

1st Extraordinary Plenary Meeting of the BEREC Board of Regulators (BoR)

Hosted virtually

Conclusions

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& Post Commission (EETT)

9 May 2023

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Annex I – List of documents

Main Results of the 1st Extraordinary Plenary Meeting of the BEREC Board of Regulators

The objective of the 1st Extraordinary Plenary Meeting of the BEREC Board of Regulators was to discuss the BEREC input to the exploratory consultation on the future of the connectivity sector and the comments on the Rules of Procedure of the High-Level Group for the Digital Markets Act.

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

1. Documents approved as regular items:

1.1 *For approval for internal use and transmission to the European Commission and DMA High Level Group:*

- BoR (23) 84 Comments on the Rules of Procedure of the High-Level Group for the Digital Markets Act

1.2 *For approval via e-voting procedure by 19 May 2023:*

- BoR (23) 73 BEREC input to the exploratory consultation on the future of the connectivity sector and its infrastructure

Introduction and participation

The 1st Extraordinary Plenary Meeting of the BEREC Board of Regulators was held virtually on 9 May 2023.

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 operations of the markets for electronic communications networks and services. The European Commission also took part in the Meeting. Heads and high-level Representatives of the NRAs with whom BEREC has concluded working arrangements were also present.

List of documents

The list of final documents approved by the Meeting for publication, in compliance with the BEREC Regulation and the BoR transparency rules, is presented in Annex I 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 (23) 72 Draft BEREC BoR Agenda
Introduction by	BEREC Chair (EETT) Konstantinos Masselos (kmasselos@eett.gr)
Information presented	The Chair of BEREC welcomed the participants to the meeting and provided practical information on the logistics of the meeting. He welcomed the new BoR members and invited them to introduce themselves. <ul style="list-style-type: none"> - Mark Pohar - AKOS, Slovenia; - Petri Lehikoinen - TRAFICOM, Finland. The Chair of BEREC then 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 any changes.

2 Coordination Group on the EC's exploratory consultation

Document(s)	BoR (23) 73 Draft BEREC input to the exploratory consultation on the future of the connectivity sector and its infrastructure
Introduction by	Drafting coordinators (ComReg/EETT) Tom Boyce (tom.boyce@comreg.ie) Sofia Fragoulopoulou (Sfragoulopoulou@EETT.GR)
Information presented	The Chair of BEREC noted the hard work of all involved in the drafting exercise to prepare the BEREC input to the public consultation.

	<p>The drafting coordinators reported to the BoR on the preparation of the BEREC input to the exploratory consultation launched by the EC. The deadline for a response is 19 May 2023. They recalled that the BoR agreed that its input would consist of a ten-page document encompassing all issues dealt with in the Commission’s questionnaire, answers to individual questions (when deemed useful), and additional input in the form of annexes (where considered necessary/appropriate).</p> <p>They reported on the coordination process among the WGs and the manner in which the questions in the public consultation (PC) and work was split among the individual WGs.</p> <p>They further recalled the work schedule and the next steps to be taken to finalise and to have the BEREC contribution approved. The Extraordinary BoR meeting will be followed by a short round of written comments after which the final draft documents would be submitted for approval via the e-voting procedure on 15-18 May 2023.</p> <p>The drafting coordinators outlined the guiding principles that were followed during the preparation of the BEREC input. They presented the structure of the ten-page document, focusing on key messages concerning each section of the consultations: ‘Technological and market developments’, ‘Fairness for consumers’, ‘Barriers to the Single Market’ and ‘Fair contribution by all digital players’. The aim was to produce a coherent consolidated document with no contradictions or overlaps.</p>
Conclusion	The BoR agreed to submit the documents to an e-voting procedure with a view to having the final documents approved before 19 May 2023.

3 BEREC’s participation in the 1st DMA High-Level Group meeting

Document(s)	BoR (23) 84 Draft comments on the Rules of Procedure of the High-Level Group for the Digital Markets Act
Introduction by	BEREC Chair (EETT) Konstantinos Masselos (kmasselos@eett.gr)
Information presented	<p>The Chair of BEREC reported that the Commission shared the draft Rules of Procedure of the DMA High-Level Group with BEREC before the extraordinary meeting of the Contact Network which was held virtually on 27 April 2023. The first meeting of the DMA High-Level Group is planned for 12 May 2023; it will be hosted by the Directors-General of DG CNECT and DG COMP – Roberto Viola and Olivier Guersent, and it will take place in Brussels, as a presential meeting.</p> <p>The Chair of BEREC summarised BEREC’s main comments on the Rules of Procedure, emphasising that they are primarily aimed at facilitating the required reporting and consulting within the bodies and networks participating in the DMA High-Level Group. In light of this, the Chair of BEREC reiterated the importance of extending the deadlines for the invitations and agendas for the meetings and circulating the relevant documents. Secondly, the Chair of BEREC pointed out the need to align the text of the Rules of Procedure with the provisions of the DMA, as cooperation in practice might reveal additional needs not covered by the current text. In conclusion, the Chair of BEREC said that it would be important for a small number of experts to accompany the BEREC representatives during the meetings of the DMA High-Level Group. The BEREC Chair also informed the BoR that one NRA has submitted some</p>

	slight editorial suggestions on the text which will be incorporated in the document that will be sent to EC as they improve the document.
Conclusion	The BoR took note of the information and approved the document for internal use and transmission to the European Commission and DMA High-Level Group.

4 AOB

4.1 Oral update on changes to the deliverables of Work Programme 2023.

Document(s)	No documents.
Introduction by	BEREC Chair (EETT) Konstantinos Masselos (kmasselos@eett.gr)
Information presented	<p>The Chair of BEREC briefed the BoR members on the need to postpone a couple of points in the Work Programme 2023. In particular, taking into account the status of the Commission's work on the revision of the BEREC Regulation, it will not be possible to approve the draft BEREC input on the functioning of BEREC and the BEREC Office for evaluation under Article 48 of the BEREC Regulation at the 55th Plenary Meetings. However, a strategic discussion is planned to provide guidance to the Working Group. Subsequently, the document will be submitted for approval at the 56th Plenary Meetings or for a vote in early September, if possible.</p> <p>Secondly, the Chair of the BEREC reported that the Cybersecurity Working Group recently finalised the questionnaire for the NRAs and stakeholders. Therefore, the draft BEREC Report on the various activities in support of the initiatives to secure the 5G networks will only be submitted for approval at the 56th Plenary Meetings.</p>
Conclusion	No action is required.

4.2 Oral update on the revision of the Working Arrangements with NRAs participating in the work of BEREC and BEREC Office

Document(s)	No documents
Introduction by	European Commission representative Renate Nikolay (Renate.NIKOLAY@ec.europa.eu)
Information presented	The EC representative informed the BoR that the EC had revised the draft WAS received from BEREC. She informed the BoR that the EC's informal comments would be shared after the meeting with the aim of receiving the prior approval of the EC and the conclusion of the WAS.
Conclusion	To revise the WAS based on the comments provided by the EC and submit them to the Second Contact Network Meeting in 2023.