

# Outcomes of BEREC Plenary meeting

## 2 & 3 December 2010

*Chris Fonteijn, Chair 2011*

Brussels, 9 December 2010

# **Board of Regulators Meeting**

## **Election – Chair 2012 & Vice-Chairs 2011**

- Chair 2012 and Vice Chair 2011

**Dr. Georg Serentschy, RTR**

- Vice-Chairs 2011

**Dr. Leonidas Kanellos, EETT**

**Mr. Ladislav Mikus, TUSR**

## International Roaming

- Report to Commission for input to Commission's own Review, due by June 2011
- Report published 8th December
- Long term solution not currently obvious; best approach 2012-15, maintain regulation
  - Wholesale and retail level
  - Voice, SMS and data
- Need for a further review in 2014

## **Open Access Report**

- Discussion deferred
- Considered at next Plenary meeting

## Net Neutrality

- Discussion on next steps
- Specific issues to be addressed in 2011
  - Transparency
  - Quality of Service Requirements
  - impact on competition arising from traffic management.

## Article 7 Procedures

- BEREC's role in Art 7/7a procedures from transposition date
- Arrangements to allow BEREC to examine referred cases
- Composition of Expert Groups, timescales, etc.
- Will be set out in Rules of Procedures

## **Cross-Border Issues – Art 28 USD**

- Public consultation 9 Dec to 13 Jan.
- This paper is issued for consultation today and will run up to 13 January 2011.
- Art 28 of the Universal Service Directive – Fraud or misuse
- This draft report considers
  - Likelihood of fraud or misuse within the scope of Article 28 USD arising
  - What number ranges and services might be affected.
  - Current and anticipated national approaches to cross-border issues.
  - Enforcement powers.
  - Areas where it might be appropriate for BEREC members to cooperate.



## **Benchmarking**

- SMS Termination Benchmarking agreed

## Bundled Offers – impact on market definition

- Consumers have a strong preference for bundles
- Including bundles in retail market definition
  - SSNIP test can be limited (prevalent prices can hide anticompetitive behaviour)
  - Additional evidence must be taken into account (transaction cost savings, economies of scale/scope should be customer specific)
  - Other evidence – switching behaviour; penetration of bundles
- If retail market definition includes bundles, this may indicate a requirement to define a wholesale market for bundles.
- Art 14.3 of the Framework Directive – leveraging of SMP
- NRAs should continue to monitor the impact of bundles offers.

## Converged Services

- Update of previous ERG work on convergence
- New services are described:
  - Purely telecoms (IP or mobile) convergent services
  - Devices which allow providers to offer retail services
  - Business oriented solutions (e.g. cloud computing)
- Convergence can enhance competition by the reduction of some entry barriers but can also make other barriers more relevant (e.g. spectrum, content)

## Work Programme 2011

- Consultation launched on 8th October and ran until 5th November
- Oral hearing held on 3rd November
- Responses received from:  
BT, Cable Europe, ECTA, ESOA, ETNO, FttH Council, INTUG,  
The Number, Telecom Italia, Vodafone and VON Europe

## **Work Programme 2011**

- Continuation of three themes:
  - Improving harmonisation
  - Emerging challenges
  - Set-up of BEREC and BEREC Office and implementation of reviewed framework

## Improving harmonisation

- Consistency of remedies
- Monitoring conformity of NRA's with BEREC Common Positions
- Analysis of remedies proposed by NRAs and Commission concerns about remedies
- Involvement in Commission investigation of Commission into the cost of non-Europe
- Examine Implementation of Recommendations, consider guidance
- Guidance on recommendation on termination rates
- Implementation of key-remedies – regulatory accounting and non-discrimination
- International Roaming
- Business Communication Services
- Wholesale voice originating to information services

## Emerging challenges

- Promotion of Broadband
- Network Neutrality
- Bridging market evolution and the objectives of spectrum management

## Implementation

- BEREC Office
- Cross-border and End-user issues
  - Article 28 USD: - numbering issues – accessibility to numbers
  - Art 23 USD - Accessibility to ECS for disabled citizens
  - Consumer rights (articles 20, 29 and 30 USD): current and best practices
  - Article 21 Framework Directive: resolution of cross-border disputes
- Functional separation - Follow up to 2010 guidance
- Benchmarks
- Cooperation with RSPG and ENISA



## **Management Committee Meeting**

- Recruitment decisions
- Staff Implementation Rules **ADOPTED**
- Financial Rules applicable to BEREC Office adopted
- Multi-Annual Staff Policy Plan 2012 – 2014. Final decision to be taken at the February meeting.

# Documents approved for publication

## Board of Regulators

BEREC Report on International Mobile Roaming Regulation	BoR (10) 58
BEREC Work Programme 2011 (+ report on the public consultation)	BoR (10) 43 Rev1
BEREC report on impact of bundled offers in retail and wholesale market definition	BoR (10) 64
BEREC report on convergent services	BoR (10) 65
BEREC draft report on cross-border issues under article 28 USD (for public consultation until 13 January 2011)	BoR (10) 62

## Management Committee

BEREC Office decision on the adoption of implementing rules to the staff regulations	MC (10) 27
Decision concerning the appraisal for the administrative manager of the BEREC Office	MC (10) 26