

9th meeting of the Board of Regulators Hosted by ANCOM

8-9 December 2011, Bucharest

CONCLUSIONS

1. Opening of the meeting and adoption of the agenda

Draft Board of Regulators (BoR) Agenda

BoR (11) 52

Conclusion

The BoR approved the agenda with the addition of two information items under AOB dedicated to international roaming and IP Interconnection workshop which was organised in co-operation with OECD.

2. Adoption of the agenda items in the “A” list

The BoR approved without discussion the following documents:

- a) **BEREC report on a framework for quality of service in the scope of net neutrality** **BoR (11) 53**

Conclusion

The Report was approved for publication.

- b) **Draft Report on the impact of fixed-mobile substitution in market definition**

BoR (11) 54

Conclusion

The draft Report was approved for public consultation. The public consultation will be held in the period 9 January – 10 February 2012.

- c) **First snapshot on fixed termination rates in the EU**

BoR (11) 57

Conclusion

The snapshot was approved for publication.

The draft BEREC Report on the impact of administrative requirements on the provision of transnational business electronic communication services was withdrawn from the list of “A” items.

3. Provision of business services

Draft BEREC Report on the impact of administrative requirements on the provision of transnational business electronic communication services **BoR (11) 56**

Background

The Framework Implementation Expert Working group (EWG) presented a draft Report on the existing legal and administrative barriers to the cross-border provision of business communication services, hindering the completion of the relevant internal market.

Conclusion

The report was approved for publication.

4. Election of the Chair for 2013 and Vice-chairs for 2012

The BoR appointed the following members as Chair for 2013 and Vice-chairs for 2012:

1. Chair for 2013 - Mr **Leonidas KANELLOS** – EETT (Greece);
2. Vice-chairs for 2012 (listed in alphabetical order of their family names):
 - Mr **Göran MARBY** – PTS (Sweden);
 - Mr **Marius Cătălin MARINESCU** – ANCOM (Romania);
 - Mr **Edward RICHARDS** – OFCOM (UK).

5. Information by the Chair and discussion on the draft BEREC midterm strategy

a) Information by the Chair

The Chair provided an oral up-date on the BEREC communication activities and significant meetings conducted since the last plenary meeting. The Chair participated in a number of events, including the Polish Presidency Conference on perspectives for the development of the electronic communications market in the EU, the IBC Conference on competition law & regulation in the telecoms, Internet & broadcasting sectors 2011 and the ECTA Regulatory Conference 2011.

The Chair also provided information about the presentation of the BEREC position on international roaming to the Committee on Internal Market and Consumer Protection (IMCO) of the European Parliament.

Conclusion

The BoR took note of the information.

b) Draft BEREC Midterm Strategy

Draft BEREC Midterm Strategy Outlook

BoR (11) 58

Background

The Chair presented a proposal for BEREC midterm strategy. The BoR held an extensive discussion on the draft and decided to publish it for consultation.

Conclusion

The BoR approved the draft Midterm Strategy for public consultation. The consultation will be held in the period 16 December 2011 – 16 January 2012.

6. 2011 BEREC Work Programme (WP) status

Status of the implementation of the 2011 BEREC WP

BoR (11) 60

Information presented

The BEREC Office presented an up-date on the status of implementation of the 2011 BEREC WP.

Conclusion

The BoR took note of the information.

7. Draft 2012 BEREC WP

Summary of the contributions received during the public consultation on the 2012 draft BEREC WP

BoR (11) 61

Revised 2012 draft BEREC WP

BoR (11) 62

Proposal for operationalisation of the BEREC WP 2012 – set-up of EWGs

BoR (11) 63

Background

The 2012 BEREC Chair (RTR) presented the results from the public consultation on the BEREC WP for 2012, held in the period 6 October - 4 November 2011, the revised draft WP and a proposal for operationalisation of the BEREC WP 2012, incl. the set-up of EWGs.

Conclusion

The BEREC 2012 WP and the consultation report were approved for publication and implementation.

8. Remedies - non-discrimination obligations

Draft BEREC response to the Commission public consultation on non-discrimination

BoR (11) 64

Background

Ofcom presented the draft BEREC response to the Commission's public consultation on the application, monitoring and enforcement of non-discrimination obligations in electronic communications launched on 3 October 2011.

Conclusion

The BEREC response was approved for submission to the Commission and for publication.

9. Regulatory Accounting

Draft BEREC response to Commission's public consultation on costing methodologies

BoR (11) 65

Background

BNetzA presented the BEREC draft answer to Commission's public consultation on costing methodologies for key wholesale access prices in electronic communications launched on 3 October 2011.

Conclusion

The BEREC response was approved for submission to the Commission and for publication.

10. Net Neutrality - transparency

Draft report on the contributions received during the public consultation on the draft Guidelines on transparency as a tool to achieve net neutrality **BoR (11) 66**

Revised draft Guidelines on transparency in the scope of net neutrality: best practices and recommended approaches **BoR (11) 67**

Background

Following the public consultation on the draft Guidelines on transparency as a tool to achieve net neutrality, held in the period 3 October – 2 November 2011, ARCEP presented the final draft Guidelines, which had taken into account the contributions received during the public consultation.

The BoR gave its broad support to the documents submitted for approval.

Conclusion

The Guidelines on transparency and the report from the public consultation were approved for publication.

11. Article 7a, phase II cases

Draft BEREC opinion on Article 7a, phase II cases investigation on Case PL/2011/1255-1258

BoR (11) 75

Draft BEREC opinion on Article 7a, phase II cases investigation on Case PL/2011/1260

BoR (11) 76

Background

The Expert Working Group on Article 7a, phase II cases, presented the aforementioned draft BEREC opinions.

Conclusion

The opinions were approved for submission to the Commission and for publication.

12. Convergence and Economic Analysis

a) Wholesale origination for VAS

BEREC Draft Special Rate Services Report

BoR (11) 68

Background

OPTA provided a presentation of a BEREC draft Report on special rate services.

Conclusion

The draft report was approved for public consultation, which will be launched on 9 January 2012 and will last until 10 February 2012.

b) Competitive effects of NGA Co-Investments

Draft Report on competitive effects of NGA Co-Investments

BoR (11) 69

Background

ARCEP and BAKOM presented the draft Report on competitive effects of NGA co-investments.

Conclusion

The draft report was approved for public consultation, which will be launched on 9 January 2012 and will last until 10 March 2012.

13. End User EWG – Promotion of Broadband

Draft Broadband Promotion Report

BoR (11) 70

Background

ANCOM presented the draft Report on the measures to support broadband development.

The draft report was broadly welcomed by the BoR.

Furthermore, in the context of the conclusions of the draft report some NRAs pointed out that it illustrated in a very good manner the fact that the efforts done by BEREC to enhance the broadband penetration should not be oriented only on the supply side. In their opinion it was clear that BEREC should have a role on the demand side of the service and therefore they advocated defining in future in a proper way the NRAs' role in boosting the demand.

Conclusion

The draft report was approved for public consultation. The consultation will be held in the period 16 December 2011 – 18 January 2012.

14. Remedies - overview on remedies and EC comments

Overview on remedies and EC comments made during the previous rounds of market analysis procedures

BoR (11) 71

Background

The BEREC Office presented an overview on the remedies and EC comments made during the previous rounds of market analysis procedures.

The overview prepared by the BEREC Office was welcome by the BoR as a useful source of information for the NRAs.

In that respect it was suggested to extend the overview to all markets and to the whole period since the adoption of the Recommendation on the Relevant Markets in force (December 2007).

Conclusion

The BoR approved the overview for publication and requested the Office to further extend the scope and period covered by this exercise.

15. **BEREC International Dimension**

BEREC Report on the Mission to the USA

BoR (11) 72

Background

EETT presented the BEREC Report on the Mission to the USA and a draft Memorandum of Understanding on the cooperation between BEREC and FCC.

The BoR welcome the establishment of cooperation with FCC as proposed, which could be of mutual interest, and pointed out that the bilateral relations should be intensified.

Conclusion

The BoR discussed the results from the BEREC visit to the USA and agreed on further expanding the relations between BEREC and FCC.

16. **BEREC Newsletter**

Proposal for a BEREC electronic newsletter

BoR (11) 73

Information presented

EETT presented a proposal for establishing a BEREC newsletter.

Conclusion

The BoR approved the proposal for implementation.

17. **Information by the Commission**

Information presented

The European Commission presented oral update on several significant developments not mentioned previously.

Conclusion

The BoR took note of the information.

18. **AOB**

a) Information on the BEREC expert workshop on IP-Interconnection in cooperation with OECD

BoR (11) 74

BNetzA presented information the BEREC expert workshop on IP-Interconnection in cooperation with OECD which took place in October 2011.

It was communicated that a similar Workshop will take place in June 2012 as part of the deliverables on IP interconnection.

b) International Roaming

Ofcom presented information on the BEREC advice presented to the legislative bodies within the work on the draft Roaming Regulation III, as follows:

- BEREC Chair addressed EP IMCO & ITRE Committees during the Autumn;

- The Chair of the International Roaming EWG presented the “BEREC Analysis” to Council Working Party on Telecommunications and Information Society;
- BEREC was asked to participate in ITRE Mini-hearing on 20 December 2011.

c) Information on the X BEREC-REGULATEL Summit (Barcelona, 23 and 24 November 2011)

The Chair and CMT provided oral information on the outcome of the meeting, in which also the Eastern Partnership participated.

d) Information on the next BoR Plenary

RTR presented information about the forthcoming plenary meeting to be held in Vienna, on 23 and 24 February 2012.

The BoR took note of the information provided under AOB.
