

## **44<sup>th</sup> Ordinary Plenary Meeting of the BEREC Board of Regulators (BoR)**

Hosted virtually

# **Conclusions**

**Chair: Dan Sjöblom**

Director-General  
Swedish Post and Telecom Authority (PTS)

1-2 October 2020

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## Main Results of the 44<sup>th</sup> Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators held its 44<sup>th</sup> Ordinary Plenary Meeting virtually on 1-2 October.

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

### 1. Documents approved as 'A' items

#### 1.1 For publication:

- BoR (20) 154 Report on the outcomes of the public consultation on the updated BEREC Guidelines on intra-EU communications
- BoR (20) 155 Updated BEREC Guidelines on intra-EU communications
- BoR (20) 156 1st Intra-EU communications benchmark report
- BoR (20) 157 25th BEREC International Roaming Benchmark Data Report
- BoR (20) 158 Summary Report of Expert Workshop with OECD on QoS and QoE of communication networks and services

### 2. Documents approved as regular items:

#### 2.1. For publication:

- BoR (20) 164 BEREC Report on the outcome of the public consultation on draft BEREC Guidelines on Very High Capacity Networks
- BoR (20) 165 BEREC Guidelines on Very High Capacity Networks
- BoR (20) 166 BEREC Report on the implementation of Regulation (EU) 2015/2120 and BEREC Open Internet Guidelines

#### 2.2. For publication and submission to the EC:

- BoR (20) 169 BEREC input to the revision of the Commission's access recommendations

#### 2.3. For internal use:

- BoR (20) 167 Draft BEREC Report on harmonised data collection regarding OTT services
- BoR (20) 170 Draft BEREC Report on penalties

### 3. Documents submitted for public consultation:

- BoR (20) 163 Draft BEREC Work Programme 2021
- BoR (20) 168 Draft BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments, Phase II

### 4. Documents submitted for adoption via e-voting:

- BoR (20) 174 Draft BEREC Opinion on the European Commission's draft Recommendation on relevant product and service markets susceptible to ex ante regulation

### 5. Documents submitted for information purposes:

- BoR (20) 159 Contact lists pack

- BoR (20) 160 Information on the electronic voting procedures since the last Plenary Meeting
- BoR (20) 161 Information on planned electronic voting procedures between P3 and P4
- BoR (20) 162 2020 BEREC Work Programme status update

## **5. Other main topics discussed**

The BoR discussed topics related to BEREC's international cooperation. The BoR Members also received an update concerning the work of the OI WG, RF WG, Ad hoc 5G Cybersecurity WG and Communications ENG (Expert Networking Group). The European Commission provided information on recent important developments and activities under its remit that have an impact on the digital sector.

## **6. Next Meeting**

The next Ordinary Plenary Meeting of the MB will take place on **10-11 December 2020, and will be virtual.**

## Introduction and participation

The BEREC Board of Regulators held its 44<sup>th</sup> Ordinary Plenary Meeting virtually on 1-2 October 2020.

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 operation 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 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

<b>Document(s)</b>	BoR (20) 153 Draft BoR Agenda
<b>Introduction by</b>	BEREC Chair (PTS)
<b>Information presented</b>	<p>The BEREC Chair welcomed the Meeting participants and provided practical information on the logistics of the Meeting.</p> <p>He welcomed the new Members to the BoR:</p> <ul style="list-style-type: none"><li>• Mr. Ivan Marták – Chairman of the Regulatory Authority for Electronic Communications and Postal Services of the Slovak Republic (RU);</li><li>• Mr. Karol Krzywicki – Vice-President of the Office of Electronic Communications in Poland (UKE).</li></ul> <p>The BEREC Chair opened the Meeting and presented the draft Agenda for approval by the BoR. The BoR invited participants to suggest any additional issues to be raised or presented under “Any Other Business” (AOB).</p>
<b>Conclusions</b>	The BoR adopted the agenda with no changes.

### 2. Election of the BEREC Chair for 2022 and Vice-Chairs for 2021

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BEREC Chair (PTS)
<b>Information presented</b>	Based on Article 10(1) of the BEREC Regulation, the Board of Regulators shall appoint, acting by a two-thirds majority of its members, a Chair and at least two Vice-Chairs from among its members.

	<p>The elections took place under the BoR, as indicated in the BEREC Regulation (Articles 10(1) and 17(1)), following the procedure outlined in Article 2 of the BoR RoP (Rules of Procedure) - BoR (19) 58 to the extent possible under current circumstances.</p> <p>The following persons submitted valid nominations to the BEREC Office to participate in the election process at the 44<sup>th</sup> BEREC Ordinary Meetings:</p> <ul style="list-style-type: none"> <li>– Mrs. Annemarie Sipkes – Telecommunications, Transport and Postal Services Director, Authority for Consumers and Markets (ACM), the Netherlands - for the post of BEREC Chair for 2022;</li> <li>– Mrs. Alejandra Iturriaga de Gandini – Director for Telecommunications and Audiovisual Sector, The National Commission of Markets and Competition (CNMC), Spain - for the post of additional BEREC Vice-Chair for 2021;</li> <li>– Mr. Jesmond Bugeja – Chief Executive Officer of the Malta Communications Authority (MCA), Malta - for the post of additional BEREC Vice-Chair for 2021;</li> <li>– Dr Rainer Schnepfleitner – Director of the Office for Communications (AK), Lichtenstein - as a representative of the participants without voting rights to the Mini-Board 2021.</li> </ul> <p>According to the BoR RoP, if the BEREC Office receives only one candidacy for the position of BEREC Chair, this candidate shall be elected provided that she/he receives the support of a 2/3 majority of all members (18 positive votes). Should the candidate not receive that support in the first round, the vote shall be repeated once.</p> <p>In addition to the support provided to the Chair by the two Vice-Chairs (the Incoming and Outgoing BEREC Chairs), the Board of Regulators may decide to elect other members as additional Vice-Chairs for 1 year. The election shall take place in accordance with the voting rules applicable to the election of the BEREC Chair. This procedure shall also apply to the election of a representative of the participants without voting rights to the Mini-Board, as foreseen in Article 3(3) of the BoR RoP.</p> <p>The BEREC Chair presented the voting procedure to the BoR.</p>
<b>Conclusions</b>	<p>The BoR agreed on the election process and elected:</p> <ul style="list-style-type: none"> <li>– Mrs. Annemarie Sipkes for the post of BEREC Chair for 2022;</li> <li>– Mrs. Alejandra Iturriaga de Gandini for the post of additional BEREC Vice-Chair for 2021;</li> <li>– Mr. Jesmond Bugeja for the post of additional BEREC Vice-Chair for 2021;</li> <li>– Dr Rainer Schnepfleitner as a representative of the participants without voting rights to the Mini-Board 2021.</li> </ul>

### 3. List of ‘A’ items

<b>Document(s)</b>	<u>Approval for publication:</u>
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	<p>BoR (20) 154 Draft Report on the outcomes of the public consultation on the updated BEREC Guidelines on intra-EU communications</p> <p>BoR (20) 155 Updated BEREC Guidelines on intra-EU communications</p> <p>BoR (20) 156 1<sup>st</sup> Intra-EU communications benchmark report</p> <p>BoR (20) 157 25<sup>th</sup> BEREC International Roaming Benchmark Data Report</p> <p>BoR (20) 158 Summary Report of Expert Workshop with OECD on QoS and QoE of communication networks and services</p>
<b>Introduction by</b>	BEREC Chair (PTS)
<b>Information presented</b>	<p>The BEREC Chair presented the list of 'A' items, as set out above. The list of 'A' items was drawn up on the basis of the conclusions of the Contact Network (CN), according to which BoR approval of the documents should be possible without further discussion. The BEREC Chair will inform the BoR members that, if needed, they can still make statements for the Minutes on any of the 'A' items. If a position taken on an 'A' item should lead to further discussion or if a member of the BoR so requests, this item shall be withdrawn from the list of 'A' items.</p> <p>The BEREC Chair firstly requested the consent of the BoR members to include all the items in the list and, secondly, he asked the BoR to approve the documents in the list of 'A' items.</p>
<b>Conclusions</b>	The BoR approved the documents included in the 'A' item list.

#### 4. Information by the Chair including information on the appointment of the Working Group (WG) Co-Chairs

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BEREC Chair (PTS)
<b>Information presented</b>	<p>The BEREC Chair briefed the BoR on the outcome of the recent important meetings he held and on the meetings that he is going to attend.</p> <p>In addition, the BEREC Chair provided information on the procedure for the appointment of the WG Co-Chairs for 2021-2022 and possible changes in the structure of the Working Groups. He noted that the mandate of current Co-Chairs expires end of 2020. He informed the BoR that a call for candidates will be launched after the Plenary Meeting with a view to appointing new Co-Chairs at Plenary 4 2020.</p> <p>Regarding the discussions on the Sustainability ENG, he noted that most likely an ad hoc WG will be established under BoR, which will be responsible for the external dimension of work and the current ENG will be kept under MB to focus on the internal dimension.</p> <p>The BEREC Chair informed the BoR that no BEREC physical meetings are planned before the end of 2020 (CN4 and P4 will be fully virtual).</p> <p>He also reported on the interactions and discussions with ERGA regarding more structured cooperation, with ENISA on cyber security, and informed about the joint RSPG-BEREC statement on EMF sent out for adoption via e-voting.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 5. 2020 BEREC Work Programme status update and information on major projects underway

<b>Document(s)</b>	BoR (20) 159 Contact lists pack BoR (20) 160 Information on the electronic voting procedures since the last Plenary Meeting BoR (20) 161 Information on planned electronic voting procedures between P3 and P4 BoR (20) 162 2020 BEREC Work Programme status update
<b>Introduction by</b>	BEREC Office representative
<b>Information presented</b>	The BEREC Office submitted to the BoR for information the updated contact lists for the BEREC Heads, CN members and the BEREC Office, the recent and planned electronic voting procedures and the implementation status of the 2020 BEREC Work Programme (WP-2020). A BEREC Office representative also updated the BoR on: <ul style="list-style-type: none"> <li>- BERECnet+;</li> <li>- Authorization Database;</li> <li>- Net Neutrality Tool;</li> <li>- Brussels AVC Facility;</li> <li>- Roaming Database;</li> <li>- Numbering Database;</li> <li>- Study on Consumer Behaviour on Digital Platforms.</li> </ul>
<b>Conclusions</b>	The BoR took note of the information.

## 6. Information from the European Commission

<b>Document(s)</b>	No documents
<b>Introduction by</b>	European Commission representative
<b>Information presented</b>	The EC representative informed the BoR about the Commission's main activities related to electronic communications policy and other relevant activities since the last Plenary. A paper on the Commission's main activities was submitted to the BoR for information before the Meeting. He reported about the European Council meeting held on 1-2 October 2020, during which the Conclusions on the Digital Economy and Society would be adopted. He also recalled the State of the Union speech of the President of the European Commission, during which she suggested that 20% of the COVID-19 recovery funds will be dedicated to digital investments. In this context, each Member State will be obliged to prepare a national recovery plan where 20% of the expenditure will be dedicated to digital investments. He informed the BoR that the EC has identified four flagship projects:

	<ul style="list-style-type: none"> <li>- 'Connect', with the aim of enhancing connectivity;</li> <li>- 'Skills', with the aim of increasing digital literacy to ensure that every citizen has the necessary digital skills;</li> <li>- 'Scale-up', with the aim of using AI technology, super computers, big data to improve the society</li> <li>- 'Public administration', with the aim of modernising it.</li> </ul> <p>He informed the BoR that, upon Council agreement, the 20% requirement will be incorporated in the RRF Regulation. Member States will need to prepare national plans subject to an approval procedure laid out in the Regulation to allocate expenditure according to the abovementioned four priorities.</p> <p>In this context, the EC representative highlighted the special role of NRAs. He recalled that at national level, the role of the state as an investor should not be confused with the role of the state as a regulator. The NRAs, be it in telecommunications, energy or any other sector, must be independent as prescribed in European law. This mechanism is central to the workings of an internal market. In this context, he recalled the infringement procedure recently opened against Poland.</p> <p>The EC representative also highlighted a complicated and fragmented situation in the area of spectrum assignment. He reported that the Connectivity Recommendation directed at Member States was issued by the EC to address these challenges. The EC asked the MSs to designate a single point of contact to ensure the best solution be put in place in terms of licencing for 5G and spectrum allocation.</p> <p>The EC representative also reported on the European Council conclusions on 5G security based on the Toolbox, which sets out common understanding on 5G security.</p> <p>He also briefly mentioned the ongoing work on the implementation of the code, work on the Eurorate and on relevant market recommendation. He also informed the BoR about the new roaming legislation planned for next year, as well as the Digital Service Act which will be accompanied by the ex-ante tool.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 7. Planning and future trends

<b>Document(s)</b>	BoR (20) 163 Draft BEREC Work Programme 2021
<b>Introduction by</b>	Incoming BEREC Chair (BiPT)
<b>Information presented</b>	<p>Each year, following consultation with interested parties, BEREC needs to adopt a Work Programme (WP) for the following calendar year. In that respect, and to achieve as broad a stakeholder input as possible, BEREC launched an early call for input on the BEREC Work Programme 2021, which ran from 11 March 2020 until 13 April 2020.</p> <p>Following the discussions of the BoR and the consultations with the WG Co-Chairs, as well as the results of the prioritisation exercise which took place in May/June 2020, the incoming BEREC Chair presented to the BoR the draft version of the BEREC WP 2021 with a view to adopting it for public consultation.</p> <p>The incoming BEREC Chair presented the main deliverables to the BoR and explained how they would be allocated among BEREC WGs.</p>

	He also reported on the further work leading to the adoption of the BEREC WP 2021 at Plenary 4 2020.
<b>Conclusions</b>	The BoR approved the document for public consultation.

## 8. Fixed Network Evolution (FNE)

<b>Document(s)</b>	BoR (20) 164 Draft BEREC Report on the outcome of the public consultation on draft BEREC Guidelines on Very High Capacity Networks BoR (20) 165 Draft BEREC Guidelines on Very High Capacity Networks
<b>Introduction by</b>	FNE WG Co-Chair (RTR)
<b>Information presented</b>	<p>According to article 82 of the European Electronic Communications Code (EECC), BEREC has to develop guidelines on Very High Capacity Networks.</p> <p>The Guidelines submitted to the BoR are designed under Article 82 of the EECC and intended to guide NRAs 'on the criteria that a network is to fulfil to be considered a Very High Capacity Network, in particular in terms of down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation'.</p> <p>Under the EECC and based on data collected from network operators, the Guidelines define the criteria for the definition of a Very High Capacity Network. Any network that fulfils one (or more) of the identified criteria is a Very High Capacity Network.</p> <p>During its 42<sup>nd</sup> Plenary Meeting in Belgrade, the Board of Regulators approved the draft BEREC Guidelines on Very High Capacity Networks for public consultation, which ran from 10 March to 30 April 2020. 34 contributions were received.</p> <p>The WG Co-chair reported that the stakeholders mainly made comments on the criteria that the network has to fulfil in order to be considered a VHCN. He noted that several stakeholders agreed with the criteria, the other stakeholders made comments on many different aspects.</p> <p>He then presented to the CN the summary of inputs received from stakeholders and BEREC's response to them, and how they affected the final draft BEREC Guidelines on Very High Capacity Networks.</p>
<b>Conclusions</b>	The BoR approved the documents for publication.

## 9. Open Internet (OI)

### 9.1. Draft BEREC Report on the implementation of Regulation (EU) 2015/2120 and BEREC Open Internet Guidelines

<b>Document(s)</b>	BoR (20) 166 Draft BEREC Report on the implementation of Regulation (EU) 2015/2120 and BEREC Open Internet Guidelines
<b>Introduction by</b>	OI Co-Chairs (TRAFICOM/ACM)
<b>Information presented</b>	The draft BEREC Report on the implementation of Regulation (EU) 2015/2120 and BEREC Open Internet Guidelines gives an overview of the

	<p>activities of the NRAs in the course of implementing the open internet provisions of Regulation (EU) 2015/2120 and associated BEREC Net Neutrality Guidelines.</p> <p>This report covers the period from 1 May 2019 to 30 April 2020. It shows that NRAs have actively implemented the Regulation. It is evident that during the fourth year of the application of the Regulation, the adoption of monitoring methods has increased compared to the previous years. Moreover, quite a few NRAs have dealt with zero-rating and traffic management cases and a handful of formal decisions have been reached.</p> <p>The Co-Chairs also informed the BoR about the first judgement of the European Court of Justice (ECJ) on the net neutrality case. They concluded that at this stage, there is no reason to engage in updating the Guidelines.</p>
<b>Conclusions</b>	The BoR approved the document for publication.

## 9.2. Oral update on the NRA deployment support and sharing of practical experiences of the net neutrality (NN) measurement tool

<b>Document(s)</b>	No documents
<b>Introduction by</b>	OI Co-Chairs (TRAFICOM/ACM)
<b>Information presented</b>	<p>The WG Co-Chairs presented an outlook of work on the net neutrality measurement tool for 2021. They presented a proposal of the OI WG on how to proceed in supporting NRAs in their national measurement tool deployment and providing a forum for NRAs to share information and exchange experiences and best practices. This is the so-called “NRA driven, decentralised approach” favoured by the group over the centralised solution.</p> <p>The WG Co-Chairs highlighted the benefits of working together to improve and further develop the measurement tools used by NRAs:</p> <ul style="list-style-type: none"> <li>• offer an opt-in common platform “on the shelf” for the NRAs planning to introduce a new measurement tool;</li> <li>• save a lot of energy and resources by sharing the code and information;</li> <li>• improve existing tools by working together in the areas of common interest like making the tools more accurate.</li> </ul> <p>This would lead towards a harmonised measurement approach. The Co-Chairs asked for BoR feedback on the proposed way forward.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 10. Statistics and Indicators

### 10.1. Oral update on the BEREC input to the Commission’s delegated act setting single EU-wide maximum MTRs (mobile voice termination rates) and FTRs (fixed voice termination rates)

<b>Document(s)</b>	No documents
<b>Introduction by</b>	SI WG Co-Chairs (CNMC)

<b>Information presented</b>	<p>The Union-wide voice termination rates that will be set by the Delegated Act will apply to any provider of fixed and mobile voice termination services in any Member State.</p> <p>Article 75 of the EECC foresees that NRAs must closely monitor, and ensure compliance with, the application of the single maximum Union-wide voice termination rates as well as annually report to the Commission and to BEREC with regard to the application of this Article.</p> <p>Article 75 of the EECC requires the Commission to adopt the Delegated Act setting single maximum Union-wide fixed and mobile voice termination rates by 31 December 2020, taking utmost account of the opinion of BEREC.</p> <p>Therefore, the European Commission requested BEREC's opinion on the Delegated Act by 15 October 2020. To deliver this on time, an Extraordinary CN Meeting is scheduled for 30 September 2020, which will be followed by an e-voting procedure to adopt the final BEREC opinion.</p> <p>The WG Co-Chair briefed the BoR on the progress of work made on the BEREC input to the Commission's Delegated Act.</p>
<b>Conclusions</b>	<p>The BoR agreed that the document will be adopted via an e-voting procedure.</p>

## 10.2. Draft BEREC Report on harmonised data collection regarding OTT services

<b>Document(s)</b>	BoR (20) 167 Draft BEREC Report on harmonised data collection regarding OTT services
<b>Introduction by</b>	SI WG Co-Chairs (CNMC)
<b>Information presented</b>	<p>Since 2019, BEREC has engaged in dialogue with the OTT (over-the-top) stakeholders to identify and define relevant indicators that would assist NRAs in performing their tasks.</p> <p>The current internal report includes a proposal for a list of indicators that NRAs may consider collecting in the future and the reasons for such data collection, taking into account the indicators identified as important for NRAs and opinions provided by stakeholders to the BEREC questionnaires.</p> <p>It was concluded that the industry needed to be consulted thoroughly, so as to enable a judgement on the proportionality of data requests and to understand the feasibility and efforts/costs to provide information. Moreover, it is also necessary to engage with the industry in order to define precise metrics. For this purpose, BEREC will hold an open workshop (planned for 11-12 November 2020) with NI-ICS providers and video-streaming providers in order to discuss the indicators proposed in the Report, which are included in Annex 1.</p> <p>The ultimate goal of these tasks is to produce a definitive list of indicators that NRAs may consider collecting in the future, so that it is easier for the providers to hand over the data required (common standards) and also, this means there is some possibility of country comparison. This list of indicators will not cover all NRAs' informational needs, as those vary. The list is being produced taking into account the indicators that many or most NRAs have identified as important.</p>

	The list of indicators and their definitions is expected to be finalised after the workshop, so that a final report can be presented at Plenary 3 2021, after public consultation and due for adoption at Plenary 1 2021.
<b>Conclusions</b>	The BoR approved the document for internal use.

### 10.3. Draft BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments, Phase II

<b>Document(s)</b>	BoR (20) 168 Draft BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments, Phase II
<b>Introduction by</b>	SI WG Co-Chairs (ANACOM)
<b>Information presented</b>	<p>According to Article 22(7) of the EECC, by 21 June 2020, BEREC shall, after consulting stakeholders and in close cooperation with the EC and relevant national authorities, issue guidelines to assist National Regulatory Authorities and/or Other Competent Authorities (OCAs) on the consistent implementation of Article 22 EECC.</p> <p>In March 2020, BEREC issued the core Guidelines (BEREC Guidelines on Geographical surveys of network deployments) that dealt with the consistent application of the obligation for NRAs/OCAs to provide for geographical surveys of the reach of electronic communications networks capable of delivering broadband, and the forecasts of the reach of broadband networks, including Very High Capacity Networks, that the authorities may undertake.</p> <p>In the current document, BEREC deals with the consistent implementation of Article 22, paragraphs 2, 3 and 4. These parts of the article describe some optional policies that NRAs/OCAs may undertake in order to inform private and public agents of the non-availability of VHCNs in areas with precise boundaries (“designated areas”), and furthermore to invite agents to declare their intentions to deploy VHCNs in these areas.</p> <p>This document provides guidance on how to designate areas and on the procedures to be followed in publishing information and inviting agents to declare their intentions to invest, in order to ensure that such procedures are efficient, objective, transparent and non-discriminatory, whereby no undertaking is excluded a priori.</p>
<b>Conclusions</b>	The BoR approved the document for public consultation.

### 11. Oral update on Market and Economic Analysis

<b>Document(s)</b>	BoR (20) 174 Draft BEREC opinion on the European Commission’s draft Recommendation on relevant product and service markets susceptible to ex ante regulation
<b>Introduction by</b>	Market and Economic Analysis WG Co-Chairs (Arcep/CNMC)
<b>Information presented</b>	This document is the BEREC opinion on the draft Commission Recommendation on relevant product and service markets, published in August 2020. BEREC provided its initial input to the public consultation launched by the EC on February 2020.

	<p>This BEREC opinion was discussed among members in the WG and agreed in September, and will be subject to urgent e-voting after Plenary 3 2020.</p> <p>The WG Co-Chairs presented to the BoR the main points of the BEREC input. The BEREC opinion addresses the de-listing of termination markets (former M1 &amp; M2/2014), the analysis of new markets 1 and 2, the de-listing of former 3b/2014 market and transitional issues.</p> <p>After taking into account comments provided during and after the Extraordinary CN, the document will be amended accordingly and prepared for adoption via an e-voting procedure.</p>
<b>Conclusions</b>	The BoR agreed that the document will be adopted via an e-voting procedure.

## 12. Remedies

<b>Document(s)</b>	BoR (20) 169 Draft BEREC input to the revision of the Commission's access Recommendations
<b>Introduction by</b>	REM WG Co-Chairs (BNetzA)
<b>Information presented</b>	<p>With the Code entering into application at the end of the year, the Commission is looking into the existing recommendations in the field of access regulation (the 2010 Next Generation Access (NGA) Recommendation and the 2013 Non-discrimination and costing methodologies (NDCM) Recommendation), with a view to updating their content in light of the regulatory, economic and technological changes that have occurred since these Recommendations were issued. This initiative will complement other sources of guidance on the Code (Commission SMP guidelines and Relevant Market Recommendation that is currently under review, as well as upcoming BEREC guidelines).</p> <p>Therefore, on 16 July 2020, a targeted consultation was launched with a deadline of 7 October 2020, to collect feedback and views from the NRAs, BEREC and all interested stakeholders on the impact of the current recommendations and how to update them, focusing on regulatory aspects that are key to fostering Very High Capacity Network deployment.</p> <p>BEREC was asked to provide its input to the public consultation at this early stage of the process, and will be subsequently consulted in the course of 2021 on the draft recommendation that would replace the two existing recommendations.</p> <p>The WG Co-Chair presented to the BoR the general assumptions for BEREC's response, together with the main points referring to each of the sections of the public consultation questionnaire.</p>
<b>Conclusions</b>	The BoR approved the document for publication and submission to the EC.

## 13. End User

<b>Document(s)</b>	BoR (20) 170 Draft BEREC Report on penalties
<b>Introduction by</b>	End-User WG Co-Chair and Drafters Team Leader (ComReg/CNMC)

<b>Information presented</b>	<p>The WG Co-Chair reported on the work on the document, which is based on the NRAs' inputs. She reported that NRA engagement was very high, with 29 NRAs providing inputs.</p> <p>The Drafting Team Leader reported that the analysis was based on national telecommunications legislations in force at the time of the report, pursuant to the Directives of the former Telecom Package 2002 as amended in 2009, which were transposed into national legislation.</p> <p>She reported that the WG had carried out an internal analysis of the rules on penalties among its members. The report covers NRAs' practices in case of a wide range of breaches: general authorisation, ex ante regulation, numbering and spectrum conditions, and end users' rights, among others.</p> <p>She reported that there was a high level of harmonisation concerning the content of the sanctioning decision, as all NRAs identify the facts that have been proven, its legal analysis and the alleged offender.</p> <p>The Drafting Team Leader reported that there are differences between the sanctioning competences across the NRAs.</p> <p>She also outlined the main conclusions regarding the infringing conducts and liability regime, as well as the way in which the sanctions are calculated.</p> <p>The WG Co-Chairs reported on requests from some NRAs for publication of the document. In this context, she proposed to review it following the meeting and prepare the public version, which could be subsequently adopted and published on the BEREC website.</p>
<b>Conclusions</b>	The BoR approved the document for internal use.

#### 14. Oral update on the work of the Regulatory Framework (RF) WG

<b>Document(s)</b>	No documents
<b>Introduction by</b>	RF WG Co-Chair (AGCOM/NMHH)
<b>Information presented</b>	<p>The Co-Chair provided an oral update to the BoR about their recent activities and the work of the WG on the following topics:</p> <ul style="list-style-type: none"> <li>– General Authorisation Database which needs to be operational by 21 December 2020.</li> <li>– Actions undertaken in relation to the topic of numbering resources (adoption of BEREC guidelines, population of the database of E.164 emergency numbers, exchange of communications between BEREC and ECO/CEPT, database of numbers with a right of extraterritorial use within the EU, snapshot of premium rate numbers, etc.);</li> <li>– Other RF activities (discussions with the EC on the interpretation of institutional provisions in EECC (Art. 5-11), reporting on COVID-19; the possibility of updating the 2017 internal snapshot of NRAs' tasks in view of transposition of the Code.</li> </ul>
<b>Conclusions</b>	The BoR took note of the information.

## 15. Oral update on the work of the Ad Hoc WG on Cybersecurity of 5G Networks

<b>Document(s)</b>	No document
<b>Introduction by</b>	Ad hoc WG Co-Chairs (AKOS/EETT)
<b>Information presented</b>	<p>The Co-Chairs provided an oral update to the BoR about their recent activities, as well as the WG's involvement in the work of the Network and Information Systems Cooperation Group (NIS CG).</p> <p>They reported that questionnaires (one for Mobile Network Operators (MNOs) and one for NRAs) were distributed in mid-June with a response deadline of 28 August 2020. They reported that so far, 25 Member States provided inputs and that the WG was processing the results. The WG Co-Chairs expressed the view that the outcome of the survey could be presented in CN4 (19-20 November) and for adoption in Plenary 4 2020 (10-11 December).</p> <p>They informed the BoR about the discussions with ENISA on a joint ENISA-BEREC stakeholders Workshop on the 5G Cybersecurity Toolbox at the end of November or beginning of December 2020.</p> <p>They also reported on the webinars with stakeholders that took place on 2 and 17 September 2020, and which could contribute to the report.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 16. BEREC international cooperation

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Chair responsible for international activities (ComReg)
<b>Information presented</b>	<p>The BEREC Vice-Chair responsible for international activities briefed the BoR about BEREC's recent and forthcoming international activities, focusing especially on:</p> <ul style="list-style-type: none"> <li>– BEREC-PRIDA workshop on 18 September 2020. He reported that it was an initial workshop to identify the next steps.</li> <li>– EaPeReg meeting on roaming agreement between EaPeReg and EU. He reported that the IR WG Co-Chairs will be assisting in the EaPeReg Roaming group meeting.</li> <li>– Workshop of Azerbaijan on spectrum awards where some BEREC NRAs were participating;</li> <li>– BEREC MoUs that still require extension, namely with EMERG, TRAI, and CRTC.</li> </ul>
<b>Conclusions</b>	The BoR took note of the information.

## 17. Oral update on the ongoing work and main topic of the draft BEREC Communications Work Programme 2021

<b>Document(s)</b>	No documents
<b>Introduction by</b>	Communications Expert Networking Group (ENG) Co-Chairs (MCA/Com-Reg)
<b>Information presented</b>	<p>The representative of the Communications ENG briefed the Contact Network about the development of the Communications Work Programme 2021.</p> <p>In 2021, communications activities will be described in the general BEREC Work Plan in the form of a high-level paragraph, while a detailed activities list will be included in the communications activity plan adopted by the Management Board.</p> <p>The Co-Chairs reported on the main activities delivered and still to be organised in 2020.</p> <p>They also presented the main outputs for 2021 and the key topics and tasks that will be presented to the BoR:</p> <ul style="list-style-type: none"> <li>– Continuation with the Connectivity objective stemming from the EECC, including VHCCN;</li> <li>– Digital economy and society for all (to be identified further with incoming Chair's team);</li> <li>– Specific work streams from the WP related to the topics above;</li> <li>– Continuous support to WGs and dealing with ad hoc requests.</li> </ul> <p>The Co-Chairs reported that a call for input had already been sent out to all Co-Chairs requesting to share with the ENG their outputs that require or lend themselves to communications products.</p>
<b>Conclusions</b>	The BoR took note of the information.

## 18. AOB

### 18.1. Information on the 45<sup>th</sup> BoR Ordinary Meeting (10-11 December - Riga, Latvia)

<b>Document(s)</b>	No documents
<b>Introduction by</b>	Representative of the Meeting host (SPRK)
<b>Information presented</b>	The representative of the Meeting host, SPRK, and BEREC Chair confirmed that the meeting will be held virtually.
<b>Conclusions</b>	The BoR took note of the information.