

33rd Ordinary Plenary Meeting of the Board of Regulators

Hosted by the [Danish Business Authority \(DBA\)](#)

Conclusions

Chair: Sébastien Soriano

President
French Autorité de régulation
des communications électroniques et des postes (Arcep)

7-8 December 2017 (Copenhagen, Denmark)

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Main Results of the 33rd Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators (BoR) held its 33rd ordinary plenary meeting on 7-8 December 2017 in Copenhagen, Denmark.

During the meeting the BoR discussed and/or approved the following documents:

1. Documents approved as 'A' items

1.1 For publication:

- BEREC Benchmark Report on Termination rates at the European level - July 2017;
- Summary of the 5th BEREC Stakeholder Forum meeting;
- BoR Decision on the Expert Working Groups for 2018;
- BEREC Report on transparency and comparability of international roaming tariffs.

1.2 For internal use:

- PRDs for the implementation of the BEREC Work Programme 2018;
- Up-date of the internal qualitative report on Phase II cases.

2. Documents approved as regular items

2.1. For publication:

- BEREC report on the outcomes of the public consultation on the draft BEREC Work Programme 2018;
- BEREC Work Programme 2018;
- BEREC Report on implementation of Regulation 2015/2020 and related BEREC guidelines;
- BEREC Report analysing tools and methods used to identify contractual, commercial and technical practices for the implementation of Article 3 of Regulation 2015/2120, including recommendations to NRAs;
- BEREC Report on non-residential market indicators for the European Commission's Digital Scoreboard;
- BEREC Report on the implementation of the broadband cost reduction directive (BCRD);
- BEREC Report on the analysis of individual NRAs' current work around conditions to State aid funded infrastructure.

2.2. For internal use:

- BEREC Communication plan 2018.

3. Documents submitted for information and/or consideration

The BoR took note of the information provided in the following documents:

- Information on the electronic voting procedures since the last plenary meeting;

- Information on the electronic voting procedures planned between P4 (2017) and P1 (2018);
- 2017 BEREC Work Programme status update;
- Outline of BEREC Annual Reports for 2017.

4. Other main topics discussed

During the plenary meeting the BoR exchanged views on the implementation of the NN Regulation and discussed a few national cases. The BoR members also discussed the ongoing review of the telecommunications regulatory framework and BEREC international cooperation. The BoR was updated on the progress of the mobile work streams of the Roaming/Mobile EWG.

5. Next meeting

The next ordinary meeting of the BoR will take place on **7-9 March 2018 in Bratislava (Slovak Republic)** and will be hosted by the Slovak [Regulatory Authority for Electronic Communications and Postal Services](#) (RU).

Introduction and participation

The BEREC Board of Regulators (BoR) held its 33rd ordinary plenary meeting on 7-8 December 2017 in Copenhagen, Denmark.

The meeting was attended by the Heads and/or high-level representatives of the NRAs from each EU Member State which have primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. Heads and high-level representatives of the NRAs from the EFTA States and the States that are candidates for accession to the EU, the European Commission and the EFTA Surveillance Authority also took part in the meeting.

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 is presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	BoR (17) 226 Draft BEREC Agenda
Introduction by	BEREC Chair (Arcep)
Background information	The BEREC Chair opened the meeting and presented the draft agenda for approval by the BoR meeting. The BoR was invited to suggest any additional issues to be raised or presented under “Any other business” (AOB).
Conclusions	The BoR approved the agenda.

2. Election of Chair 2019 and Vice-Chairs for 2018

Document(s)	No documents
Introduction by	BEREC Chair (Arcep)
Background information	The BEREC Chair recalled the agreement reached at the Management Committee and asked the BoR to endorse it.
Conclusions	The BoR endorsed the agreement reached during the MC session and agreed to appoint the same persons for the positions of BoR Chair 2019 and Vice-Chairs 2018.

3. List of ‘A’ items

Document(s)	<u>For publication:</u> BoR (17) 227 Draft BEREC Benchmark Report on Termination rates at the European level - July 2017 BoR (17) 228 Draft Summary of the 5 th BEREC Stakeholder Forum meeting BoR (17) 229 Draft BoR Decision on the Expert Working Groups for 2018 BoR (17) 230 Draft BEREC Report on transparency and comparability of international roaming tariffs
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	<p><u>For internal use:</u> BoR (17) 231 Draft PRDs for the implementation of the BEREC Work Programme 2018 BoR (17) 232 Up-date of the internal qualitative report on Phase II cases</p>
Introduction by	BEREC Chair (Arcep)
Background information	The BEREC Chair presented to the BoR the list of 'A' items, as outlined above. He first verified the consent of the BoR for including all items in the list and then, he asked the BoR to approve the documents in the list of 'A' items.
Conclusions	The BoR approved the documents included in the list of 'A' items respectively for publication and for internal use.

4. Information from the Chair

Document(s)	No document
Introduction by	BEREC Chair (Arcep)
Background information	<p>The BEREC Chair reported to the BoR on the outcomes of the recent important meetings he held.</p> <p>The BEREC Chair participated in the following events:</p> <ul style="list-style-type: none"> – 09-11.10.2017 – IIC regulators forum, Brussels (BE); – 11.10.2017 – meeting of GSMA representatives with NN EWG Co-Chairs and BEREC Incoming Chair 2018, Brussels (BE); – 11.10.2017 – BEREC Public Debriefing P3, Brussels (BE); – 11.10.2017 – meeting of BEREC Incoming Chair 2018 with Commissioner Gabriel, Brussels (BE); – 18.10.2017 – TMT Sector Conference - Competition Law and Regulation, Brussels (BE); – 18.10.2017 – BEREC Stakeholder Forum, Brussels (BE); – 24.10.2017 – ComReg Conference, Dublin(IE); – 07.11.2017 – Web Summit, Lisbon (PT); – 08.11.2017 – Informal hearing by Council's Working Party on Telecoms, Brussels (BE) and Meeting with MEPs, Brussels (BE); – 09-10.11.2017 – IIC Italian Chapter, Rome (IT); – 28-29.11.2017 – ECTA Regulatory Conference, Brussels (BE). <p>Events attended by the Incoming BEREC Chair:</p> <ul style="list-style-type: none"> – 09.10.2017 – IIC regulators forum, Brussels (BE); – 09.10.2017 – meeting with AT&T and Verizon, Brussels (BE); – 10.10.2017 – meeting with FCC Commissioner Michael O'Rielly, Brussels (BE); – 11.10.2017 – meeting with GSMA, Brussels (BE); – 19.10.2017 – meeting with Facebook, Brussels (BE); – 06.11.2017 – meeting with GSMA, Vienna (AT); – 06.11.2017 – meeting with Microsoft, Vienna (AT). – 28.11.2017 – ECTA Regulatory Conference, Brussels (BE);

	<ul style="list-style-type: none"> – 29.11.2017 – 5th Transatlantic Digital Economy Conference, Brussels (BE); – 29.11.2017 – meetings with MEPs, Brussels (BE);
Conclusions	The BoR took note of the information

5. Information from the BEREC Office

Document(s)	<p>BoR (17) 233 Information on the electronic voting procedures since the last plenary meeting</p> <p>BoR (17) 234 Information on the electronic voting procedures planned between P4 (2017) and P1 (2018)</p> <p>BoR (17) 235 2017 BEREC Work Programme status update</p> <p>BoR (17) 236 Outline of BEREC Annual Reports for 2017</p>
Introduction by	BEREC Office Representative
Background information	<p>The BEREC Office presented the updated contact lists of the BEREC Heads, CN members and the BEREC Office, the outcome of the recent electronic voting procedures and the implementation status of the 2017 BEREC Work Programme (WP-2017).</p> <p>A BEREC Office representative updated the BoR on:</p> <ul style="list-style-type: none"> – The progress on the WP-2017 and the deliverables submitted since the last BoR meeting in Bucharest; – The compliance with the BEREC style guide; – The public consultations (PCs) held in October-November (i.e. mainly statistics on the contributions received and the tools used); – The Phase II cases submitted since Plenary 3; – The IS-Portal, the BERECnet and the on-line tool for PCs; – The external study on 5G; – The operational budget, with emphasis on the spending on meetings and on reimbursement of EWGs' experts, use of AVC conference facility, etc.; – The next sessions of BEREC training. <p>In addition, a BEREC Office representative presented an outline of the BEREC Annual Reports for 2017.</p> <p>BEREC has the obligation to adopt an Annual Report on its Activities (according to Article 5.5 of the BEREC Regulation¹), which has to be transmitted to the EU institutions by the 15th of June 2018, and an Annual Report on the developments in the electronic communications sector (according to Article 3.1 (n) of the BEREC Regulation).</p> <p>The two reports are presented as two parts (Part A and Part B) of a single document and are published jointly. The BEREC Office representative informed the BoR that, comparing to previous years, the BEREC Chair's Office proposed to change the order of the reports (Part A being now the report on market developments) to increase awareness of the main developments in the sector.</p>

¹ [Regulation \(EC\) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications \(BEREC\) and the Office.](#)

	<p>The Annual Report on BEREC's Activities keeps a focus on and lists all key activities of BEREC in 2017. Following the usual procedure, the Annual Report on BEREC Activities is based on the work streams and priorities identified in the BEREC Work Programme 2017. It elaborates on the work conducted by the EWGs and ad-hoc teams. The Annual Report on sector developments expresses BEREC's independent view about the key trends in the electronic communications sector. The report is based on some of the main findings of the BEREC EWGs in 2017 and adopts a forward-looking approach.</p> <p>The NRAs were invited to provide inputs to the chapters of the draft BEREC Annual Reports for 2017 by the end of January 2018. The draft Annual Reports 2017 will be adopted at Plenary 2 2018 for publication.</p>
Conclusions	The BoR took note of the information and agreed to continue the work on the draft BEREC Annual Reports for 2017, as suggested in the outline.

6. BEREC Work Programme 2018

Document(s)	<p>BoR (17) 237 Draft BEREC Report on the outcomes of the public consultation on the draft BEREC Work Programme 2018</p> <p>BoR (17) 238 Draft BEREC Work Programme 2018</p>
Introduction by	Incoming BEREC Chair (RTR)
Background information	<p>According to Article 5 (4) of the BEREC Regulation, the BEREC Board of Regulators shall, after consulting interested parties, adopt the annual Work Programme of BEREC before the end of each year preceding that to which the Work Programme relates. The Board of Regulators shall transmit the annual Work Programme to the European Parliament, the Council and the European Commission as soon as it is adopted.</p> <p>The BEREC Work Programme 2018 was discussed at the BEREC Board of Regulators meeting in Bucharest on 5 October. It was agreed that it would be subject to public consultation. The public consultation on the BEREC Work Programme 2018 ran from 11 October to 8 November. 9 inputs were received.</p> <p>The Incoming BEREC Chair presented to the BoR the outcomes of the public consultation and the revised draft BEREC WP 2018. He stressed that overall stakeholders supported topics included in the WP 2018. He reported that 2 additional public consultations were added (one on the NN input to an evaluation of the Regulation and one on access to physical infrastructure in market analyses), due to stakeholders' requests for more transparency. In addition, one new topic was introduced in the WP 2018: a follow-up on non-residential business indicators, provided that the current report on non-residential market indicators discussed later during the day would be adopted. Apart from a number of editorial amendments, the Incoming BEREC Chair also highlighted that a compromise wording on the deliverables related to best practices on 5G issues was introduced.</p> <p>He also emphasised the importance of communication with stakeholders and informed the BoR that he would like to highlight the 5G issues in the communication activities to show that BEREC is tackling the most important matters.</p>
Conclusions	The documents were approved for publication, subject to editorial changes.

	The BEREC Work Programme 2018 was approved for submission to the European Parliament, the Council and the European Commission.
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7. BEREC Communications plan 2018

Document(s)	BoR (17) 239 Draft BEREC Communications plan 2018
Introduction by	Ad-hoc Communications EWG Co-Chair (ComReg)
Background information	<p>The document is based on the BEREC Work Programme 2018 and was drafted by the BEREC Ad Hoc Communications Group. The Incoming BEREC Chair's Office was consulted regarding the selection of the most important outputs of the work of BEREC in 2018 to be supported/promoted by the communication projects throughout 2018.</p> <p>This document provides concrete information about the communication objectives of BEREC, focusing on deliverables, time frames and evaluation criteria, and thereby complementing the BEREC External Communication Strategy. Overall, there are five communication projects proposed: "BEREC's work in 2018"; "5G rollout"; "Data economy"; "Consumer empowerment" and "Stakeholder forum". It also lists the ongoing communication activities that the BEREC Office would carry out in line with the Annual and Multiannual Programming of the BEREC Office Activities 2018-2020.</p> <p>The EWG Co-Chair also reported on the outcomes of the communications activities carried out in 2017.</p>
Conclusions	The document was approved for internal use

8. Net Neutrality

8.1. Implementation of Net Neutrality rules – exchange of experiences

Document(s)	No document
Introduction by	Representatives of NRAs (BNetzA, Ofcom, ANACOM)
Background information	Three members of the BoR presented national cases in Germany, United Kingdom and Portugal related to the implementation of the Net Neutrality rules.
Action requested	The BoR took note of the information and discussed on the cases.

8.2. Implementation of Regulation 2015/2120 and Guidelines on Net Neutrality

Document(s)	BoR (17) 240 Draft BEREC Report on implementation of Regulation 2015/2020 and related BEREC Guidelines
Introduction by	NN EWG Co-Chairs (Nkom/ACM)
Background information	This report gives an overview of the activities of the NRAs under the implementation of the Net Neutrality provisions of Regulation 2015/2120 ²

² [Regulation \(EU\) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation \(EU\) No 531/2012 on roaming on public mobile communications networks within the Union](#)

	<p>and the associated BEREC Net Neutrality Guidelines³. The time span of this report is the first year of application of the Regulation: 30 April 2016 to 30 April 2017.</p> <p>It also contains a description of publicly known Net Neutrality cases or investigations. However, the report does not constitute an exhaustive account of the current actions in the field of Net Neutrality, as several ongoing cases and actions could not be mentioned, due to confidentiality issues.</p> <p>This report , includes an analysis of the implementation of the Net Neutrality rules of the Regulation 2015/2120 and the BEREC Net Neutrality Guidelines throughout Europe.</p> <p>The EWG Co-Chairs informed the BoR about the content of the report and its main findings.</p> <p>The information in the report is organised according to the provisions of the Regulation.</p> <p>The general conclusion is that the Regulation has been implemented by NRAs with adequate coherence and that, so far, the Net Neutrality Guidelines are well suited to assist NRAs in performing their tasks of supervision and enforcement, as set out in Article 5 of the Regulation. At the same time, the report acknowledges that NRAs are still at an early stage of the implementation and still need to gather further experience in order to be able to evaluate the Net Neutrality Guidelines.</p> <p>The EWG Co-Chairs presented also some suggestions on how to ensure a harmonised application of the Regulation across the EU, in particular the proposal to regularly report on national cases to the BoR for discussion.</p>
Conclusions	<p>The document was approved for publication.</p> <p>The BoR agreed to give a mandate to the NN EWG to formalise the forum of cooperation on Net Neutrality cases and to regularly report the national cases to the BoR for discussion.</p>

8.3. Net Neutrality supervision tools and methods

Document(s)	BoR (17) 241 Draft BEREC Report analysing tools and methods used to identify contractual, commercial and technical practices for the implementation of Article 3 of Regulation 2015/2120, including recommendations to NRAs
Introduction by	NN EWG Co-Chairs (Nkom/ACM)
Background information	<p>In 2016 BEREC published Net Neutrality Guidelines, as mandated by Regulation 2015/2120. This Regulation also prescribes that NRAs shall “closely monitor and ensure compliance” with the Regulation and that NRAs shall “publish reports on an annual basis regarding their monitoring and findings”.</p> <p>One of the ways in which NRAs might identify contractual, commercial and technical practices introduced by ISPs at the national level and assess their compliance with the provisions of Article 3 of Regulation 2015/2120 is through the use of detection tools and methods, in particular three kinds: automatic assessment tools based on the toolkit developed as part of the NN QoS regulatory assessment work item (such as network diagnostic tests), end-user reporting platforms and periodic questionnaires.</p>

³ [BoR \(16\) 127 BEREC Guidelines on the Implementation by National Regulators of European Net Neutrality Rules](#)

	<p>This report analyses existing tools and suggests best practices. It includes a full template (questionnaire) about technical and commercial practices investigation (TCPI), as used in the BEREC/European Commission 2012 Traffic Management Investigation, for NRAs to use voluntarily as part of their monitoring activities.</p> <p>The report underlines the added value of a coordinated use of the Technical and Commercial Practice Investigation (TCPI) template by the NRAs.</p> <p>The EWG Co-Chairs presented the TCPI and the types of data it gathers to the BoR.</p> <p>In addition, the EWG Co-Chairs reported on the cooperation with the Telecommunications Regulatory Authority of India (TRAI) and the outcomes of the videoconference held on 29 November 2017 between TRAI and the Implementation drafters of the NN EWG. It was concluded to continue work and exchange experience with TRAI, in particular on the OTT and NN measurement tools.</p>
Conclusions	The document was approved for publication

9. Remedies

Report on the need to review the Common Positions on Markets 3a, 3b and 4

Document(s)	BoR (17) 242 Draft BEREC Report on the need to review the Common Positions on Markets 3a, 3b and 4
Introduction by	Remedies EWG Co-Chair (Ofcom)
Background information	<p>In 2012, BEREC revised its Common Positions (CPs) that list the best practice remedies to be implemented in Markets 3a, 3b and 4.</p> <p>In 2013 BEREC developed and adopted a methodology to monitor how NRAs have implemented the revised CPs (the Monitoring Methodology).</p> <p>Between 2014 and 2016 BEREC carried out a monitoring exercise to assess how NRAs have implemented the revised CPs relating to Markets 3a, 3b and 4. Through this monitoring exercise, BEREC aimed to gain a detailed understanding of which regulatory approaches work best in different national circumstances.</p> <p>In 2017 the EWG carried out an assessment to consider whether there may be a need to update these CPs. The results of this exercise was presented to the BoR.</p> <p>The assessment suggests that the CPs remain broadly fit for purpose in helping NRAs to design appropriate remedies for Markets 3a, 3b and 4. It identifies parts of the CPs which might be amended or updated in light of the monitoring exercise and the developments discussed in the report. There is, however, no urgent need for a full review or revisions to the CPs. Hence, the EWG proposed to organise a workshop next year (in the second half of 2018) to discuss the conclusions of the report and to reflect on the EECC, which should be adopted by that time. Then the BoR could move forward for a review of the CPs in 2019, taking into account new provisions of the EECC.</p>
Conclusions	The BoR agreed to ask the EWG to make the small necessary amendments to the document with a view to submitting it for adoption for publication at Plenary 1 2018

10. Next Generation Networks

10.1. Implementation of the broadband cost reduction directive (BCRD)

Document(s)	BoR(17) 245 Draft BEREC Report on the implementation of the broadband cost reduction directive (BCRD)
Introduction by	NGN EWG Co-Chair (RTR)
Background information	<p>Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications networks⁴ aims to facilitate and incentivise the roll-out of high-speed electronic communications networks by promoting the joint use of existing physical infrastructure and by enabling a more efficient deployment of new physical infrastructure, so that such networks can be rolled out at lower cost. Member States were required to adopt and publish the laws, regulations and administrative provisions necessary to comply with the BCRD by 1 January 2016 and to apply those measures from 1 July 2016.</p> <p>In order to get a deeper insight into the implementation of the BCRD and to foster the exchange of experiences between NRAs, this report has the following three objectives. Firstly, it aims to give an overview of which tasks of the BCRD were assigned to NRAs and whether the NRAs have already started their activities on a general level, based on information from all 28 EU countries. Secondly, it aims to give an overview of the implementation of the tasks assigned to NRAs based on the experiences of 16 EU countries with regard to the dispute settlement body (DSB) and seven EU countries with regard to the single information point (SIP). Thirdly, it aims to provide a more detailed description of the implementation by NRAs of the DSB in five EU countries and of the SIP in six EU countries.</p> <p>The analysis is descriptive and does not aim to be normative or recommend best practice.</p> <p>The EWG Co-Chair presented the main findings of the analysis to the BoR. He concluded that in most cases the electronic communications network operators either reach an agreement with the infrastructure provider without the need to involve the DSB or do not have an interest in their rights laid down in the BCRD (or they do not know these rights). He highlighted that the BCRD is still in an initial phase, and therefore its use by electronic communications network operators may further increase in the future.</p>
Conclusions	The document was approved for publication

10.2. Analysis of individual NRAs' current work around conditions to State aid funded infrastructure

Document(s)	BoR (17) 246 Draft BEREC Report on the analysis of individual NRAs' current work around conditions to State aid funded infrastructure
Introduction by	NGN EWG Co-Chair (BNetzA)

⁴ [Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks](#)

Background information	<p>The “EU Guidelines for the application of the State aid rules in relation to the rapid deployment of broadband networks⁵” set out general conditions for State aid for broadband network projects and for the role of NRAs in State aid schemes. Non-discriminatory open access to the funded broadband infrastructure is generally considered as a prerequisite for State aid to be consistent with competition law.</p> <p>The EU State aid Guidelines have been applied for almost five years. A number of national umbrella schemes and programmes have been endorsed by the Commission, foreseeing a role for the NRAs.</p> <p>This report examines how access conditions based on the EU State aid Guidelines were implemented in different Member States, focusing on the role of the NRAs. It is based on information provided in response to a questionnaire, which was filled out by 24 Member States. Two of them do not have any State aid programmes. In seven Member States the NRA has no competencies in State aid and therefore in some cases only limited information on such projects was available.</p> <p>The fact-finding shows that, with regard to implementation, two groups of countries can be identified:</p> <ul style="list-style-type: none"> • Countries with a larger number of State aid projects under umbrella schemes or the General Block Exemption Regulation (GBER) that are usually implemented on regional or local level (in these countries NRAs or other competent bodies have typically issued guidelines on wholesale access conditions and pricing methods). • Countries with a limited number of integrated projects that encompass a large area or number of communities/districts (in these countries it is commonly unnecessary to issue guidelines because all the conditions on access and pricing methods are included in the tender/project in advance). <p>The report reveals that the access products and prices used for State aid cases are often the same or very similar to the reference offers or the regulated products of the SMP operator.</p> <p>Most of the NRAs have competencies in dispute resolution between access seekers and the subsidised network operator, however, so far these procedures have hardly been used.</p>
Conclusions	<p>The document was approved for publication</p>

11. Regulatory Framework

Document(s)	<p>BoR (17) 244 Fact-finding exercise on NRAs’ competencies</p>
Introduction by	<p>RF EWG Co-Chairs (AGCOM/NMHH)</p>
Background information	<p>The Co-Chairs reported to the BoR on the recent developments concerning the ongoing review of the telecommunications regulatory framework, including the technical analysis of the European Electronic Communications Code carried out by the EWG.</p> <p>They informed the BoR about the trilogues on the EECC which took place on 25 October and 6 December 2017 and the topics discussed. They also updated the BoR on the progress on the BEREC Regulation: the Council</p>

[5 Communication from the Commission — EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks](#)

	<p>adopted a common approach on 4 December 2017 which returns to the BEREC two tier structure.</p> <p>The Co-Chairs also informed the BoR about the incoming launch of the data collection on EU-intra calls.</p>
Conclusions	<p>The BoR took note of the information and agreed to finalise the document on the fact finding exercise to be approved via e-clearance for internal use shortly</p>

12. Information from the Commission

Document(s)	No documents
Introduction by	Commission Representative
Background information	<p>A representative of the European Commission reported to the BoR on the following subjects:</p> <ul style="list-style-type: none"> – Electronic Communications Code (EECC) <p>The EC representative informed the BoR that the Council had adopted a common approach on the BEREC Regulation on 4 December 2017. He also reported on the second trilogue, which took place on 6 December 2017, and informed the BoR that it covered policy objectives, spectrum and end-users' protection. The Council also presented its common approach on the BEREC Regulation.</p> <p>The EC representative also reported that the EC had had an exchange of views on intra-EU calls and the double lock proposal, but no conclusion on either of the topics had been reached.</p> <p>He informed the BoR that the next trilogues are planned for February 2018, with the main focus on spectrum and possibly first discussion on access.</p> <ul style="list-style-type: none"> – Roaming <p>The EC representative informed the BoR that the Commission had started work on the review of wholesale roaming prices. He reported that the Commission launched a call for a study for a new cost model. The Commission expects the study to start next year. BEREC would be consulted on the study via the Steering Committee. This will be an important input to the Commission roaming review expected in 2019. The EC representative also recalled a letter sent to NRAs on 5 December asking NRAs to provide individual responses from operators to the Benchmark Report.</p> <p>The EC representative informed the BoR that in Q2/2018 it will launch a survey on the fair use policy and sustainability mechanism, in order to contribute to the annual reporting, as required by the Regulation.</p> <ul style="list-style-type: none"> – WIFI4EU <p>The EC representative noted that the Regulation came into force on 25 October 2017. He reported that the EC is now putting in place all the IT tools to start gathering applications for the first call for projects as of February 2018.</p> <p>The EC representative also noted that some Member States have national legislation which restricts deployment of hot-spots. The Commission invited the Member States to make them less restrictive and to be transparent so as to take appropriate measures to limit the restrictions as soon as possible.</p> <ul style="list-style-type: none"> – WACC

	<p>The EC representative reported that the Commission is preparing the launch of a public consultation for early 2018.</p> <ul style="list-style-type: none"> – Termination Rates Recommendation <p>The EC representative noted that the TRR is closely linked to the ongoing negotiation on the Code. Therefore the Commission decided to delay work on it. The work would be continued after the adoption of the Code.</p> <ul style="list-style-type: none"> – SMP Guidelines <p>The EC representative reported on the progress of work and informed the BoR that the new draft SMP Guidelines is still in internal consultations. He reported that BEREC will be asked for its opinion at the beginning of next year, with the view for the Commission to adopt the text in April 2018.</p>
Conclusions	The BoR took note of the information.

13. Benchmarking

Non-residential market indicators for the European Commission's Digital Scoreboard

Document(s)	BoR (17) 243 Draft BEREC Report on non-residential market indicators for the European Commission's Digital Scoreboard
Introduction by	Benchmarking EWG Co Chair (ComReg)
Background information	<p>The draft BEREC report proposes a set of indicators which could be included in the European Commission's annual questionnaire that is used for the Digital Scoreboard publication. The purpose of this exercise is to have a more precise overview of the business (non-residential) market at the European level, which is often very different from the residential market in terms of revenues, usage and equipment. The report sets out 8 indicators to be included in the Digital Scoreboard which are the most relevant to the Gigabit Society initiative and are gathered by a significant number of NRAs:</p> <ul style="list-style-type: none"> - Total number of non-residential broadband internet access subscriptions - Number of non-residential broadband internet access <30Mbps subscriptions - Number of non-residential superfast broadband internet access ≥30Mbps subscriptions - Revenues from non-residential broadband internet access - Number of non-residential M2M SIM cards - Number of active non-residential mobile broadband (at least 3G) users - Non-residential mobile data volumes - Total non-residential mobile revenues (calls, SMS/MMS, data, roaming out) <p>The EWG Co-Chair recalled that one of the early purpose for this project was to try to estimate the size and value of the non-residential market in Europe. As this purpose still stand, he informed the BoR about the second internal phase of this work to be conducted in 2018, whereby BEREC will conduct annually its own benchmarking exercise, separate to the European Commission's, which will focus on what might be considered more traditional indicators. He informed the BoR that this exercise will provide an estimation of the non-residential market of the 'here and now', while it could be said that the indicators proposed to the Commission are more forward looking, for the non-residential market as it will be in 3-5 years.</p>

Conclusions	The document was approved for publication
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14. Roaming and Mobile

Update on the BEREC/RSPG report on facilitating mobile connectivity in challenge areas and on a BEREC Common Position on monitoring mobile coverage

Document(s)	No document
Introduction by	Roaming/Mobile EWG Co-Chair (Arcep)
Background information	<p>The EWG Co-Chair informed the BoR about the recent developments on the BEREC/RSPG report on facilitating mobile connectivity in challenge areas. After RSPG approval on 24 October 2017 the public consultation on the draft report was launched on 31 October 2017 and ran until 28 November 2017. 6 contributions were received. The EWG Co-Chair presented the inputs from the public consultation and how they were included in the final draft of the report.</p> <p>The updated draft of the BEREC/RSPG report on facilitating mobile connectivity in challenge areas was submitted to the BoR for comments via e-clearance procedure on 7 December 2017. After the BoR comments round it will be transmitted in parallel to the RSPG and BoR for final approval, envisaged by the end of December 2017.</p> <p>In addition, the EWG Co-Chair briefed the BoR on the results of the public consultation on the BEREC preliminary report towards a Common Position on monitoring mobile coverage. The public consultation on the report ran from 11 October until 8 November 2017. 5 contributions were received.</p> <p>He reported that further developments within this work stream are focusing on how metrics and maps are designed, to allow a more detailed assessment of the range of current practices and depict the current state of mobile coverage in Europe. He informed the BoR that a questionnaire had been finalised to collect information from NRAs. It is expected that the draft BEREC Common Position on monitoring mobile coverage will be ready for adoption for public consultation at CN2/P2 2018.</p>
Conclusions	The BoR took note of the information

15. BEREC international cooperation

Document(s)	No document
Introduction by	BEREC Vice-Chair responsible for international cooperation (CNMC)
Background information	<p>The BEREC Vice-Chair (CNMC) reported on recent and planned BEREC international activities.</p> <p>She informed the BoR about the BEREC-FCC workshop on spectrum management planned for 12 December 2017.</p> <p>She also recalled the decision of the BoR from Plenary 2 2017 on the extension of the MoU on cooperation with Regulatel, EMERG and EaPeReg. She reported that the MoU with EaPeReg had already been extended on 23 November 2017 for a further two years. The MoU with Regulatel was discussed at the Plenary meeting of the network on 29 November 2017 and will be extended when all the parties sign it. She also informed the</p>

	<p>BoR that the extension of the MoU with EMERG is planned for next year, as the MoU expires in April 2018.</p> <p>The BEREC Vice-Chair (CNMC) reported the outcomes the Annual Regulateel meeting. She informed the BoR that Mexico will take over the presidency as of the beginning of 2018 and that the BEREC-Regulateel summit had been tentatively planned for June 2018 and will take place in Mexico.</p> <p>The BoR was also informed about the annual EMERG workshop, which was held on 22-23 November 2017 in Munich, Germany. The workshop was dedicated to network sharing, including co-investment models, shared access of passive infrastructure and active infrastructure (including LLU), as well as open access networks. The representative of the BEREC Vice-Chair informed the BoR that BEREC was represented by one expert.</p> <p>The BEREC Vice-Chair (CNMC) also reported about the EaPeReg workshop dedicated to NN, which took place in Minsk, Belarus, on 24 October 2017. BEREC was represented by the NN EWG Co-Chair.</p> <p>The exchanges with the Indian regulator TRAI were also recalled.</p>
Conclusions	The BoR took note of the information

16. AOB

Information on the next plenary meetings (7-9 March 2018, Bratislava, Slovak Republic)

Document(s)	No documents
Introduction by	Representative of the meeting host (RU)
Background information	the presentation was made under MC agenda.
Conclusions	The BoR took note of the information