

**BEREC's
Medium Term Strategy
for relations with other institutions
2022-2025**

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1 Introduction

Since its establishment in 2009, BEREC has regularly cooperated with different EU bodies and institutions on a case-by-case basis according to the needs stemming from its different activities and analysis. To cite a few examples, BEREC has produced several reports and joint opinions together with the European Regulators Group for Postal Services (ERGP)¹ and the Radio Spectrum Policy Group (RSPG)². It has signed a Memorandum of Understanding (MoU) with the RSPG and holds many formal and informal exchanges with other relevant EU institutions such as European Regulators Group for Audiovisual Media Services (ERGA), the European Data Protection Board (EDPB) or the European Union Agency for Cybersecurity (ENISA), whose tasks are many times tightly related and complementary to BEREC's.

The 2018 review of the European Electronic Communication Regulatory Framework by means of the European Electronic Communications Code (EECC) and the updated BEREC Regulation acknowledge the importance of this cooperation and introduce specific provisions mentioned below that require a more formalized and structured approach to these relations. Furthermore, BEREC is aware on the ongoing debates on the need to further strengthen institutional cooperation to tackle the new emerging challenges of the digital transition by means of a holistic, cross sectoral approach³.

Article 35(1) of Regulation (EU) 2018/1971 of the European Parliament and of the Council establishing the Body of the European Regulators for Electronic Communications (BEREC) stipulates that BEREC and the BEREC Office may cooperate with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations⁴. Subject to prior approval by the Commission, working arrangements which do not create legal obligations may be established.

Moreover, Article 35(3) also stipulates that as part of the annual work, the Board of Regulators shall adopt BEREC's strategy for relations with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations concerning matters for which BEREC is competent. The Commission, BEREC and the BEREC Office must conclude an appropriate working arrangement for the purpose of ensuring that BEREC and the BEREC Office operate within their mandate and the existing institutional framework.

¹ Example: "Joint BEREC-ERGP Opinion on price transparency and regulatory oversight of cross-border parcels delivery, taking into account possible regulatory insights from the electronic communications sector", BoR (15) 214

² Example: "BEREC and RSPG joint report on facilitating mobile connectivity in "challenge areas"", BoR (17) 256

³ For instance, the ITU 5G collaborative regulation. <https://www.itu.int/en/ITU-D/Regulatory-Market/Pages/Policy-&-Regulatory-Frameworks.aspx>

⁴ Cooperation with the European Commission, Council and Parliament does not fall within this strategy as BEREC's commitment to liaise with these European Union Bodies is mandated by the BEREC regulation.

Against this framework, BEREC's Medium-Term Strategy (MTS) for relations with other institutions for the period 2022-2025⁵ shall additionally provide BEREC's priorities regarding institutional cooperation focusing on current ones such as connectivity/5G and platform regulation and also strive for a futureproof, qualitative and overarching way of investigating upcoming issues and challenges⁶.

2 Strategic Objectives

The MTS for relations with other institutions must seek to address the need to establish and maintain relationships, which in line with Article 35 of Regulation (EU) 2018/1971, are beneficial to the execution of BEREC's tasks and, ultimately, contribute to the achievement of the objectives of the EU regulatory framework as laid down in Article 3 of the EECC. The MTS is thus supportive of BEREC's core tasks, which remain the predominant priority. Therefore, the MTS seeks to:

- identify those institutional relationships, which are most beneficial to the attainment of BEREC's priorities and fulfilment of its work programme, in line with BEREC's resources.
- help meet the legal requirement in article 35(3) of the BEREC Regulation to adopt BEREC's strategy for relations with institutional entities in the annual work program.

3 Institutional Cooperation

Institutional Cooperation refers to any cooperation between BEREC and competent Union bodies, offices, agencies and advisory groups.

It is particularly noted that cooperation with the EU institutions (i.e. European Commission, Council and Parliament) does not fall within the scope of this strategy as BEREC's commitment to liaise with these European Union bodies is mandated in the terms of Article 4(1) point a of the BEREC regulation. Therefore, the legal basis and requirements (e.g. EC approval) as well as the nature of this engagement (assistance and advice) is significantly different to the one put forward under Article 35 of the BEREC Regulation, in relation to BEREC cooperating with competent Union bodies, offices, agencies and advisory groups, competent authorities of third countries and with international organisations.

BEREC also maintains a relationship with a number of other bodies who provide valuable input but fall outside the scope of institutional cooperation and the remit of this MTS. These entities include:

⁵ The medium-term from 2022 -2025 is aligned with the BEREC strategy 2021-2025. Following this period, BEREC's MTS for relations with other institutions can be reviewed and updated to reflect the new BEREC strategy.

⁶ BEREC Work Programme 2021, BoR (20) 220

- **Non-Governmental Organisations:** including those entities that promote and safeguard the interests of end-users in various fields that intersects with BEREC's work such as Internet, Sustainability, Standardisation, Intellectual Property Law, Safety and Accessibility⁷.
- **Other Organisations:** BEREC also liaises with entities that focus on Internet governance such as RIPE NCC, Council of European National Top Level Domain Registries.
- **Think Tanks, Research and Academic Institutions:** BEREC liaises with Think Tanks, Research and Academic Institutions in order to keep abreast with new developments in the electronic communications networks. Such collaboration has particularly been explored in recent work carried out by BEREC's Ad-hoc Sustainability Working Group.

4 Strategic Relations with other institutions

BEREC's priorities during any particular year are guided by the strategic objectives defined in the BEREC strategy 2021-2025⁸. The BEREC strategy 2021 – 2025 defines the following three strategic priorities:

- **Strategic Priority 1: Promoting full connectivity**

Prioritizing work that improves generally the conditions for the expansion and take-up of secure, competitive and reliable fixed and wireless high-connectivity networks across Europe and ensures a smooth transition from legacy infrastructures.

- **Strategic Priority 2: Supporting sustainable and open digital markets**

Prioritizing work that relates to the functioning of the digital markets, namely focusing on exploring conditions and addressing issues regarding digital service providers and end-users in the digital market.

- **Strategic Priority 3: Empowering end-users**

Prioritizing work that is in line with the important role for regulators to ensure consumer transparency, digital skills, promoting choice and empowerment for end-users, and better-informed choices by consumers.

Given that BEREC's resources are finite, careful consideration should be given to the commitments BEREC makes to other institutional bodies, to ensure that BEREC implements

⁷ Example: Internet Society (ISOC), European Environmental Bureau (EEB), European Association for the Coordination of Consumer Representation in Standardisation (ANEC), European Emergency Number Association (EENA), European Disability Forum (EDF)

⁸ BEREC strategy 2021-2025, BoR (20) 108

its Work Programme and addresses its strategic priorities. This should also take into consideration BEREC's role as part of the European Single Market, necessitating a common understanding with other institutions that also have an impact on matters concerning BEREC such as end-users or the Digital Services Act (DSA) and Digital Markets Act (DMA). Moreover, BEREC should take into account current and new EU policies to finalise its prioritization for both its multi-annual strategy but also for the annual revision of this strategy which will influence the Work Programme.

While BEREC recognises that it is open to information-sharing with all of the institutional entities, it is identifying thematic areas and relevant entities with whom it can have a more intensive relationship. The order in which the priorities are listed does not imply any sort of ranking.

Over the medium-term for the period 2022 till end of 2025, BEREC shall seek to prioritize cooperation with the relevant entities to address Spectrum Related Matters including Spectrum Awards and Spectrum Sharing. In this regard, BEREC aims to continue developing its relation with the RSPG, both with the intent of information sharing between the two bodies but also with the intent of collaborating on regulatory matters. BEREC also foresees that collaboration with RSPG on EMF is necessary. Moreover, In accordance with Article 35 of the EECC and the working arrangement⁹ between BEREC and the RSPG, BEREC will prioritise collaboration with RSPG in the Peer Review Forum.

BEREC shall continue collaborating at various different levels of engagement on matters related to cybersecurity and the implementation of the 5G cybersecurity toolbox with ENISA AND ECASEC WG under ENISA. These topics will also benefit from an active collaboration between BEREC and the Network and Information Systems Cooperation Group (NIS CG). Moreover, BEREC shall also seek further collaboration with ENISA, ECASEG WG under ENISA and NIS CG on security and integrity of networks. The intensity of the type of engagement that is considered as strategically necessary can extend beyond information sharing between the entities mentioned but may seek to collaborate on regulatory measures and contribute also to decision-making processes by participating in relevant consultations, discussions etc. This should build on the already active relationship that BEREC has with ENISA and NIS CG.

Collaboration with the Cost Reduction Sub-group of the Connectivity Special Group of COCOM shall be sought during the medium-term period identified by this strategy especially on work focusing on Infrastructure Sharing and the Broadband Cost Reduction Directive.

Strategic priority 2 of the BEREC Strategy 2021-2025 prioritises work that relates to the function of digital markets. In this regard, BEREC will also seek to collaborate with ERGA, ERGP, EDPB and the European Competition Network (ECN) with the aim of having a relation

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https://berec.europa.eu/eng/document_register/subject_matter/berec/others/8602-working-arrangement-between-berec-and-rspg

that is not limited to information sharing but also to collaborate on regulatory issues and decision making processes.

Collaboration with entities who are competent in matters related to sustainability will also be prioritized. This includes but not limited to collaboration with the European Environment Agency (EEA), the Agency for the Cooperation of Energy Regulators (ACER) and the Council of the European Energy Regulators (CEER).

BEREC is also interested in collaborating with the European Telecommunications Standards Institute (ETSI) and the European Committee for Electrotechnical Standardisation (CENELEC) on a number of topics which BEREC is competent in, including but not limited to QoS/QoE, Infrastructure Sharing, Sustainability and Article 39 of the EECC.

Other topics that BEREC considers can benefit from collaborative relations with other EU institutes include State Aid Rules on Broadband Deployment, in particular with the ECN and privacy of end-users with the EDPB.