58th Ordinary Plenary Meeting of the BEREC Board of Regulators (BoR)

Held virtually

Conclusions

Chair: Tonko Obuljen

President of the Croatian Regulatory Authority

for Network Industries (HAKOM)

7 March 2024

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Annex I – List of documents

Main Results of the 58th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 58th Ordinary Plenary Meeting virtually on 7 March 2024.

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

1.   Documents approved as 'A' items:

1.1   For publication:

- BoR (24) 37 Summary Report of the workshop on Internet of Things: perspectives and competition

- BoR (24) 38 30th BEREC international Roaming Benchmark Data Report (including Annex on Western Balkan countries)

- BoR (24) 39 BEREC Report on the outcome of the public consultation on the draft BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service (IAS)

- BoR (24) 40 BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service (IAS)

- BoR (24) 41 BEREC Report on the outcome of the public consultation on the draft BEREC Guidelines detailing Quality of Service (QoS) parameters

2.   Documents approved as regular items:

2.1.   For publication:

- BoR (24) 53 BEREC Calendar of international meetings and events in 2024

- BoR (24) 36 BEREC BoR Agenda

2.2.   For internal use:

- BoR (24) 44 PRD for BEREC opinion on the methodology for the mapping of QoS coverage on Connectivity Indicators for the DDPP

- BoR (24) 65   PRD for BEREC Opinion to EC Implementing Act on Intra-EU communications

2.3.   For public consultation:

- BoR (24) 51   Draft BEREC Report on the entry of large content and application providers into the markets for electronic communications networks and services

- BoR (24) 52 Draft Report on cloud services and edge computing

3.   Documents submitted for information purposes:

- BoR (24) 43 Division of tasks within the Mini Board

- BoR (24) 45 Contact lists pack

- BoR (24) 46 Information on the planned electronic voting procedures

- BoR (24) 47 Information on the electronic voting procedures since the last plenary meeting

- BoR (24) 48 Work Programme 2024 status update

- BoR (24) 49 White Paper on "How to master Europe's digital infrastructure needs?"

- BoR (24) 50 Recommendation on the security and resilience of submarine cable infrastructures

- BoR (24) 54 Draft Programme of the 12th BEREC Stakeholder Forum

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 2025. Furthermore, the BoR held a regulatory exchange session on digital connectivity package.

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 **6 June 2024, in Latvia**.

Introduction and participation

The BEREC Board of Regulators held its 58th Ordinary Plenary Meeting virtually on 7 March 2024.

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 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 (24) 36 Draft BEREC BoR agenda
Introduction by	BEREC Chair (HAKOM)
Information presented	The BEREC Chair welcomed the meeting participants and provided practical information on meeting logistics.
	He also introduced the new BEREC members:
	- Ms Sandra Maximiano – Chair of the Board, ANACOM, Portugal
	- Mr Christian Martin – President of ComCom, Switzerland.
	The BEREC Chair opened the meeting and presented the draft agenda for approval by the BoR. The BoR was invited to suggest any additional issue to be raised or presented under 'Any Other Business' (AOB).
Conclusion	The agenda was approved with no comments.

2   List of 'A' items

Document(s)	BoR (24) 37 Draft Summary Report of the workshop on Internet of Things: perspectives and competition
	BoR (24) 38 Draft 30th BEREC International Roaming Benchmark Data Report (including Annex on Western Balkan countries)
	BoR (24) 39 Draft BEREC Report on the outcome of the public consultation on the draft BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service (IAS)
	BoR (24) 40 Draft BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service (IAS)

	BoR (24) 41 Draft BEREC Report on the outcome of the public consultation on the draft BEREC Guidelines detailing Quality of Service (QoS) parameters
	BoR (24) 42 Draft BEREC Guidelines detailing Quality of Service (QoS) parameters
Introduction by	BEREC Chair (HAKOM)
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 informed the BoR members that, if needed, they could still make statements for the minutes on any of the 'A' items. If a position taken on an 'A' item leads to further discussion, or if a member of the BoR requests it, this item will be withdrawn from the list of 'A' items.
Conclusion	The BoR approved the documents included in the 'A' item list.

3   Information from the BEREC Chair

Document(s)	BoR (24) 43 Division of tasks within the Mini-Board
	BoR (24) 44 Draft PRD for BEREC opinion on the methodology for the mapping of QoS coverage on Connectivity Indicators for the DDPP
	BoR (24) 65 Draft PRD for BEREC opinion on the EC Implementing Act on Intra-EU communications
Introduction by	BEREC Chair (HAKOM)
Information presented	The BEREC Chair informed the BoR about the News Flash that he circulated for information before the meeting. He informed the BoR about: - The work of the DMA HLG, especially the appointment of BEREC representatives to subgroup under Article 5(2); The meeting of the subgroup took place in Brussels on 05 February 2024. - New PRD on ad hoc input to the European Commission calls for contributions on competition in virtual worlds and generative artificial intelligence based on which the DM WG prepared BEREC input to the EC's call for contributions on competition in virtual worlds and generative artificial intelligence. This work stream was led by DM WGs with input from SUST and PFT WGs. An e-voting procedure was planned to approve this input and submit to the EC by 15 March 2024. - Political agreement on the Gigabit Infrastructure Act (GIA) and two new work items for BEREC under FNE WG recently adopted via e-voting procedure. - Division of tasks among the BEREC Vice-Chairs in the Mini-Board - First co-chairs meeting that was held virtually on 17 January 2024.

	- Participation of Bakom experts in BEREC work, who will be involved in the work of the OI WG and two work items under the WNE WG – the BEREC Report on the evolution of private and public 5G networks in Europe and the BEREC external workshop on satellite technology usage in mobile communications.
	- The need for new PRD for BEREC opinion on the methodology for the mapping of QoS coverage on Connectivity Indicators for the DDPP under RAMM WG, and BEREC opinion on the EC Implementing Act on Intra-EU communications under ROAM WG.
	- Postponement of the RF WG workshop on national experiences in the implementation of the EECC from Q2 to Q3 2024 due to the need to coordinate BEREC input to the public consultation on White Paper.
Conclusion	The BoR took note of the information and approved the PRDs for internal use.

4   Information from the BEREC Office

Document(s)	BoR (24) 45 Contact lists pack BoR (24) 46 Information on the planned electronic voting procedures BoR (24) 47 Information on the electronic voting procedures since the last plenary meeting BoR (24) 48 Work Programme 2024 status update
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, information about recent and planned electronic voting procedures, and the implementation status of the 2024 BEREC Work Programme (WP-2024). A BEREC Office representative also updated the BoR on: - the progress on the execution of the BEREC WP 2024; - the statistics regarding the 2024 meetings; - the phase-II cases (Maltese and Estonian); - the procurements run by the BEREC Office in support for BEREC, including the on-line workshop planned for 14 March 2024 regarding the Study on trends & regulatory challenges of cloudification in telecoms; - the training on sustainability with the SUS WG Co-Chairs that was held on 20 February 2024; - the progress in preparation of the BEREC Annual Report 2023 that is to be adopted at P2/2024.

Conclusion	The BoR took note of the information.

5 Information from the European Commission

Document(s)	No documents
Introduction by	European Commission Representative
Information presented	The European Commission (EC) representative informed the BoR about the European Commission's main activities in the field of electronic communications and other relevant activities since the last plenary meetings. Main Commission's activities were described in the paper circulated to the BoR for information before the meeting: - Digital Decade Policy Programme (DDPP) The state of play of the Digital Decade was discussed with the Member States (MS) at the meeting of the Digital Decade Board on 1 February 2024, including early feedback on the strategic roadmaps received, the identification of best practices, and the European Digital Infrastructure Consortium projects (EDICs). Next Digital Decade Board meeting is planned in May 2024 while the publication of the next report is envisaged at the end of June 2024. It should be similar in structure as the last one with a focus on paving the way for the next programme. - Digital Markets Act (DMA) & Digital Services Act (DSA) The EC representative noted that gatekeepers that had been designated in September 2023 are required to comply with the DMA obligations by 7 March 2024. She thanked BEREC for its opinion on Meta's draft reference offer to facilitate WhatsApp interoperability under Article 7 of the Digital Markets Act. It was valuable input that was shared already with Meta. She reported that the final reference offer will be shared with BEREC for any additional comments. The BoR was also informed that the European Board for Digital Services met for the first time on 19 February 2024. The EC representative also drew attention to the Data Act and the need for designation of enforcement authorities by 12 September 2025. She expressed the view that from the EC's standpoint the NRAs would be best placed to take on this role. - Gigabit Recommendation On 6 February, the Commission adopted the Recommendation on the regulatory promotion of gigabit connectivity (Gigabit Recommendation). The Commission Gigabit Recommendation provides guidance to NRAs on the conditions of access to telecom networks of operators with significant market power to incentivise faster switch-off of legacy technologies and accelerated Gigabit networks deployment. - Gigabit Infrastructure Act (GIA) The Commission welcomes the political agreement reached between the European Parliament and the Council on the Gigabit Infrastructure Act (GIA) at the third trilogue on 5 February. It was highlighted that the agreed

tacit approval accepted in the document will have better and faster impact on the market than the Broadband Cost Reduction Directive (BCRD).

The EC representative also welcomed the political agreement that addresses the rules on intra-EU communications that would continue the protection of end users. She also noted the need for BEREC involvement in this respect. BEREC will be asked for its opinion (probably to be delivered at P3) on the implementing act on FUP that needs to be developed by the end of 2024.

She also noted and welcomed the fact that work has already been initiated on the two Guidelines that BEREC must prepare under the GIA.

- Review of the fair use policy and sustainability rules

The European Commission will carry out a full review of the roaming rules due by 30 June 2025. BEREC would be expected to provide its input in Q1.

Conclusion	The BoR took note of the information.

6 Preliminary exchange on digital connectivity package

Document(s)	BoR (24) 49 White Paper on 'How to master Europe's digital infrastructure needs?' BoR (24) 50 Recommendation on the security and resilience of submarine cable infrastructures
Introduction by	European Commission Representative
Information presented	On 21 February 2024, the European Commission published a digital connectivity package that consists of: - The White Paper (WP) on 'How to master Europe's digital infrastructure needs?' analysing the challenges that Europe currently faces in the rollout of future connectivity networks and presenting possible scenarios to attract investments, foster innovation, increase security, and achieve a true Digital Single Market. - The Recommendation on the security and resilience of submarine cable infrastructures presenting a set of actions at the national and EU levels aimed at improving submarine cable security and resilience through better coordination across the EU, both in terms of governance and funding. The Commission launched a public consultation (PC) on 12 scenarios set out in the White Paper. The consultation will close on 30 June 2024. The submissions will be published and will contribute to future policy actions. The European Commission representative presented this initiative to the BoR focusing on the factors identified as having influence on and transforming the telecommunications sector. She then presented the three pillars of the White Paper meant to address identified challenges.

	The EC representative also presented the Recommendation on the security and resilience of submarine cable infrastructures.
	The BoR was asked to exchange initial views on the topic and agree on the way forward concerning the BEREC contribution to the public consultation.
Conclusion	The BoR agreed to contribute to the public consultation on the White Paper.

7   Digital Markets (DM)

Document(s)	BoR (24) 51 Draft BEREC Report on the entry of large content and application providers into the markets for electronic communications networks and services
Introduction by	DM WG Co-Chairs (Arcep/ANACOM)
Information presented	This draft report builds on the BEREC Report on the internet ecosystem and gives an overview of the impact of large application providers (CAPs) on the markets for ECN and ECS in Europe. It presents their strategies and business models, the market dynamics, and CAPs' relations with traditional ECN/ECS providers in terms of competition, cooperation, and interdependence.
	To better analyse the implications of the CAPs' presence and strategies in ECS/ECN markets, three case studies are carried out on CDNs, submarine cables, and internet relay services. Moreover, the draft report highlights some potential restrictions operating systems providers may impose on ECN/ECS operators.
	For this report, BEREC sent a questionnaire to the major CAPs between 17 July 2023 and 8 September 2023 and received responses from 9 CAPs.
	BEREC also organised three workshops with different stakeholders on: - international submarine connectivity in the European Union; - cloud services; - iCloud Private Relay.
	The co-chairs presented to the BoR the main takeaways of the report and areas of possible future work.
	They also outlined comments received after the CN meeting and explained how they were addressed in the final document.
	The draft document would be submitted to public consultation that would run until 24 April 2024.
	In addition, the co-chairs informed the BoR about the work on the BEREC high-level position on artificial intelligence and virtual worlds as its response to the public consultation launched by the EC on 9 January 2024. The co-chairs informed the BoR about the main points of this document and presented the next steps leading to its approval. The intention was to approve the document by 15 March 2024 via e-voting procedure and submit it to the EC.

Conclusion	The BoR took note of the information and approved the document for public consultation.

8 Planning and Future Trends (PFT)

8.1 BEREC Report on cloud services and edge computing

Document(s)	BoR (24) 52 Draft Report on cloud services and edge computing
Introduction by	PFT WG Co-Chairs (PTS/CNMC)

Information presented	This report aims to gain further understanding of cloud computing developments in the digital sector and their impact on the electronic communication sector, including a reflection on their regulatory implications.
	
	The Report describes:
	
	- The general functioning of cloud services markets, interoperability, and switching remedies.
	
	- How cloud and electronic communications interplay from four different angles:
	
	  1. connectivity required for the provision of cloud and edge computing;
	
	  2. migration of ECN to the cloud considers different elements and functions of the network (core, RAN edge, backhaul, and transport, as well as network operation and orchestration);
	
	  3. provision of new and enhanced ECN/S using cloud-based network services (i.e., Network-as-a-Service);
	
	  4. supplying bundled and integrated ECN/S and IT services with the cloud.
	
	Against this backdrop, BEREC is gathering regulatory considerations around network cloudification and future trends that are expected to be relevant in the upcoming years.

Conclusion	The BoR took note of the information and approved the document for public consultation.

8.2 BEREC International Cooperation

Document(s)	BoR (24) 53 Draft BEREC Calendar of international meetings and events in 2024
Introduction by	BEREC Vice-Chair responsible for international activities (EETT)
Information presented	The BEREC Vice-Chair responsible for international activities presented the BEREC Indicative calendar of international events to the BoR members. He also briefed the BoR members on the recent meetings: - Regulatel plenary meeting, Bolivia, 6–7 December 2023

	- Mini Board Study Trip, Brazil, 5–9 February 2024
	- Mobile World Conference, Barcelona, 26–28 February 2024
Conclusion	The BoR approved the document for publication.

8.3   Oral update on draft BEREC Work Programme 2025

Document(s)	No document
Introduction by	Incoming BEREC Chair (ComReg)
Information presented	The BEREC Regulation states that the Board of Regulators shall adopt the outline of the annual work programme by 31 January of the year preceding that to which the annual work programme relates. After consulting the European Parliament, the Council and the Commission on their priorities, as well as other interested parties in accordance with Article 4(5), the Board of Regulators shall adopt the final annual work programme by 31 December of that year.
	The Outline BEREC Work Programme 2024 was adopted on 26 January 2024 by the BoR via an e-vote and subsequently submitted to the EU institutions.
	The Incoming BEREC Chair updated the BoR on the next steps in the development of the BEREC Work Programme 2025.
	The call for input from the external stakeholders was launched on 1 March 2024 with a deadline of 9 April 2024.
Conclusion	The BoR took note of the information.

9   Information about the 12th BEREC Stakeholder Forum

Document(s)	BoR (24) 54 Draft Programme of the 12th BEREC Stakeholder Forum
Introduction by	Incoming BEREC Chair (ComReg)
Information presented	The 12th Stakeholder Forum will take place in Brussels, Belgium, on 26 March 2024. This forum is an opportunity for stakeholders from the telecommunications industry, policymakers, and other interested parties to discuss the latest telecom developments and exchange ideas.
	The event will kick off with Meet & Greet sessions led by the BEREC WG Co-Chairs, followed by a conference.
	The Incoming BEREC Chair presented to the BoR the programme of the event.
Conclusion	The BoR took note of the information.

10   AOB

Information on the 59th BoR plenary meeting (6 June 2024, Jurmala, Latvia)

Document(s)	No documents
Introduction by	Representative of host NRA (SPRK)

Information presented	The representative of the host NRA (SPRK) will provide information on the 59th Plenary meetings that will take place on 6–7 June 2024 in Latvia.
Conclusion	The BoR took note of the information.