

10th Meeting of the Board of Regulators

Hosted by RTR

23-24 February 2012, Vienna

Conclusions

Chair **Dr Georg Serentschy**
CEO of the Austrian Regulatory Authority for
Broadcasting and Telecommunications
(RTR-GmbH)

Main results from the Meeting of the Board of Regulators (BoR) of BEREC

1. Approval of the BEREC Medium Term Strategy Outlook

The BoR approved the BEREC Medium Term Strategy Outlook for publication and implementation, according to which BEREC's main focus will be further contributing to the realisation of the internal market through delivering results that matter. The BoR approved for publication also the report on the results from the public consultation on the draft Strategy.

2. Approval of the analysis of the wholesale roaming costs

With a view to supporting the legislative process on the Roaming Regulation III, the BoR approved updated assessment of the wholesale roaming costs to be submitted to the Council, European Parliament and the Commission.

3. Review of the Common Positions (CPs) on key wholesale access products

As a first stage in BEREC's update of the ERG CPs on wholesale unbundled access, wholesale broadband access and wholesale leased lines, the BoR agreed to publish a consultation on high level principles of non-discrimination. The consultation will be held in the period 1 March – 30 March 2012.

4. Traffic Management Investigation

The BoR approved the preliminary results from the traffic management investigation and agreed on the next steps with a view to preparing a complete snapshot of the existing practices, which will be published in mid-April 2012. In the meantime the work on verifying the results will continue.

5. Approval of Reports

The BoR approved the following reports:

5.1. BEREC Broadband Promotion Report and the report on the outcome from the subsequent public consultation. Both, the reports and the responses will be published.

5.2. BEREC-RSPG Report on economic and social value of radio spectrum

The BoR approved also the draft Report on exploring the economic and social value of radio spectrum for certain electronic communications services with respect to the frequency assignment procedures, prepared jointly by BEREC and RSPG. The report will be published after its approval by RSPG.

Introduction

The BoR of BEREC held its 10th meeting on 23 and 24 February 2012, in Vienna, kindly hosted by the Austrian Regulatory Authority for Broadcasting and Telecommunications - RTR-GmbH.

The meeting was attended by high-level representatives of the National Regulatory Authorities (NRAs) established in each EU Member State, EFTA States and those States that are candidates for accession to the EU with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services. The Commission also took part in the meeting and was also represented at high level.

Items discussed

1. Opening of the meeting and adoption of the agenda

- **Draft BoR Agenda**

BoR (12) 02 rev. 1

Information presented

The BEREC Chair opened the meeting and presented the draft meeting agenda.

Conclusions

The CN adopted the agenda without any changes.

2. 2012 BEREC Expert Working Groups (EWGs) and EWG Chairs

- **Draft BoR Decision on the BEREC EWGs and EWG Chairs**

BoR (12) 04

Information presented

The BEREC Chair presented a draft BoR Decision for determining the EWGs necessary for the implementation of the BEREC 2012 Work Programme (WP) and the nomination of the EWG Chairs.

Conclusions

The BoR adopted the decision for publication and implementation.

3. Information by the Chair

Information presented

The Chair provided an oral up-date on the BEREC communication activities and significant meetings conducted since the last plenary meeting. The Chair participated in a number of events, including meetings with the stakeholders and a public hearing on roaming organised by the group of the European People's Party (EPP) of the European Parliament.

The BEREC Chair had a bilateral meeting with the Vice-president of the European Commission and Commissioner for digital agenda – Mrs Neelie Kroes, during which both sides discussed the BEREC priorities for 2012.

The BEREC Chair also visited the BEREC Office in Riga and had a meeting with the BEREC Office staff on the priorities and the method of work for the current year. These meetings will continue on a regular basis.

Conclusions

The BoR took note of the information.

4. Information by the BEREC Office

- **BEREC WP 2012 status** **BoR (12) 05**
- **Article 7a, phase II cases – conclusions** **BoR (12) 06**
- **Overview on national measures notified under Art 7/7a in 2011/2012** **BoR (12) 07**

Information presented

The BEREC Office presented information on the afore-mentioned topics.

Conclusions

The BoR took note of the information.

5. BEREC Medium Term Strategy

- **Draft BEREC Medium Term Strategy** **BoR (12) 08**
- **Draft BEREC report on the public consultation on the draft BEREC Medium Term Strategy** **BoR (12) 09**

Information presented

RTR presented the final draft of the BEREC Medium Term Strategy and the results from public consultation on the draft document.

The BoR members welcomed the proposed draft Strategy and pointed out that it would be an important guiding document both for BEREC and the stakeholders.

Conclusions

The BoR approved the documents for publication and implementation.

6. Remedies

- **BEREC's review of the Common Positions on wholesale unbundled access, wholesale broadband access and wholesale leased lines - stage 1: draft High level principles in relation to non-discrimination** **BoR (12) 10**

Information presented

The Remedies EWG (REM) Chair (Ofcom) presented a draft consultation papers on the high level principles in relation to non-discrimination as a first step in the up-date of the BEREC Common Positions on wholesale unbundled access, wholesale broadband access and wholesale leased lines.

Conclusions

The BoR discussed the draft and approved it for public consultation, which will take place in March 2012. BEREC will also organise a workshop with the stakeholders in the middle of the consultation period.

7. Net Neutrality

- **Summary of the results from the traffic management investigation** **BoR (12) 11**

Information presented

ARCEP, co-chairing the Net Neutrality EWG, presented summary of the results from the traffic management investigation, held in December 2011 and January 2012¹. ARCEP presented also different options for the next steps to be undertaken in that field with a view to improving the quality of data.

The BoR took note of the preliminary results from the traffic management investigation and requested the traffic management investigation team to continue its work with a view to further verifying and analysing the data. The BoR asked the team to prepare a complete snapshot of the existing practices, which will be published in mid-April 2012 and presented to the Commission.

Conclusions

The BoR took note of the results and agreed on the next steps with a view to preparing a complete snapshot of the existing practices for submission to the Commission and for publication in mid-April 2012.

8. Convergence and Economic Analysis

Information presented

ARCEP presented the state of work on the draft Report on competition issues related to net neutrality.

Conclusions

The BoR took note of the information.

9. End User EWG

- **Draft BEREC report of the consultation on the draft BEREC broadband promotion report** **BoR (12) 12**
- **Draft BEREC Broadband Promotion Report** **BoR (12) 13**

Information presented

ANCOM, co-chairing the End User EWG, presented the results from the public consultation on the draft BEREC Broadband Promotion Report, as well as the final draft report, which takes into account the results from the public consultation.

Conclusions

The BoR approved the BEREC Broadband Promotion Report and the BEREC report of the results from the consultation on the mentioned draft for publication.

¹ The deadline for submitting the answers to the questionnaire for the stakeholders ended on 20 January 2012 and for the NRAs – on 23 January 2012.

10. International Roaming

- **Revised BEREC estimates of wholesale roaming costs**

BoR (12) 14

Information presented

The International Roaming EWG Chair (Ofcom) presented the state of play on the draft Roaming Regulation III and the draft estimates of wholesale roaming costs, prepared following a request from the European Commission to BEREC to inform the European Parliament and Council on the levels of wholesale caps for voice and data roaming.

Conclusions

The BoR discussed and approved the estimates of wholesale roaming costs to be submitted to the Council, European Parliament and the Commission. BEREC estimates that by 2014 the cost of wholesale voice roaming is likely to be below 5c/min, the wholesale cost of data roaming is likely to be below 5c/MB, and the cost of wholesale SMS roaming is likely to be below 1c/SMS

11. BEREC-RSPG Cooperation

- **Draft Report on exploring the economic and social value of radio spectrum for certain electronic communications services with respect to the frequency assignment procedures**

BoR (12) 15

Information presented

AGCOM, chairing the BEREC-RSPG Cooperation EWG, presented the draft Report on exploring the economic and social value of radio spectrum for certain electronic communications services with respect to the frequency assignment procedures, prepared jointly by BEREC and expert from the Radio Spectrum Policy Group (RSPG).

Conclusions

The BoR approved the document for publication subject to its approval by RSPG later on.

12. Annual report on BEREC 2011 activities and on the developments in the electronic communications sector in 2011

- **Annual reports for 2011 on BEREC activities and developments in the electronic communications sector**

BoR (12) 16

Information presented

OPTA and the BEREC Office presented the structure of the draft annual Report for 2011 on BEREC activities (Article 5.5 of the BEREC Regulation) and developments in the electronic communications sector (Article 3 (1) (n) of the BEREC Regulation).

Conclusions

The BoR approved the structure of the reports.

13. Information from the Commission

Information presented

The Commission presented information on some items not mentioned before, amongst which the evaluation of BEREC and the BEREC Office and the next steps on the cost of non-Europe study.

Conclusions

The BoR took note of the information.

14. AOB

- Information by AEC on International Roaming in FYROM

Information presented

AEC presented information on the international roaming in the mobile telecommunication market in FYROM.

- Request for a BEREC opinion from a business entity

Information presented

The BEREC Chair and the BEREC Office presented information on a request submitted to BEREC to deliver an opinion on a potential cross-border dispute.

- Information by the Chair on the next BEREC-Regulatel Summit

Information presented

The BEREC Chair presented information on the next BEREC-Regulatel Summit to be held on 12 and 13 November 2012 in Costa Rica.

- Information by HAKOM on the next BoR Meeting

Information presented

HAKOM presented information on the 11th meeting of the BoR, which will take place on 24 and 25 May 2012 in Dubrovnik.

Conclusions

The BoR took note of the information presented under AOB.
