55ᵗʰ Ordinary Plenary Meeting of the BEREC Board of Regulators (BoR)

Hybrid meeting

Conclusions

Chair: Konstantinos Masselos

President of the Hellenic Telecommunications
& Post Commission (EETT)

8 June 2023

Contents

Main Results of the 55th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 55th Ordinary Plenary Meeting in hybrid mode on 8 June 2023.

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

1. Documents approved as 'A' items:

1.1 For publication:

- BoR (23) 86 BEREC Report on the outcome of the public consultation on the BEREC Report on competition amongst multiple operators of NGA networks in the same geographical region

- BoR (23) 87 BEREC Report on competition amongst multiple operators of NGA networks in the same geographical region

- BoR (23) 88 BEREC Report on the outcome of the public consultation on the BEREC Report on the regulatory treatment of business services

- BoR (23) 89 BEREC Report on the regulatory treatment of business services

- BoR (23) 90 BEREC Report on WACC parameters 2023

- BoR (23) 91 BEREC Report on the outcome of the public consultation on the BEREC Report on the interoperability for number-independent interpersonal communication services (NI-ICS)

- BoR (23) 92 BEREC Report on the interoperability for number-independent interpersonal communication services (NI-ICS)

- BoR (23) 93 BEREC Report on the impact of Artificial Intelligence (AI) solutions in the telecommunications sector on the regulation

- BoR (23) 94 BEREC Report on the outcome of the public consultation on the BEREC Report on the impact of Artificial Intelligence (AI) solutions in the telecommunications sector on the regulation

1.2 For internal use:

- BoR (23) 95 BEREC Guidelines detailing Quality of Service (QoS) parameters – scoping document

- BoR (23) 96 BEREC Report on Member States' best practices to support the defining of adequate broadband Internet Access Service (IAS) – scoping document

2. Documents approved as regular items:

2.1. For publication:

- BoR (23) 85 BEREC BoR Agenda

- BoR (23) 98 Decision of the Board of Regulators to establish Working Arrangements between NRAs of Albania, Bosnia & Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and the Body of European Regulators for Electronic Communications (BEREC)

- BoR (23) 99 Working Arrangements concerning the participation of the National Regulatory Authority of Albania in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC

- BoR (23) 100 Working Arrangements concerning the participation of the National Regulatory Authority of Bosnia & Herzegovina in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC

- BoR (23) 101 Working Arrangements concerning the participation of the National Regulatory Authority of Kosovo* in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC

- BoR (23) 102 Working Arrangements concerning the participation of the National Regulatory Authority of Montenegro in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC

- BoR (23) 103 Working Arrangements concerning the participation of the National Regulatory Authority of North Macedonia in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC

- BoR (23) 104 Working Arrangements concerning the participation of the National Regulatory Authority of Serbia in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC

- BoR (23) 112 BEREC Summary Report of the Workshop on secure and reliable connectivity in Europe from low earth orbit satellite fleets

- BoR (23) 117 BEREC Report on the Data Act Workshop

- BoR (23) 118 BEREC Report on the Study Visit to South Korea

- BoR (23) 119 BEREC Report on the Joint Statement between EU and UA operators

2.2. For publication and submission to the European institutions:

- BoR (23) 109 BEREC Annual Report 2022

2.3. For internal use:

- BoR (23) 110 BEREC Report on the IP Interconnection ecosystem – scoping document

- BoR (23) 113 BEREC Report on the outcome of the internal Workshop on features of NRA independence

2.4. For public consultation:

- BoR (23) 111 BEREC Report on practices and challenges of the phasing out of 2G and 3G

3.   Documents submitted for information purposes:

- BoR (23) 97 Schedule for the election of BEREC Chair 2025 and Vice-Chairs 2024

- BoR (23) 105 Contact lists pack

- BoR (23) 106 Information on the planned electronic voting procedures

- BoR (23) 107 Information on the electronic voting procedures since the last plenary meeting

- BoR (23) 108 Work Programme 2023 status update

- BoR (23) 114 First draft of the BEREC Opinion on the functioning of BEREC and BEREC Office for the evaluation under Article 48 of the BEREC Regulation

- BoR (23) 115 List of proposed items for the WP 2024

- BoR (23) 116 Preliminary schedule of the ordinary BoR and MB meetings and Contact Network (CN) meetings and public debriefings in 2024

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 2024. Furthermore, the BoR held a regulatory exchange session concerning the Directive (EU) 2019/790 on copyright and related rights in Digital Single Market.

The European Commission was invited to provide information on important recent developments and activities under its remit that have an impact on the electronic communications sector.

5. Next Meeting

The next Ordinary Plenary Meeting of the BoR will take place in hybrid format on **5 October 2023 in Portugal**.

Introduction and participation

The BEREC Board of Regulators held its 55th Ordinary Plenary Meeting in hybrid mode on 8 June 2023, in Budva, Montenegro.

The Meeting was attended by the Heads and/or high-level Representatives of the National Regulatory Authorities (NRAs) from each EU Member State who 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

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) 85 Draft BEREC BoR Agenda
Introduction by	BEREC Chair (EETT)
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 with the requested changes.

2 List of 'A' items

Document(s)	Approval for publication:
	BoR (23) 86 Draft BEREC Report on the outcome of the public consultation on Draft BEREC Report on competition amongst multiple operators of NGA-networks in the same geographical region
	BoR (23) 87 Draft BEREC Report on competition amongst multiple operators of NGA-networks in the same geographical region
	BoR (23) 88 Draft BEREC Report on the outcome of the public consultation on the Draft BEREC Report on the regulatory treatment of business services
	BoR (23) 89 Draft BEREC Report on the regulatory treatment of business services
	BoR (23) 90 Draft BEREC Report on WACC parameters 2023

	BoR (23) 91 Draft BEREC Report on the outcome of the public consultation on the Draft BEREC Report on interoperability for number-independent interpersonal communication services (NI-ICS)
	BoR (23) 92 Draft BEREC Report on interoperability for number-independent interpersonal communication services (NI-ICS)
	BoR (23) 93 Draft BEREC Report on the impact of Artificial Intelligence (AI) solutions in the telecommunications sector on regulation
	BoR (23) 94 Draft BEREC Report on the outcome of the public consultation on Draft BEREC Report on the impact of Artificial Intelligence (AI) solutions in the telecommunications sector on regulation
	Approval for internal use:
	BoR (23) 95 BEREC Guidelines detailing Quality of Service (QoS) parameters – scoping document
	BoR (23) 96 Draft BEREC Report on Member States' best practices to support the defining of adequate broadband Internet Access Service (IAS) – scoping document
Introduction by	BEREC Chair (EETT)
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 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, 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   Information from the Chair including information on the election of the BEREC Chair 2025 and Vice-Chairs 2024

Document(s)	BoR (23) 97 Draft Schedule for the election of BEREC Chair 2025 and Vice-Chairs 2024
Introduction by	BEREC Chair (EETT)
Information presented	The BEREC Chair recalled the email sent to the BoR with all the necessary information. He informed the BoR that: – the 2nd public debriefing after P2 would be virtual; – the Mini Board continued with its meetings and that the Study Trip took place in April 2023; – the 2nd Co-Chairs meeting would be held virtually the following week and a team building event would be back-to-back with CN3. The BEREC Chair informed the BoR about the schedule for the elections presenting the key milestones in the procedure. The call for candidates for the position of BEREC Chair 2025 and Vice-Chairs 2024 would be launched on 5 July 2023. The election will take place during Plenary 3 2023 in Funchal.
Conclusion	The BoR took note of the information.

4 Revision of Working Arrangements (WAs) with NRAs participating in the work of BEREC and BEREC Office

Document(s)	BoR (23) 98 Draft Decision of the Board of Regulators to establish Working Arrangements between NRAs of Albania, Bosnia & Herzegovina, Kosovo[1], Montenegro, North Macedonia, Serbia and the Body of European Regulators for Electronic Communications (BEREC)
	BoR (23) 99 Working Arrangements concerning participation of the National Regulatory Authority of Albania in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC
	BoR (23) 100 Working Arrangements concerning participation of the National Regulatory Authority of Bosnia & Herzegovina in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC
	BoR (23) 101 Working Arrangements concerning participation of the National Regulatory Authority of Kosovo* in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC
	BoR (23) 102 Working Arrangements concerning participation of the National Regulatory Authority of Montenegro in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC
	BoR (23) 103 Working Arrangements concerning participation of the National Regulatory Authority of North Macedonia in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC
	BoR (23) 104 Working Arrangements concerning participation of the National Regulatory Authority of Serbia in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC
Introduction by	BEREC Chair (EETT)
Information presented	The BEREC Chair recalled the Extraordinary meeting of the BoR that took place on 9 May 2023 during which the EC informed about minor amendments to the draft Working Arrangements (WAs) submitted to them for prior approval. He recalled that these were mainly editorial changes with clear reference to Article 35 to highlight that the WAs do not create legal obligations. The amended WAs were resubmitted to the EC and they were approved by a set of EC decisions on 2 June 2023.
	The BEREC Chair also reported that the relevant annexes of the Agreement between the EU and Ukraine had been approved. In view of this development BEREC can now start revision of the WAs with the NRA of Ukraine (NCEC).
	He also reported about the developments concerning Moldova and the need to look into the WAs with Moldavian NRAs (ANRCETI).
Conclusion	The BoR approved the Working Arrangements for signature and publication.

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[1] This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

5   Information from the BEREC Office

Document(s)	BoR (23) 105 Contact lists pack
	BoR (23) 106 Information on the planned electronic voting procedures
	BoR (23) 107 Information on the electronic voting procedures since the last plenary meeting
	BoR (23) 108 Work Programme 2023 status update
	BoR (23) 109 Draft BEREC Annual Report 2022
Introduction by	BEREC Office Representative
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 voting procedures since the last plenary meeting, the planned electronic voting procedures and the implementation status of the 2023 BEREC Work Programme.
	The BEREC Office Representative briefed the BoR on the most important ongoing projects and studies run by the BEREC Office in support of BEREC, namely:
	− Status update for BEREC WP 2023 (15 new deliverables, no phase II cases);
	− Figures for Working Groups meetings so far and meetings planned for the rest of 2023;
	− AVC facility in Brussels;
	− migration of BERECnet+ servers;
	− Results of the survey on the quality of support to WGs including workshops and Phase-II cases.
	− Studies in 2023:
	1) Evolution of the competitive dynamics of the tower and access infrastructure companies not directly providing retail services.
	2) Trends and policy/regulatory challenges of cloudification, virtualisation and softwarisation in telecommunications.
	− Training for the Co-Chairs of Working Groups and ENGs that took place in April 2023 and training for junior experts of the NRAs;
	− VAS / Emergency Services Databases;
	− BEREC Annual Report 2022.
Conclusion	The BoR took note of the information and approved the Annual Report 2022 for publication and submission to the European institutions.

6   Information from the European Commission

Document(s)	No documents
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:

Armed conflict in Ukraine

The EC representative informed the BoR that the Commission looks forward to the BEREC's Report on the joint implementation of the Joint Statement. The EC representative then thanked BEREC for initiating the implementation monitoring exercise and reiterated the importance of input from Member States. EC representative also added, that Commission is supporting the extension of the Joint Statement, most likely for 12 months.

Also she mentioned that together with BEREC for the support of Ukrainian NRA colleagues with this task on implementation of regulations, a TAEX workshop is planned at the end of June in Vienna.

EU-Moldovan Declaration

The Commission, together with the Moldovan authorities, have facilitated the signing on 31 May 2023 of the EU-Moldovan voluntary agreement for lower roaming tariffs. The EC representative said that the Commission hopes that as many operators as possible will join the initiative and asked BEREC to help promote this activity among the operators. Moldova is playing a very important role in the context of camping Ukrainian refugees and this initiative is a very important help for them.

Proposal for a Gigabit Infrastructure Act

A progress report on the Proposal was presented to the Transport and Telecom Council on 2 June 2023. In the European Parliament, the ITRE Committee plans to adopt its report in the autumn.

She also reported on the Have you say feedback on the GIA proposal. 73 answers were received. The Commission will summarise the feedback publish a summary report in due course. The Commission is hoping for a first reading agreement by the end of the European Parliament's mandate

The Commission noted, that it is looking forward to cooperate with BEREC in applying this legislative act.

The draft Gigabit Recommendation

The Commission services are assessing the various points raised in the BEREC Opinion, issued by BEREC on 5 May 2023. A reflection work is going on right now. There are also comments received from different associations and operators. On 28 June there will be a short exchange of views at the European Parliament, where the Commission will present the information and BEREC is invited to participate, As regards the timeline for adoption, the Commission is aiming most likely to adopt in September.

Exploratory consultation on the future of the connectivity sector and infrastructure.

Consultation was closed on 19 May 2023. The Commission has received 437 contributions in total. The Commission has started analysis and plans to publish the non – confidential versions of all responses and a summary

	review by the summer. An external contractor is helping with analysis. First part of output is planned to be published around mid-June There is sensitive information in responses, therefore it takes time for non-discloser-agreements. In this context BEREC has a privileged role, The Commission wants to continue discussion on how to follow up after the public consultation, especially taking into account sensitive data. Confidential data should not be disclosed. **Digital Decade Policy Programme (DDPP)** The guidelines for the member states on the preparation of the road maps will be published very soon. Also thanking to BEREC's input in discussions during the committee, there are finally draft solutions on KPIs for implementing the act. A sub-group will be established to look at the 5G KPIs. The current challenge is the measurement of the quality of the service which should be harmonized – this is where the Commission sees the BEREC's role and the NRAs' role.
Conclusion	The BoR took note of the information.

7   Open Internet (OI)

7.1   BEREC Report on the IP Interconnection ecosystem – scoping document

Document(s)	BoR (23) 110 Draft BEREC Report on the IP Interconnection ecosystem – scoping document
Introduction by	OI WG Co-Chairs (BNetzA/ILR)
Information presented	The Co-Chairs presented the scoping document of the Report on the IP interconnection ecosystem, analysing the period from early 2017 to autumn 2023. Firstly, they informed the BoR members about the objectives of the document, namely to re-evaluate conclusions from 2017, assess the current status and developments in the market since 2017, provide a prospective analysis of the trends until 2030, and include an update of legal references (e.g. EECC). In light of this, the Co-Chairs explained that their intention is to: • limit the scope to the IP-IC ecosystem; • update the 2017 BEREC report on IP-IC practices; • implement the collaboration with the DM and MEA WGs Secondly, the Co-Chairs provided an outline of the main topics that will be addressed in the draft report, such as traffic developments, case studies on IP-IC disputes, price and cost developments, NRAs' activities in the field of IP-IC, the relationship between IP-IC and OIR, market developments and bargaining situations between content and application providers and internet access service providers. Furthermore, the Co-Chairs illustrated the timeline leading to the publication of the Report; in particular, the call for stakeholders input will be put in practice through the submission of questionnaires, between June and August 2023, and the organization of internal workshops in September 2023. The Co-Chairs asked the BoR members to agree on postponing the report by 2 plenary cycles, in order to have more coordination and consistency between DM and OI reports, time to assess the data received through EC's consultation and flexibility to handle ad hoc requests.

Conclusion	The BoR approved the document for internal use taking into account comments made during the meeting and postponement of the report by two plenary cycles (public consultation-P2/2024 and publication P4/2024)

8 Wireless Network Evolution (WNE)

8.1 BEREC Report on practices and challenges of the phasing out of 2G and 3G

Document(s)	BoR (23) 111 Draft BEREC Report on practices and challenges of the phasing out of 2G and 3G
Introduction by	WNE WG Co-Chairs (ACM/ComReg)
Information presented	The Co-Chairs presented the draft BEREC Report on practices and challenges of the phasing out of 2G and 3G, which may have potential consequences with regard to: - the continuity of service for end-users who use services based on 2G/3G technologies, not only in the field of IoT, and the challenges of migration of services to new technologies, but also in relation to interoperability of VoLTE services for roamers between European countries; - the coverage issues in rural and remote areas supported by 2G; - the understanding of which IoT and M2M devices in operation may be affected with 2G/3G phasing out; - the possible impact on interoperability and coverage issues affecting emergency calls. Furthermore, the Co-Chairs illustrated to the BoR members the main challenges, examples and impacts of the phasing out of 2G and 3G, as well as the interoperability issue of VoLTE and VoNR. They focused their attention on the involvement of different stakeholders, namely: users, service providers and associations, standardization bodies, suppliers, regulatory authorities and European institutions. Lastly, the Co-Chairs proposed to use, where applicable, the input from consultation reactions to further improve and finalise the report.
Conclusion	The BoR approved the document for public consultation.

8.2 BEREC Summary Report of the Workshop on secure and reliable connectivity in Europe from low earth orbit satellite fleets

Document(s)	BoR (23) 112 Draft BEREC Summary Report of the Workshop on secure and reliable connectivity in Europe from low earth orbit satellite fleets
Introduction by	WNE WG Co-Chairs (ACM/ComReg)
Information presented	On the 13th April BEREC conducted an external workshop on secure and reliable connectivity from low earth orbit ("LEO") satellite fleets. The purpose of the workshop was to develop an understanding of direct-to-cell connectivity and relevant regulatory issues which might arise. BEREC's primary interest was to ignite discussions on the market access issues facing relevant industry stakeholders. Firstly, the Co-Chairs presented the Summary Report of the Workshop to the BoR members, which was held virtually and attended by 179

participants. All presenters from the satellite industry (Globalstar, SpaceX, Deutsche Telekom, AST Space Mobile, Ericsson, Echostar Mobile Ltd, Rivada Networks and SES) referred to future innovations and new launches / satellite upgrades, and so set out an optimism that there's a lot more new and more powerful direct-to-device services / use cases to come which will likely be supported by increasing satellite capacities.

Secondly, the Co-Chairs explained that the initial satellite-to-device services include emergency services, text services, IoT services. When additional LEO satellites are launched more capacity will be available and services will be extended with voice and data connectivity at locations with no coverage of fixed or mobile terrestrial networks. Also more elaborate services may be supported (more LEO, Mixed orbit solutions, optical interconnection, all of which may support other new services)

Moreover, the Co-Chairs identified several issues that may need further regulatory study depending on what services come to market:

- EU Roaming and handover impacts
- Interoperability
- Emergency services and calling emergency numbers (112)
- Interfacing with the correct public safety answering points ("PSAPs")
- Neutral host and potential wholesale issues
- Numbering, legal and jurisdiction issues (legal intercept, etc.)
- Issues around convergence with the mobile fixed communications networks ("MFCN")

The Co-Chairs reiterated the importance of continuing to explore satellite communications, proposing to look at regulatory issues in more depth next year with a workshop or a status update, and examining possible authorization requirements and other regulatory issues.

Conclusion	The BoR approved the document for publication.

9   Regulatory Framework (RF)

9.1   BEREC Summary Report of the BEREC internal Workshop on features of NRAs independence

Document(s)	BoR (23) 113 Draft BEREC Report on the outcome of the internal Workshop on features of NRA independence
Introduction by	RF WG Co-Chairs (AGCOM/NMHH)
Information presented	The Co-Chairs presented the BEREC Report on the outcome of the internal Workshop on features of NRAs' independence, organized by the Regulatory Framework Working Group.
	Firstly, they informed the BoR members that the Workshop was held on 3 May 2023 and was attended by 53 participants. Three possible, and potentially not mutually exclusive, lines of actions were identified and discussed as the way forward to be pursued along the Work Programme 2023:
	– a self-assessment tool,
	– a peer review,
	– and the important role of the European Commission;

	These actions were described in more detail with their respective pros and cons.
	The Co-Chairs requested the BoR members to discuss this issue following some suggested questions.
Conclusion	The BoR approved the document for internal use and agreed on the next steps.

9.2 BEREC Opinion on the functioning of BEREC and BEREC Office for the evaluation under Article 48 of the BEREC Regulation

Document(s)	BoR (23) 114 First draft of the BEREC Opinion on the functioning of BEREC and BEREC Office for the evaluation under Article 48 of the BEREC Regulation
Introduction by	RF WG Co-Chairs (AGCOM/NMHH)
Information presented	Pursuant to Article 48 of the BEREC Regulation, the European Commission must, by 21 December 2023 and every five years thereafter, carry out an evaluation in compliance with the Commission's guidelines to assess BEREC's and the BEREC Office's performance about their objectives, mandate, tasks, location. The Commission must report to the European Parliament, the Council and the BEREC Management Board on the findings of its evaluation, and it must publish those findings.
	Given the relevance of the EC evaluation, BEREC decided to contribute to this exercise undertaking its own assessment in the form of a BEREC Report/Opinion to the EC. In light of this, the Co-Chairs presented to the BoR members the draft BEREC input to the EC for the evaluation of BEREC and the BO; the conclusions on potential challenges, strengths and areas for improvement, will be developed according to the discussion held and the steering received by the BoR Members
	Afterwards, the Co-Chairs illustrated the structure of the draft BEREC Input and a list of the main takes that BoR members should take into account for the discussion on the way forward.
Conclusion	The BoR took note of the information and agreed to proceed with the next steps.

10 Planning and Future Trends (PFT)

10.1 Update on the development of BEREC Work Programme 2024

Document(s)	BoR (23) 115 List of proposed items for the WP 2024
	BoR (23) 116 Preliminary schedule of the ordinary BoR and MB meetings and Contact Network (CN) meetings and public debriefings in 2024
Introduction by	BEREC Incoming Chair (HAKOM)
Information presented	The Incoming BEREC Chair presented the consolidated list of proposed items for the WP 2024 to the BoR members. The prioritisation exercise was mainly focused on the following elements: the merging of identical and similar proposals, provisional allocation of inputs to WGs, initial consultation with WGs as well as other corrections. The inputs were

	received from NRAs, Co-Chairs and stakeholders. In total, 55 proposals were received. Furthermore, the Incoming Chair presented the 17 most relevant proposals that were prioritised by the NRAs during the exercise. Also, he presented the number of PRDs per WG in total, as well as the main comments received. He pointed out the following main messages as a result of the prioritisation exercise: - stakeholders support work on new areas, but want BEREC to stay focused on its EECC tasks; - prioritization outcome shows a similar trend - the balance between new issues and "classical topics"; - more mergers and postponements can still be considered. The adoption of the final Work Programme 2024 is planned for the 57th Plenary Meetings in 2023.
Conclusion	The BoR took note of the information.

10.2 BEREC Report on the Data Act workshop

Document(s)	BoR (23) 117 Draft BEREC Report on the Data Act Workshop
Introduction by	PFT WG Co-Chairs (CNMC/ACM)
Information presented	The Co-Chairs briefed the BoR members on the draft BEREC Report Summary of the Data Act Workshop on switching and interoperability of data processing services. Firstly, the Co-Chairs informed that the Workshop was attended by almost 100 participants, NRAs experts and stakeholders. The keynote speech by the EC and the panel with academia and industry proved to be important. The main topics discussed at the workshop were: • The cloud services landscape • The interrelation between the cloud and the Electronic Communications Networks and Services • Technical considerations: functional equivalence and interoperability • Financial (charges and costs) considerations • Contractual considerations • Regulatory consistency • Governance
Conclusion	The BoR approved the document for publication.

10.3 BEREC International Cooperation

Document(s)	BoR (23) 118 Draft BEREC Report on the Study Visit to South Korea
Introduction by	BEREC Vice-Chair responsible for international activities (ACM)

Information presented	The BEREC Vice-Chair responsible for international activities briefed the BoR members on the Study Visit to South Korea, which took place from 3 to 7 April 2023 with a view to exploring technological developments, regulatory aspects and best practices in policy and regulation outside Europe.
	She also briefed the BoR about the recent and planned international activities, focusing mainly on the 4 lateral summit planned for 4 October 2023.
Conclusion	The BoR approved the document for publication.

11 Roaming (ROAM)

11.1 BEREC report on the Joint Statement between EU and UA operators

Document(s)	BoR (23) 119 Draft BEREC Report on the Joint Statement between EU and UA operators
Introduction by	ROAM WG Co-Chair (RTR)
Information presented	The WG Co-Chair reported that
	BEREC has been tasked to monitor the implementation of the Joint Statement agreed between the EEA and the Ukrainian operators with the aim to lower wholesale charges of both roaming and termination rates.
	Therefore, in April 2023, BEREC launched a third data collection, to monitor the implementation of the prolonged Joint Statement with the aim to:
	a) monitor the implementation of the JS, especially the lowering of the wholesale roaming and termination rates charged between EU and Ukrainian operators
	b) understand potential issues of fraud and potential obstacles operators might face in relation to the implementation of the JS.
	Apart from EEA NRAs and operators, NCEC and Ukrainian operators were invited to contribute to this exercise, however only those who have signed the Join Statement were asked to provide data.
	The results of this data collection will be presented to the BoR.
	Co-Chair also reported about the Voluntary Agreement between the EU and Moldova signed on 2 June 2023, between 3 MNOs on EEA side and 3 on the Moldovia side. It sets a glide path at retail level to lower the rates with a targeted date of 1 October 2023. The Co-Chair reported that the work on this is already ongoing.
Conclusion	The BoR approved the document for publication subject to data check.

12 Digital Markets (DM)

12.1 1st meeting of DMA HLG and the way forward

Document(s)	No documents.
Introduction by	BEREC representatives to the DMA HLG
	DM WG Co-Chairs (ARCEP/ANACOM)

Information presented	The first meeting of the DMA High-Level Group was held on 12 May 2023. It was hosted by the Directors-General of DG CNECT and DG COMP – Mr. Roberto Viola and Mr. Olivier Guersent.
	The BEREC representatives to the DMA HLG and the DM Co-Chairs briefed the BoR on the main outcomes of the first meeting of the DMA High- Level Group.
	The BEREC Chair reported about the main points discussed:
	• draft of the RoP
	• the time plan for the discussion on reference offers with gatekeepers
	• a tour de table on future expected actions.
Conclusion	The BoR took note of the information.

13 Regulatory exchange about Directive (EU) 2019/790 on copyright and related rights in Digital Single Market

Document(s)	No documents.
Introduction by	Representative of AGCOM
Information presented	The BEREC Chair invited the NRA to share experiences on how the transposition of the Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market has taken place in the various MS, and which NRAs have been mandated with responsibilities in this area or are expected to.
	The Representative of AGCOM presented AGCOM's jurisdiction in respect of the EU Copyright Directive. He gave an overview of the role of AGCOM in the enforcement of online copyright, how the Copyright Directive was transposed in the Copyright law in Italy, and which articles of the EU Directive are reflected in AGCOM regulations; for each of them, he explained how they have been transposed in the Copyright law and if there are similarities or differences in relation to other AGCOM regulations.
Conclusion	The BoR took note of the information.

14 AOB

14.1 Information on the 56th BoR ordinary meeting (5 October, Portugal)

Document(s)	No documents
Introduction by	Representative of the host NRA (ANACOM)
Information presented	The Representative of the host NRA (ANACOM) provided information on the logistics of the 56th BoR ordinary meeting which will take place on 5 October 2023 in Portugal.
Conclusion	The BoR took note of the information.

14.2 Cybersecurity and resiliency of Europe's communications infrastructures and networks Follow-up to the Nevers Call

Document(s)	No documents
Introduction by	NRA representative (BnetzA) 5G Cybersecurity WG Co-Chair (AKOS)
Information presented	The representative of the NRA informed the BoR that the NIS Cooperation Group is finalising its Report on Cybersecurity and resiliency of Europe's communications infrastructures and networks Follow-up to the Nevers Call. She noted that in this report BEREC is mentioned several times in different roles. She highlighted that it is important to ensure that all the references to BEREC are in the right places and are in line with BEREC competencies. The Co-Chair recalled the informal Council meeting of Telecom Ministers, which took place in Nevers on 9 March 2022, which resulted in a joint call to reinforce the EU's cybersecurity capabilities and is the basis for the document. She presented the content of the document and outlined its scope and objectives. The Co-Chair also listed threats and vulnerabilities. She emphasised that cyber-attacks on the telecom sector would have an impact as well as spill-over effects in many critical sectors. She informed the BoR about the reports' strategic and technical recommendations for MS, EC, ENISA and BEREC aiming to mitigate the risks identified. The Co-Chair presented the next steps towards finalisation of the document and a timeline for submitting BEREC amendments to the document. It was also suggested to verify in BEREC WP 2024 if all recommendations of the NIS document for BEREC are covered.
Conclusion	The BoR took note of the information and agreed to revise the Report.

14.3 MEA Workshop on the competition dynamics of tower and access infrastructure companies

Document(s)	No documents
Introduction by	BEREC Office representative (Panos.KARAMINAS@berec.europa.eu)
Information presented	The BEREC Office representative gave an overview of the upcoming MEA workshop to take place on 20 June, in Brussels, in a hybrid setting. The workshop will treat the motivations behind setting up of infrastructure companies, what is their structure and which are the main business models, as well as the implications for competition and investment in fixed and mobile very high capacity networks. The workshop will consist of three sessions, namely (i) one dedicated to the tower companies, (ii) one for the network companies and (iii) the last one for the perspectives of regulators and competition authorities.
Conclusion	The BoR took note of the information.