

3rd Meeting of the Board of Regulators Hosted by FICORA

Timing and location

27 May 2010 3:45 pm – 5.30 pm
28 May. 2010 9.00 am – 1.00 pm
Finlandia Hall Congress Center, HELSINKI, FINLAND

Conclusions

1. Opening of the meeting and adoption of the agenda

Draft BoR Agenda

BoR (10) 21rev1

Conclusions

The agenda was adopted.

2. Information by the Chair and the Chair's Secretariat

Background

The Chair provided an oral report of the I/ERG Chair's communication activities and significant meetings conducted since the last GA/Plenary. The Chair held meetings with the new director general of DGInfso Mr. Madelin, the cabinet of Commissioner Kroes and some stakeholders. He also took part in a number of events in Brussels.

Conclusions

The Plenary took note.

- **BEREC Expert Working Group Structure**

Draft decision of the BoR regarding BEREC expert working groups

BoR (10) 23

Background

The Chair presented a draft decision to be adopted by the BoR in accordance with Article 11 of the Rules of Procedure. This is an endorsement by BEREC of the current Project Team structure.

Conclusions

The decision on the BEREC expert working groups was adopted for publication by the required majority.

- **Electronic Clearance Procedures**

The Chair reported on the electronic clearance procedures initiated since the previous Plenary meeting. 3 rounds of electronic clearance have taken place since the beginning of the year (respectively on the Roaming data report, the BEREC work

programme 2010 and BEREC's answer to the public consultation on universal service).

Conclusions

The Plenary took note.

3. NGN PT (BNetzA)

a) Future charging mechanisms

Draft BEREC Common Statement on NGN future charging mechanisms/long-term termination issues and consultation report **BoR (10) 24**

Background

OPTA presented the BEREC draft Common Statement on NGN future charging mechanisms/long-term termination issues and the annexed consultation report.

Conclusions

The Common Statement was adopted for publication by the required majority.

b) Regulatory aspects of Open Access

Background

BNetzA presented an oral update regarding the work regarding Regulatory aspects of Open Access.

Conclusions

The Plenary took note.

c) BEREC Response to the NGA Recommendation

Background

BNetzA presented the draft BEREC opinion on the NGA Recommendation.

BoR (10) 25

Conclusions

The draft BEREC opinion was adopted for transmission to the Commission and publication by the required majority.

4. Framework Implementation PT (AGCOM)

a) Access to BEREC/Office documents

Draft decision of the Board of Regulators regarding transparency and access to documents **BoR (10) 26**

Background

AGCOM presented the draft decision of the BoR regarding transparency and access to documents together with an explanatory document for internal use.

Conclusions

The document was adopted for publication by the required majority.

b) BEREC Public consultation procedures

Draft decision of the BoR regarding consultations procedures on BEREC documents
BoR (10) 27

Background

AGCOM presented the draft decision of the BoR regarding BEREC consultation procedures together with a discussion paper for public consultation.

Conclusions

The document was adopted for public consultation by the required majority.

c) Guidelines on functional separation and Cross-border issues under Article 28 USD

Background

AGCOM provided an oral update on the state of activities and planned steps on these two topics.

Conclusions

The Plenary took note.

d) Proposals on the status of ERG previous outputs in the BEREC context

Background

AGCOM updated the BoR regarding the ongoing investigations regarding the status of ERG previous outputs in the BEREC context.

Conclusions

The Plenary took note.

5. BEREC-RSPG Cooperation (AGCOM)

Draft BEREC-RSPG report on market definitions **BoR (10) 28**

Background

AGCOM presented the draft BEREC-RSPG report on market definitions. AGCOM provided also an update on RSPG work regarding multiannual radio spectrum policy programme.

Conclusions

The report was approved for publication by the required majority. Such publication will occur once the report is approved by RSPG.

6. Benchmarking PT (CMT)

MTR benchmark report **BoR (10) 30**

Background

CMT presented the MTR benchmark report. As agreed in 2009, the public snapshot includes the tariffs of mobile termination by operator.

Conclusions

The MTR benchmark report was adopted for publication by the required majority.

7. Remedies PT (Ofcom)

Draft BEREC Action Plan for conformity with the ERG Common Position on symmetry of termination rates - ERG (07) 83 **BoR (10) 31**

Background

Ofcom presented the draft Action Plan for conformity with the ERG Common Position on symmetry of termination rates.

Conclusions

The Action Plan was adopted for publication by the required majority.

8. International Roaming (Ofcom)

Background

Ofcom presented an update on approaches to assessing competition on roaming prices.

Conclusions

It was agreed that a deeper discussion on alternatives to regulation will take place at the next Plenary.

9. Customer empowerment (ANCOM/ANACOM)

a) BEREC switching report

Draft BEREC report on best practices to facilitate switching **BoR (10) 34**

Background

OFCOM presented the draft BEREC report on best practices to facilitate switching.

Conclusions

The draft report was adopted for public consultation by the required majority.

b) BEREC draft report on reflections for the future of universal service

Draft BEREC report on reflections for the future of USO **BoR (10) 35**

Background

ANCOM presented the draft report on Universal service - reflections for the future.

Conclusions

The report was adopted for publication by the required majority.

10. Net neutrality (NPT)

Background

NPT presented an oral update regarding the work of the Net Neutrality PT.

Conclusions

The Plenary took note.

11. Information from the Commission

Background

The European Commission informed the Plenary on recent decisions on radio spectrum as well as the adoption of the 15th Implementation report. Some information was also given on some recent article 7 cases.

Conclusions

The Plenary took note.

12. AOB

Next meeting of the Board of Regulators (OPTA)

The next Plenary meeting will take place in Amsterdam on 30 September - 1 October.