continuous and ongoing digitalisation and automation in all sectors of our society.</p> <p>The different objectives towards which Nkom will work were illustrated. Their achievement will be influenced by a series of conditions, such as market and technological development, regulatory development, government/funded measures and other policy conditions. Within these conditions, Nkom will contribute to achieving the targets using various instruments. Nkom also outlined targets for 2030.</p> <p>The most challenging and costly areas to build robust network infrastructure are typical areas with few potential customers, tough weather conditions and areas with the highest probability of being isolated in case of incidents.</p>
Conclusion	The BoR took note of the information.

19.2 Information on the 52nd BoR Ordinary Meeting and workshop (5-7 October, Austria)

Document(s)	No document
Introduction by	BEREC Chair (ACM), Representative of the host NRA (RTR) Annemarie Sipkes (Annemarie.Sipkes@acm.nl) Klaus Steinmaurer (klaus.steinmaurer@rtr.at)
Information presented	The Representative of the host NRA provided information on the next BoR Meeting.
Conclusion	The BoR took note of the information.

