

53rd Ordinary Plenary Meeting of the BEREC Board of Regulators (BoR)

Hosted in hybrid format

Conclusions

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8-9 December 2022

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Main Results of the 53rd Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 53rd Ordinary Plenary Meeting in hybrid format on 8-9 December 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) 163 BEREC Opinion for the evaluation of the application of Regulation (EU) 2015/2120:
- BoR (22) 164 BEREC Regulatory Accounting in Practice Report 2022;
- BoR (22) 165 BEREC Report about the Study Visit to the East Coast of the United States of America;
- BoR (22) 166 BEREC Report on the outcome of the public consultation on the Draft BEREC Report on the internet ecosystem;
- BoR (22) 167 BEREC Report on the internet ecosystem;
- BoR (22) 168 Report on the outcomes of public consultation on the draft Report on satellite connectivity for universal service;
- BoR (22) 169 Report on satellite connectivity for universal service;
- BoR (22) 170 Procedures for the BEREC Databases of numbering ranges for valueadded services and means of access to emergency services for roaming users;
- BoR (22) 171 Report on the outcomes of public consultation on the draft report on best practices for ensuring equivalence of access and choice for disabled end-users;
- BoR (22) 172 Report on best practices for ensuring equivalence of access and choice for disabled end-users;
- BoR (22) 173 Report on the outcomes of public consultation on the draft BEREC Guidelines on Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines);
- BoR (22) 174 BEREC Guidelines on Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines);
- BoR (22) 175 BEREC Report on the participation of NRAs in different cybersecurity fora at EU level.

2. Documents approved as regular items:

2.1. For publication:

- BoR (22) 199 Decision of the Board of Regulators to establish Working Arrangements between the Body of European Regulators for Electronic Communications (BEREC) and the NRA of Ukraine:
- BoR (22) 176 Decision No BoR/2022/05 of the Board of Regulators on the BEREC Working Groups and their Co-Chairs;
- BoR (22) 183 Report on number-independent interpersonal communication services (NI-ICS) revenue indicators;
- BoR (22) 184 External Study on Communication Services for Businesses in Europe: Status Quo and Future Trends;
- BoR (22) 189 External Study on NRA Independence Final Report;
- BoR (22) 197 BEREC Report on ECA Audit recommendations for 5G cybersecurity;
- BoR (22) 193 Work Programme 2023;
- BoR (22) 194 Report of the outcomes of the Public Consultation on the Draft BEREC Work Programme 2023.

2.2. For internal use:

- BoR (22) 186 Summary Report of the workshop with stakeholders on business services;
- BoR (22) 192 BEREC2030 Progress Report;
- BoR (22) 195 List of PRDs for BEREC Work Programme 2023;
- BoR (22) 198 Indicative calendar of international events for 2023.

2.3. For public consultation:

- BoR (22) 188 draft BEREC Report on Competition amongst multiple operators of NGAnetworks in the same geographical region;
- BoR (22) 185 draft BEREC Report on regulatory treatment of business services;
- BoR (22) 187 draft BEREC Report on Interoperability of Number-Independent Interpersonal Communication Services (NI-ICS);
- BoR (22) 191 draft Report on challenges and benefits of Artificial Intelligence (AI) solutions in the telecommunications sector (including use cases).

3. Documents submitted for information purposes:

- BoR (22) 162 BEREC BoR Agenda;
- BoR (22) 177 Contact lists pack;
- BoR (22) 178 Information on the planned electronic voting procedures;
- BoR (22) 179 Information on the electronic voting procedures since the last plenary meeting;
- BoR (22) 180 Work Programme 2022 status update;
- BoR (22) 181 Draft Outline of BEREC Annual Reports 2022;
- BoR (22) 190 draft Proposal for BEREC participation to the DMA High-Level Group

4. Other main topics discussed

The BoR was briefed on the recent activities of the BEREC Chair, the important projects carried out by the BEREC Office in support of BEREC, and the BEREC's recent and forthcoming international activities. The BoR was also informed about the development of the BEREC Work Programme 2023 and 2024. Furthermore, the BoR held a regulatory exchange session concerning experiences with the Digital Services Act. The European Commission was invited to provide information on important recent developments and activities under its remit that have an impact on the digital sector.

5. Next Meeting

The next Ordinary Plenary Meeting of the BoR will take place virtually on 9 March 2023.

Introduction and participation

The BEREC Board of Regulators held its 53rd Ordinary Plenary Meeting in hybrid format on 8-9 December 2022.

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 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) 162 Draft BEREC BoR Agenda
Introduction by	BEREC Chair (ACM)
Information presented	The BEREC Chair welcomed the Meeting participants and provided practical information on the logistics of the Meeting. The BEREC Chair welcomed the new BoR members and invited them to introduce themselves. - Jūratė Šovienė - RRT, Lithuania;
	- Kristi Talving - ECPTRA, Estonia 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 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) 163 draft BEREC Opinion for the evaluation of the application of Regulation (EU) 2015/2120
	BoR (22) 164 draft BEREC Regulatory Accounting in Practice Report 2022
	BoR (22) 165 draft BEREC Report about the Study Visit to the East Coast of the United States of America

	BoR (22) 166 draft BEREC Report on the outcome of the public consultation on the Draft BEREC Report on the internet ecosystem
	BoR (22) 167 draft BEREC Report on the internet ecosystem
	BoR (22) 168 draft Report on the outcomes of public consultation on the draft Report on satellite connectivity for universal service
	BoR (22) 169 draft Report on satellite connectivity for universal service
	BoR (22) 170 draft Procedures for the BEREC Databases of numbering ranges for value-added services and means of access to emergency services for roaming users
	BoR (22) 171 draft Report on the outcomes of public consultation on the draft report on best practices for ensuring equivalence of access and choice for disabled end-users
	BoR (22) 172 draft Report on best practices for ensuring equivalence of access and choice for disabled end-users
	BoR (22) 173 draft Report on the outcomes of public consultation on the draft BEREC Guidelines on Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines)
	BoR (22) 174 draft BEREC Guidelines on Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines)
	BoR (22) 175 draft BEREC Report on the participation of NRAs in different cybersecurity fora at EU level
Introduction by	BEREC Chair (ACM)
Information presented	The BEREC Chair presented the list of 'A' items as set out above. The list of 'A' items was drawn up based on 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 then 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 Update on the war in Ukraine and Working Arrangements in accordance with Article 35(2) of the BEREC Regulation

Document(s)	BoR (22) 199 Decision of the Board of Regulators to establish Working Arrangements between the Body of European Regulators for Electronic Communications (BEREC) and the NRA of Ukraine
Introduction by	Representative of NCEC
Information presented	The Representative of NCEC informed the BoR about the current situation in Ukraine. He updated the BoR concerning the following topics: - The market structure of and basic statistics on the Ukrainian telecommunications market; - Scale of damages to the telecommunications infrastructure and telecom sector's losses; - Actions taken by the authorities and operators to mitigate the negative impact of the damaged infrastructure on connectivity;

	 Equipment needed to enable connectivity and operation of networks.
	In addition, the BoR was presented with a draft decision to approve the Working Arrangements between BEREC and NCEC. The draft Working Arrangements is based on the WA that BEREC and BEREC Office had already concluded with other Participants without voting rights. It had also been approved by the European Commission according to requirements of Article 35(2) of Regulation (EU) 2018/1971.
Conclusion	The BoR took note of the information and approved the Decision for signature and publication.

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

Document(s)	BoR (22) 176 draft Decision No BoR/2022/05 of the Board of Regulators on the BEREC Working Groups and their Co-Chairs
Introduction by	BEREC Chair (ACM)
Information presented	The BEREC Chair briefed the BoR on the important meetings she attended and provided a brief update on the 2022 Chair Study on new business models enabled by new 5G capabilities and technologies. An external consultant was asked to undertake this study, which provided initial results but will only finalize data collection in January. After this, the data needs to be analysed. The BEREC Chair said she hopes to present the Study next year, hopefully in April 2023. Furthermore, the BEREC Chair informed the BoR members on the appointment of the Co-Chairs of the Working Groups for 2023-2024. According to the Rules of Procedure, the BoR shall create Working Groups to assist with the performance of the tasks and functions of BEREC, and the decision that establishes the WGs for the following year shall be approved by the end of the year. Since the two-year term of the current WG Co-Chairs comes to an end in 2022, the BEREC Chair launched two calls for candidates for the position of WG Co-Chairs for 2023-2024. In this respect, the BEREC Chair informed about the outcomes of this exercise and presented the list of new Co-Chairs for appointment. She also greeted the leaving Co-Chairs and congratulated them on their work.
Conclusion	The BoR took note of the information and approved the Decision for publication.

5 Information from the BEREC Office

Document(s)	BoR (22) 177 Contact lists pack BoR (22) 178 Information on the planned electronic voting procedures BoR (22) 179 Information on the electronic voting procedures since the last plenary meeting BoR (22) 180 Work Programme 2022 status update
Introduction by	BoR (22) 181 Draft Outline of BEREC Annual Reports 2022 BEREC Office Representative

Information presented	The BEREC Office submitted to the BoR, for information, the updated contact lists for the BEREC Heads, the CN members and the BEREC
	Office as well as the details of recent and planned electronic voting procedures and reported on the implementation status of the 2022 BEREC Work Programme.
	The BEREC Office Representative updated the BoR on the main projects and studies run by the BEREC Office in support of BEREC, namely:
	 The pprogress in the execution of the BEREC WP 2022 and the number of WG meetings;
	 The environmental impact of meetings in 2022 with a calculation of the CO2 contributions due to travelling for meetings in different locations in 2022;
	- The outline of the BEREC WP 2023, WGs meetings planned in PRDs for 2023 and budget for meetings and workshops in 2023;
	 The results of the BEREC Office survey on the quality of support to WGs for Q3-2022;
	 The progress of work on the ongoing studies on the NRA's independence; the Business Services and Wholesale mobile access connectivity;
	 The new studies on the evolution of the competitive dynamics of the tower and access infrastructure companies not directly providing retail services, and on the trends and policy/regulatory challenges of cloudification, virtualisation and softwarisation in telecommunications;
	 The training course provided by the BEREC Office only to the Co- Chairs of WGs and ENGs;
	 The results and the follow-up of the Internal Audit Services audit on the design and implementation of the internal control system of the BEREC Office for supporting the WGs for the period 2020 – 2021;
	- The schedule for the preparation of the 2022 draft Annual Reports.
Conclusion	The BoR took note of the information.

6 Information from the European Commission (EC)

Document(s)	No document
Introduction by	European Commission Representative
Information presented	The EC Representative informed the BoR about the European Commission's main activities in the area of electronic communications and other relevant activities since the last plenary meeting. She focused on the following topics:
	- Digital Decade Policy Programme
	The final decision is expected to be signed in mid-December. Publication in the Official Journal is envisaged for 19 December and entry into force in January 2023.
	The Digital Decade Board is composed of 1 representative per Member State its role is to assist and advise the EC on digital transformation issues. The Board also serves as a facilitator of cooperation between Member

States and the Commission. The Board met on 21 November for the first time. Member States discussed a first draft of the guidance to Member States to prepare national strategic roadmaps, the draft implementing act setting out the KPIs to monitor progress towards achieving the general objectives and digital targets, as well as draft EU-level trajectories. The first State of the Digital Decade Report is expected to be published by June 2023, which will include enhanced DESI. The next meeting of the Board is planned for April 2023.

- Digital Markets Act

The Digital Markets Act (DMA) was adopted on 18 July 2022 and entered into force on 1 November 2022. The DMA Regulation will enter into application on 2 May 2023. The EC is working on its implementation. A series of workshops were organized since 5 December with the stakeholders, especially the potential gatekeepers. The EC will continue cooperation with BEREC, especially on the issue of messaging interoperability. The EC also welcomed the NI-ICS report that BEREC is preparing, which is very timely and useful. BEREC will also play an important role in the implementation of DMA via the participation in the High-Level Group. It was recalled that the representation of BEREC in the Group should be at the level of the Head of NRA or equivalent.

- Broadband State Aid Guidelines

The Broadband State Aid guidelines are being reviewed and should be adopted soon. Training on the new guidelines is planned for 17 January 2023 via the Broadband Competence Offices (BCOs).

- Broadband Cost Reduction Directive & Access Recommendation

The Commission plans to propose a legislative proposal resulting from the review of the Broadband Cost Reduction Directive (BCRD) in early 2023. The instrument should contribute to achieving the 2030 connectivity targets and accelerating the deployment of advanced networks based on fibre and 5G. The draft review of the Access Recommendations will be sent to BEREC for its opinion in parallel to the adoption of the new BCRD proposal, as there are many connections. Providing consistency among these documents is important.

Conclusion The BoR took note of the information.

7 Open Internet (OI)

7.1 Oral update on the ongoing work of the WG on zero-rating coordination

Document(s)	No document
Introduction by	OI WG Co-Chairs (TRAFICOM/ILR)
Information presented	The Co-Chairs updated the BoR members on the ongoing work on zero- rating (ZR) coordination, presenting the following snapshot of the situation in the Member States in mid-November 2022:
	 Zero-rating offers are no longer available in 11 Member States; Deadlines for the discontinuation of existing zero-rating products have been set, accepted or proposed by NRAs in 15 Member States;

	 Zero-rating offers will be discontinued in most Member States by the end of March 2023; ISPs applied various strategies to migrate existing contracts with zero-rating offers, such as removing the ZR component in contracts or replacing it with admissible, application-agnostic offers; offering users new data tariffs with additional or unlimited data volume or
	lower prices and phasing out contracts which are limited in time.
	Furthermore, the Co-Chairs reported that applications or services being currently zero-rated based on national and/or Union legislation are emergency communications, volume and time consumption monitoring apps in a national and roaming context, speed measurement apps and electronic communications services provider customer care apps. They also noted that zero-rating based on legislation is currently not common.
Conclusion	The BoR took note of the information.

7.2 BEREC's further steps regarding the discussion on CAPs contribution to network investments

Document(s)	No document
Introduction by	OI WG Co-Chairs (TRAFICOM/ILR)
Information presented	The Co-Chairs shared with the BoR first market impressions after the publication of the BEREC preliminary assessment after the last plenary meeting. They noted it had an impact on and was noted by the market players.
	The Co-Chairs informed the BoR that the work prescribed initially in the PRD had to be amended due to the change of circumstances and information that the EC is expected to launch a questionnaire in early 2023.
	Against this background, it was suggested to start internal work to prepare the BEREC analysis that could serve as an input to the questionnaire ('building blocks').
	The Co-Chairs presented to the BoR a proposal on the way forward. They informed the BoR that BEREC would wait for the EC before deciding on the next deliverable(s). They pointed out that:
	 BEREC would (publicly) answer the Commission questions/proposals; they may also consider what other points should be highlighted
	 based on their expertise; BEREC will publish one or more analyses/answers to consultation(s) depending on the needs.
	The Co-Chairs informed the BoR that in the meantime, the OI WG would continue working on the building blocks for the deliverable(s) applying a high-level approach as questions and proposals of the EC are not known yet. The WG would initiate data collection and discussions aiming at closing the preparatory work by P1/2023.
	The Co-Chairs also reported on the WG's approach to the preparatory work, namely that the work would be limited to specific topics falling within the BEREC/NRAs remit. They outlined the topics that would be covered by the analysis. They also informed the BoR that a close collaboration is

Conclusion	The BoR agreed with the proposed way forward.
	The BoR was asked if it agrees with the suggested way forward.
	The Co-Chairs also emphasised the need of resources for carrying out these analyses.
	Finally, the Co-Chairs reported that the IP-interconnection (IP-IC) Report would be considered as a separate deliverable for WP 2023. They also presented a timeline of work with the final adoption of the document planned for P2/2024.
	needed between the BEREC WGs and presented which WGs will be consulted on which topics.

8 Statistics and Indicators (Sal)

8.1 Report on number-independent interpersonal communication services (NICS) indicators

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Document(s)	BoR (22) 183 draft Report on number-independent interpersonal communication services (NI-ICS) revenue indicators
Introduction by	Sal WG Co-Chairs (CNMC/ANCOM)
Information presented	In the light of the BEREC work (Report on definitions of the OTT services in 2021, revenue assessment and indicators insights in 2022 and a dedicated questionnaire to gather the state of NI-ICS data collection in 2022), the Co-Chairs pointed out the reasons why NI-ICS revenues are important for NRAs.
	NI-ICS revenues allow us to understand the performance of the sector in general and of the electronic communications markets particularly; assess competition dynamics; detect emerging regulatory issues, including with regard to the safeguarding of end-user rights; evaluate the outcome of regulatory or policy decisions, including roaming and intra-EU calls; decide on the USO funding, when the established sharing mechanism includes NI-ICS and perform ex-post assessments. The Co-Chairs also illustrated the meaning of Revenue Generating Unit, a private or business user (either a natural or a legal person) entitled to make use of any service related to a NI-ICS on a regular basis, who generates direct recurring and/or direct non-recurring revenue and/or indirect revenue for the NI-ICS provider.
	This concept is instrumental in the classification of revenues included in the report.
	The Co-Chairs reported that the need for revenue metrics and revenue classification had been discussed with stakeholders in a workshop on the 29th of June 2022.
	With regard to the NI-ICS providers' contacts list, the Co-Chairs presented the following options which could be also combined:
	 the NI-ICS providers voluntarily share their contact details with BEREC, on request; BEREC collects a contacts list from each NRA and keeps it updated.
	The following advantages of the second option were stressed: the information provided by the different NRAs can be complemented; there is already a first check done by the NRA; if some differences in the NI-ICS

	qualification are identified, a reflection can be triggered and, with time, more coordination and harmonisation would be expected.
	In conclusion, the report reflects collectively on the need for NI-ICS revenue data for the fulfilment of NRAs tasks and draws a correspondence between the relevant types of revenues and each major task. The decision on the data collection is left with the NRAs and more consultation with the stakeholders is advised before final decisions are made. Regarding the list of contacts, if BEREC endorses the judgement in the report, the practical details should be established through a future activity. The report finally concentrates on current data needs. Extended needs for information are expected in the future, for instance, in the context of BEREC's role in the High-Level Group for the enforcement of the Digital Markets Act.
Conclusion	The BoR approved the document for publication.

8.2 Oral update on the BEREC Workshops to share experiences on the implementation of Article 22 of the EECC

Document(s)	No document
Introduction by	Sal WG Co-Chairs (CNMC/ANCOM)
Information presented	Since the implementation of Article 22 and the related BEREC Guidelines imply a substantial effort by competent authorities and operators, BEREC should promote an experience-sharing forum where authorities can learn from each other and exchange views with the operators. This was the main aim of the two workshops held this year.
	The Co-Chairs reported the results of the workshops held on 15th September (full-day stakeholder workshop) and 25th October 2022 (full-day NRAs and OCAs workshop).
	During the dedicated workshop, the stakeholders expressed the following considerations:
	 The operators were generally pleased with the level of engagement at the national level. The best maps are reached through consultation, a process that works fine. The costs of updating the IT systems are not negligible. Spreading the effort across years is reasonable. Appropriate submission tools are important. Standardisation lowers the costs for all parties.
	With regards to the NRAs/OCAs workshop, some of the topics which were covered dealt with the address database and address-level reporting for fixed networks, premises passed definition applicable to FWA networks, traffic modelling used and peak time speeds, and 5G mapping experiences. At the same time, there were discussions on verification and validation models, good practices in publishing the mapping information and collaboration and feedback from the operators in the development of the GS and best strategies to deal with non-responses. It became evident from the discussions that very good and interesting work takes place at the national level, with an important degree of innovation and fruitful cooperation with other institutions; moreover, in several countries, broadband maps are recognised as a national strategic asset with an impact on other sectors and public administration activities.

	In conclusion, the NRAs/OCAs should keep exchanging information on the topic with a recommendation to the RAMM Working Group to organise the possibility of some WG meetings taking place next year with a view to explore the topics further if needed. In addition, the workshops highlighted the need to consider implementation processes and the approach in the future revision of the Guidelines: in light of this, the definitions could be improved and refined, and some methodological recommendations agreed upon by the NRAs could be included. Lastly, an implementation report is planned for 2024.
Conclusion	The BoR took note of the information.

9 Fixed Network Evolution (FNE)

Document(s)	BoR (22) 188 draft BEREC Report on Competition amongst multiple operators of NGA-networks in the same geographical region
Introduction by	FNE Working Group Co-Chairs (PTS/ RTR)
Information presented	Regional VHCN / NGA network operators play an increasingly important role in the broadband market in many European countries. BEREC already published a Common Position on geographical aspects of market analysis in 2014 and a report on the application of this Common Position in 2018. The Co-Chairs presented this Report which aims:
	 at examining the extent to which multiple NGA networks are present in the same geographical area and the resulting impact on retail prices and retail product characteristics;
	 at analysing the impact this had on the market for wholesale local access provided at a fixed location, considering both cases where market definition and/or remedies have been geographically differentiated and where this is not the case.
	The report is based on data collected from NRAs of 31 European countries in April this year. The findings of the report regarding the presence of multiple NGA networks in the same geographical area are as follows: - the number of NGA networks (NGAN) present in the same geographical area differs significantly: 2 NGAN are in many/most countries present in an area of 11-50% homes passed (HP), 3 NGAN in an area of 0-25% HP and more than three NGAN in an area of 0-10% HP;
	 differences in retail prices and/or retail product characteristics among geographical areas have been investigated by 18 countries and only three of them found differences in retail prices and one in retail product characteristics;
	 the main reasons for these differences do not show a clear tendency and vary between the three countries. Examples of such reasons are competition among networks, differences in underlying access technology and variation of wholesale prices; seven countries have not investigated these differences because they were considered not to be relevant (e.g. retail prices differ only of one operator in a limited time), the country is small, or it was difficult to collect data etc.

	The Co-Chairs showed the outcome of the geographical analysis in the last market analysis of market 1/2020 resp. market 3a/2014 and also presented the main reasons for the geographical differentiation, the criteria used for grouping the geographical units into homogeneous submarkets and/or areas with different remedies and the main reasons why the 15 countries did not adopt a geographical differentiation. Country case studies on a particularly high number of regional operators showed that (i) Finland defined 150 sub-national geographical markets but only 21 SMPOs, all of which are historical incumbents, therefore the situation is manageable; (ii) Denmark defined 21 sub-national geographical markets and 10 SMPOs (mostly regional operators), and (iii) in Sweden there is potentially a large number of sub-national geographical markets (high administrative burden).
Conclusion	The BoR approved the document for public consultation.

10 Market and Economic Analysis (MEA)

10.1 External Study on Communication Services for Businesses in Europe: Status Quo and Future Trends

Document(s)	BoR (22) 184 draft External Study on Communication Services for Businesses in Europe: Status Quo and Future Trends
Introduction by	Representative of the contractor (Decision/Kantar)
Information presented	The Co-Chair presented the speakers of this External Study, an analysis of how business services are evolving and are expected to evolve. The contractor gathered data in France, Germany, Italy, Poland and Spain via a telephone survey and a series of interviews with key stakeholders.
	The demand analysis was conducted on a survey of 1,000 corporate users, i.e. 200 users per country, using a 15-minute questionnaire to produce competitive results on the use and expectations of these organisations. For the supply-side analysis, the study was based on interviews with operators in the same five countries (18 operators). Different types of operators were approached, and interviews were held which provided qualitative insights.
	One of the first findings from the demand-side survey showed that in most cases the bandwidth is not an issue of concern for business users, and in fact, most of them have fibre-based connectivity, and therefore speed meets or even exceeds their needs. Similarly, a large majority of respondents appeared satisfied with the other topics addressed by the survey: over 90 per cent of respondents were satisfied with the quality of the service provided and almost 80 per cent were satisfied with prices. The other questions showed that electronic communication services and related contracts are not of great concern. Of course, there was a focus on contracts to understand whether business users find it difficult to switch operators, and it was seen that although the minimum duration of contracts is generally set between two and three years, actual contracts last generally significantly longer (up to 9 years according to operators). Regarding the difficulties of changing operators, they insist on the
	dependence of IT processes with the ECS - it was noted that the demand- side survey did not report any significant difficulties; in addition, a relevant number of respondents mentioned technical complexity related to migration (up to 33% for large organisations) or costs issues (up to 18%

	for SMEs). In conclusion, most operators believe that even though the flow of electronic communication and IT service segments are converging, they should not expect complete convergence between providers. Each has its characteristics. Lastly, most of the operators highlighted the importance of being able to customise the solutions they provide - this is what allows them to and outs from the competition.
	them to and outs from the competition.
Conclusion	The BoR approved the document for publication.

10.2 Draft BEREC Report on regulatory treatment of business services

Document(s)	BoR (22) 185 draft BEREC Report on regulatory treatment of business services
Introduction by	MEA WG Co-Chairs (CNMC/ARCEP)
Information presented	The Co-Chairs presented this Report which provides an overview of the regulatory treatment of business services by BEREC members and observers, based on a comprehensive questionnaire filled out by 33 NRAs in June 2022. The Co-Chairs described the content of the Report as follows: - Retail markets analysed in the context of business services; - Regulation of M2/2020 and, in the context of business services, M1/2014 and M3b/2014; - Special attention to differences between the mass market and the business market; - Details on wholesale products and price regulations applied; - Passive infrastructures, symmetric regulations; - Data collection aspects and good practices reported by NRAs; - Ideas on future work.
	In general, the main operators for M1/2020 and M2/2020 are the same in both markets for most countries, and the differences are based on the presence of smaller fibre operators as well as niche business operators. Price regulation applied to wholesale products in M2/2020 is mainly costoriented, some NRAs also apply margin squeeze/economic replicability tests, while other NRAs apply different models of price regulation. On M1/2020 and M3b/2014, most NRAs do not define separate retail markets for business and residential services.
	Lastly, as for future work, the Co-Chairs mentioned the following potential lines: keeping monitoring the evolution of these markets, the evolution of competition dynamics, the effect of the increasing use of IT services by business users, as well as the competition/collaboration between traditional ECS players and IT players, switching aspects, and out-phasing of traditional leased lines and geographical segmentation.
Conclusion	The BoR approved the document for public consultation.

10.3 Summary Report of the workshop with stakeholders on business services

Document(s)	BoR (22) 186 draft Summary Report of the workshop with stakeholders on business services
Introduction by	MEA WG Co-Chairs (CNMC/ARCEP)

Information presented	The Co-Chairs presented the Summary of the workshop the MEA-WG organised with the main European stakeholders' associations on 4 October 2022 to hear their views on the current regulation for wholesale markets related to business services to encourage competition, investment, innovation, and protection of business users, as well their views on future challenges. The workshop was meant to: - allow stakeholders to share relevant insights on the current and future situation and for MEA experts to raise questions to them; - be used as one of the inputs for BEREC's future work in the context of business services.
	Specifically, the relevant topics were focused on the stakeholders' views on the current regulation in M2/2020, M1/2020 and M3b/2014 markets and how to encourage competition, investment, innovation and protection of business users. BEREC was also interested to hear about areas special attention should be paid to, in particular: - joint-selling of ECSs with IT services (e.g. cloud services);
	new business services/requirements;feedback on NRAs on best practices, data collection, etc.
Conclusion	The BoR approved the document for internal use.

10.4 Draft BEREC Report on Interoperability of Number-Independent Interpersonal Communication Services (NI-ICS)

Document(s)	BoR (22) 187 draft BEREC Report on Interoperability of Number- Independent Interpersonal Communication Services (NI-ICS)								
Introduction by	MEA WG Co-Chairs (CNMC/ARCEP)								
Information presented	n the context of the interoperability obligations for NI-ICS providers under Article 61(2) of the EECC and Article 7 of the DMA and light of the provision of Recital (64) DMA, the Co-Chairs showed this Report which intends to analyse and explore:								
	 the objectives, the scope and the "triggers" of the interoperability obligations under both the DMA and the EECC; the potential technical approaches and the implementation challenges to be taken into account when applying these measures. the interplay between EECC and DMA. the following two workshops were organized and more workshop may be organized during the public consultation phase (Q1-Q 2023): with speakers from CERRE & from Open-Xchange; with the GSMA on their experience with Rich Communication Service (RCS). 								
	Interoperability requires a common understanding among players several aspects and can be implemented via different approaches a technical implementation options. Regardless of the chosen approach, analysis of different technical solutions (APIs, bridges) and process (standardization) should include considerations on functions, updat mechanisms, innovation, access requirements, development efforence process.								

	In conclusion, the Co-Chairs showed how the interoperability provisions under the DMA and the EECC work in a different, complementary way. While Article 7 DMA will likely apply first, Article 61(2) EECC may complement this regulatory intervention in cases where end-to-end connectivity is deemed endangered, or if the conditions/thresholds for imposing the measure – and thus reaching the given objective – are only met under the EECC. In any case, the coherence between the two regulatory frameworks will be ensured through the respective governance structures: the EC has a leading role in both cases and BEREC's involvement will further contribute to ensuring consistency.
Conclusion	The BoR approved the document for public consultation.

11 Regulatory Framework (RF)

11.1 External Study on NRAs' institutional features and relevant BEREC evaluations

Document(s)	BoR (22) 189 draft External Study on NRAs' institutional features and relevant BEREC evaluations							
Introduction by	Representative of the contractor (Ecorys)							
Information presented	The Co-Chairs introduced the Representative of the contractor (Ecorys) to the External Study which was commissioned in April 2022 based on a specific agenda item within the Work Programme 2022, which envisaged that BEREC would develop a fact-finding study on the characteristics and indicators of the regulatory framework in the area of energy independence through a consultant, thus, also comparing it with other sectoral legislation, and then possibly followed up by BEREC's reflection based on the results of this study.							

	independence of the NRA because it shows how the NRA works and that the NRA's decisions are indeed its own.
	In conclusion, two elements are crucial to ensure independence in the NRA: the development of a culture of independence, cultivated and constantly protected by the NRA and, in this task, the involvement of the European institutions, primarily of the European Commission and the Court of Justice.
Conclusion	The BoR approved the document for publication subject to comments made during the meeting.
	The BoR agreed to continue work on the independence of the NRA with a view to identifying the next steps.

11.2 Appointment of the BEREC Representatives to the DMA High-Level Group

Document(s)	BoR (22) 190 draft Proposal for BEREC participation to the DMA High- Level Group						
Introduction by	RF WG Co-Chairs (AGCOM/NMHH)						
Information presented	The BoR was informed about the provisions of Regulation (EU) 2022/1925 (DMA), namely the need to establish a dedicated High-Level Group (HLG) to ensure coherence and effective complementarity in the implementation of the Regulation.						
	The HLG aims at assisting the Commission by means of advice, expertise and recommendations, in general those matters relating to the implementation or enforcement of the Regulation.						
	The HLC should consist of an equal number of representatives coming from each body (BEREC, ERGA, CPC, ECN, GDPB), not exceeding 30 people in total.						
	Each of these bodies needs to appoint 6 representatives ensuring a high level of expertise and geographical balance.						
	The RF WG Co-Chairs informed the BoR that a dedicated work stream is planned for 2023 to establish a procedure, which would allow for broad NRAs' participation in the HLG from among the Co-Chairs and the BoR ensuring the members' rotation, geographical balance, as well as the involvement of the smaller NRAs.						
	However, since the EC informed that it is planning to call for a first meeting and to issue a decision establishing the HLG by the 1st quarter of 2023, an ad-hoc decision on the BEREC representatives to the HLG is needed.						
	As a result, in view of the EC invitation to the first meeting, the RF WG Co- Chairs suggested the following composition of BEREC representation to the HLG:						
	 3 representatives to be chosen among the members of the Mini Board i.e. the Chair, the incoming and outgoing Chairs; 3 members to be chosen among the WG Co-Chairs working in the areas falling within the domain of the DMA i.e. the Co-Chairs of the Digital Markets Working Group and one Co-Chair of the RF WG. 						
	The Co-Chairs underlined that the idea is to make sure that BEREC will be immediately ready to comply with the EC's requirements to have top-level representatives in the HLG.						

	The BEREC Chair also informed the BoR about a letter of the EC that had been sent to her earlier that day, in which the EC states more precisely that a high-level BEREC representation, i.e. at the level of the BoR members, is expected.
Conclusion	The BoR took note of the information and tasked the RF WG to provide a new proposal.

12 Cybersecurity of 5G Networks

Document(s)	BoR (22) 197 draft BEREC Report on ECA Audit recommendations for 5G cybersecurity								
Introduction by	G Cybersecurity WG Co-Chairs (AKOS/BIPT)								
Information presented	Taking into consideration the Commission Recommendation on the Cybersecurity of 5G networks, BEREC has been mandated to assist the NIS Cooperation Group and ENISA in their work towards producing a toolbox for 5G Cybersecurity. Considering this, the Co-Chairs presented this Report on the ECA Audit recommendation for 5G Cybersecurity in close cooperation with the EC and NIS CG 5G WS. The Co-Chairs explained the following three ECA recommendations: - promote the even and timely deployment of 5G networks within the								
	EU;								
	 foster a concerted approach to 5G security among Member St monitor Member States' approaches towards 5G security assess the impact of divergences on the effective functioning c single market. 								
	Although the implementation of the Recommendations is the responsible of the Commission and the NIS Cooperation Group, the Co-Chairs to put forward a number of preliminary proposals on possible BEF activities in support of the Commission and the NIS Cooperation Groups they suggested.								
	In this sense, they suggested: - wwith recommendation 2 (b), proposing KPIs for SM05, SM0 TM05;								
	 with recommendation 2 (c), studying any proposal made by the Commission and where relevant collect information from NRAs and providers; 								
	 with recommendation 3 (a), examining how BEREC can contribute to an evaluation of the deployment of the 5G equipment and the costs of replacing 5G equipment from one vendor with another one. 								
	The starting point for BEREC WP 2023 will be the Report on BEREC's activities to support initiatives for secure 5G networks.								
Conclusion	The BoR approved the document for publication.								

13 Planning and Future Trends (PFT)

13.1 Draft Report on challenges and benefits of Artificial Intelligence (AI) solutions in the telecommunications sector (including use cases)

Document(s)	BoR (22) 191 draft Report on challenges and benefits of Artificial Intelligence (AI) solutions in the telecommunications sector (including use cases)									
Introduction by	PFT WG Co-Chairs (CNMC/ACM)									
Information presented	Although most of the Artificial Intelligence (AI) systems in the telecommunications sector are still in their development phase, AI is expected to play an important role in the sector in the mid-term. In this context, the Co-Chairs presented this Report to identify AI developments in the telco sector, assessing if those may have an impact on regulation and, potentially, contributing to seizing the opportunities of Artificial Intelligence by raising further awareness of the different use cases in the sector as well as the different benefits and risks.									
	The Co-Chairs noted that the implementation of AI in the elecommunications sector is still at an early stage, but is expected to become the norm in the medium term. They also pointed out that connectivity is one of the keys to AI enablers together with data, computing processing power and data storage as well as relevant standards.									
	On the one hand, the following benefits have been observed from the use of AI in telecommunications: (1) efficiency gains in different areas (quality; network deployments; customer care, etc.); (2) cost reduction (both CAPEX & OPEX); (3) new business opportunities (e.g. enhancing product customisation). On the other hand, AI also entails several risks related to the availability of unbiased and reliable data; liability in case of error due to the complexity of AI ecosystems; ensuring the explainability in the decision-making; privacy issues and cybersecurity implications. The proliferation in the use of AI systems may also have an impact on the design of telecommunications networks such as new hardware requirements and the integration of different hardware and software components.									
	Finally, AI systems could be used by public administrations such as NRAs to improve processes related to policymaking, public service delivery and public authorities' internal management. However, whilst some NRAs have studied the use of AI by telecommunications, for the time being, few have explored ways in which AI can be adopted within the internal processes of the NRA.									
Conclusion	The BoR approved the document for public consultation.									

13.2 BEREC 2030

Document(s)	BoR (22) 192 draft on BEREC2030 Progress Report						
Introduction by	PFT WG Co-Chairs (CNMC)						
Information presented	The Co-Chair recalled that BEREC 2030 project was a collective reflection initiated in 2021 that aimed to define BEREC's role in the run-up to 2030.						
	She also recalled the high-level discussions held in Salzburg on 5 October 2022 which concluded that a Task Force has to be set up with the aim to:						

-	prepare a	draft	actio	on plan for	the implen	nenta	tion of the	object	ives
	identified	and	the	strategic	guidance	that	emerged	from	the
	workshop (due in P4);								
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- assess the Work Programme to check alignment with the BEREC2030 priorities (due in P4).

The Co-Chair presented the methodology based on which the Action Plan was developed. She informed the BoR that it was developed into stages. The first was to structure the notes of the high-level workshop, while the second was focusing on the identification of actions and changes needed for 2030 and checking the 2023 WP.

She also presented the main conclusion of this exercise, namely that BEREC needs to include in its work topics on emerging challenges and related issues that go beyond the traditional scope of telecommunications regulation. That its transition to a trusted and independent expert body on everything digital is welcomed.

As for the WP 2023, the Co-Chair reported that the draft WP 2023 is fully aligned with the objectives of the 2030 readiness (adjustments on working practices; PRD; Communication Plan, etc. were suggested but not on the WP).

The Co-Chair also put forward a proposal for the next steps. She suggested setting up an Ad-hoc group of CN members to produce a brief external two-pager on BEREC in the digital age. She proposed using the preamble of the BEREC 2030 Progress Report as a starting point for the work that would be due for discussion at P1/2023.

Conclusion

The BoR approved the BEREC 2030 Progress Report for internal use.

The BoR agreed to setup a CN Ad-hoc Group to draft a brief external paper on BEREC in the digital age taking as the basis the preamble of BEREC 2030 Progress Report.

13.3 Work Programme 2023

Document(s)	BoR (22) 193 draft Work Programme 2023
	BoR (22) 194 draft Report of the outcomes of the Public Consultation on the Draft BEREC Work Programme 2023
	BoR (22) 195 draft List of PRDs for BEREC Work Programme 2023
Introduction by	Incoming BEREC Chair (EETT)
Information presented	The BoR was informed about the results of the public consultation on the draft BEREC Work Programme 2023 which was held between 7 October and 7 November 2022. In total 18 contributions were received. Based on the comments received, the following changes were made in the final draft of the 2023 WP:
	 to split the OI item about IP interconnection into two separate work streams: one for the BEREC response to the public consultation and the other about the review of the assessment of the IP interconnection report; workshops for both studies were added; editorial changes for WNE, data act;

	- review of Access Recommendation and BCRD as separate items
	to be initiated in 2023.
	It was concluded that the 2023 BEREC WP includes 17 mandatory, 13 new, 11 customary items and 10 carryovers.
Conclusion	The BoR approved the BEREC WP 2023 and the Public Consultation Report for publication. The BoR approved the PRDs for internal use.

13.4 Oral update on the Outline of the draft BEREC Work Programme 2024

Document(s)	No document.
Introduction by	BEREC Chair 2024 (HAKOM)
Information presented	The BEREC Chair for 2024 updated the BoR members on the Outline of the draft BEREC Work Programme 2024 and provided some information about the next year's stakeholder forum, which will take place on the 14th of March next year. The following timeline of activities was described for BEREC WP Outline 2024:
	 early November the first version of the draft BEREC Work Programme 2024 was finalised; on 4 November 2022 the timeline of activities was checked with PFT Co-Chairs; on 9 November 2022 the first draft was sent to Co-Chairs; on 17 November 2022 an oral update was held at the CN meeting; on 28 November 2022 the 1st drafter's meeting took place; from 5 to 15 December 2022 the first CN comments round is taking place; one 11 January 2023 the 2nd drafters meeting will take place; from 13 to 19 January 2023 comments round e-vote will take place; from 24 to 26 January 2023 e-vote will take place; on 27 January 2023 the BEREC WP Outline 2024 will be submitted to European Parliament, Council and European Commission. In conclusion, the 2024 BEREC Chair provided information to the BoR on
Conclusion	the Stakeholder Forum that will take place on 30 March 2023.
Coliciusion	The BoR took note of the information and agreed on the finalisation of the Outline of the draft BEREC Work Programme 2024.

14. BEREC International Cooperation

Document(s)	BoR (22) 198 draft Indicative calendar of international events for 2023
Introduction by	Representative of BEREC Vice-Chair responsible for international activities (BIPT)
Information presented	The International team leader reported that the International Team under PFT WG - set up to support the Chair and outgoing Chair in maintaining an active relationship with the external bodies mentioned in the mid-term

	strategy - developed the first calendar of international events in 2022. This calendar has been used as a tool proactively to plan and assign the necessary resources and to implement a series of activities throughout 2022.
	The document submitted to BoR builds on what has been achieved in 2022 and presents an indicative calendar of events for 2023.
	The BEREC partners and activities listed in the calendar are (non-exhaustive):
	 EaPeReg, EMERG, Regulatel, African regional regulatory organisations; ITU, CEPT; FCC, CTRC, TRAI; International activities planned by the BEREC Working Groups;
	- Mini Board study trip.
	The BoR was informed about events that are taking place next year in which there will be a chance for BEREC to engage with all the abovementioned actors.
Conclusion	The BoR approved the document for internal use.

15 Exchange of Regulatory experience on the DSA

Document(s)	No document
Introduction by	BEREC Chair (ACM)
Information presented	The BEREC Chair invited the NRA to share experiences on how they are collaborating and interacting with the Digital Services Act and other digital acts.
	The ACM team showed how the Digital Services Act does not determine what is illegal but establishes rules concerning the detection, the reporting and the removal of illegal content. It establishes a framework of transparency and accountability for online platforms. In this way, it also promotes innovation, growth and competitiveness.
	As far as supervision is concerned, it is of course entrusted to the European Commission; one of the national authorities will be appointed as coordinator of the digital services acts with various responsibilities, the obligation to assist the European Commission and to cooperate with other independent advisory groups.
	The NRAs responded to a questionnaire that showed that 46% of them believe their NRA is likely to be appointed as digital services coordinator.
Conclusion	The BoR took note of the information.

16 AOB

Information on the 54th BoR Ordinary Meeting (9 March, virtual meeting)

Document(s)	No document
Introduction by	BEREC Chair (ACM)
Information presented	The BEREC Chair provided information on the next virtual BoR Meeting.
Conclusion	The BoR took note of the information.