

BEREC Report on the outcome of the public consultation on the draft Work Programme for 2018

7 December 2017

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I. Introduction

During its 32nd Plenary Meeting (5-6 October 2017, Bucharest) BEREC approved for public consultation the draft BEREC Work Programme 2018. The role of the public consultation is to increase transparency and to provide BEREC with valuable feedback from all interested parties.

In accordance with BEREC's policy on public consultations, BEREC publishes a report summarising how stakeholders' views have been taken into account. In addition, BEREC also publishes all individual contributions on its website, taking into account stakeholders' requests for confidentiality. The public consultation was open from 11 October to 8 November 2017.

BEREC also held a public hearing on the BEREC Work Programme 2018 on 18 October 2017 organised within the 5th BEREC Stakeholder Forum Meeting which was open for participation to all interested parties.

This document summarises the responses received to the public consultation and presents BEREC's position with regard to suggestions and proposals put forward in those responses, as relevant. In total 9 responses were received from the following stakeholders: ETNO, GSMA, Mobile & Wireless Forum, FTTH Council Europe, DIGITALEUROPE, EOLO, BEUC, ECTA, MVNO Europe. None of the contributions received is confidential.

BEREC welcomes all contributions and thanks all stakeholders for their submissions. The non-confidential contributions received from stakeholders will be published on the BEREC website.

Generally, we can say from the reactions and comments by stakeholders that the topics chosen for the Work Programme 2018 are relevant.

1. Strategic Priority 1: Responding to connectivity challenges and to new conditions for access to high capacity networks

ETNO supports the strategic priorities identified in the Work Programme. ETNO considers it also important to align these priorities with the objective of “promoting competition and investment” identified in the Mid-term Strategy.

DIGITALEUROPE fully agrees with strategic priority 1 as connectivity remains BEREC’s and NRAs’ core competence and area of responsibility.

ECTA asks BEREC to include these goal posts also into the final Work Programme to ensure coherence between it and the BEREC Strategy. ECTA also asks BEREC to confirm that its commitment to accompanying the transition to high-capacity networks does not detract from further improving, adapting and consolidating regulatory practice in respect of existing network infrastructures and related wholesale access arrangements. Furthermore, ECTA believes that all Strategic Priorities must enjoy the same priority and be adequately resourced to make a tangible contribution to furthering the Strategic Objective(s) to which they relate. ECTA therefore requests BEREC to enshrine the principle of non-prioritisation in the introduction of the Work Programme on par with the BEREC Strategy. ECTA further proposes that the second section, now named ‘II. Background’, be revised to include key elements of all Strategic Priorities in an appropriately representative manner.

BEREC Response:

BEREC would like to thank for the support and the inputs received. The three fundamental overarching objectives, promoting competition and investment, promoting the internal market and empowering and protecting end users are still essential to guide the work of BEREC for the coming years; therefore a reference to these objectives will be included in the Work Programme. As regards the comments received from ECTA, BEREC agrees that the strategic priorities enjoy the same priority in the years 2018-2020. However, in 2018 BEREC would like to put an explicit emphasis on 5G related topics.

1.1 Access to physical infrastructure in market analyses

FTTH Council Europe recommends some form of public consultation of stakeholders in order to ensure that the wider stakeholders’ views and experiences are taken into account. FTTH Council Europe also asks BEREC to reconsider its decision not to put certain Work Programme items to a public consultation. In the event that more public consultations are not possible, FTTH Council Europe requests that they will be extended to cover those deliverables for access to high-capacity networks.

DIGITALEUROPE suggests BEREC to follow a more holistic approach, not only looking at it from the perspective of market analyses and to examine the extent to which increased sharing of physical infrastructure could create more competitive dynamics in a manner that would

reduce the need for SMP regulation. Similarly, there might be synergies to be achieved with the work stream on symmetrical access.

BEUC welcomes the planned reports on access to physical infrastructure and pricing for access.

BEREC Response:

BEREC takes note of this support and will engage with stakeholders in form of a public consultation.

1.2. Pricing for access to infrastructure and civil works

No comments received.

1.3. Geographical market definition

FTTH Council Europe asks BEREC to reconsider its decision not to put certain Work Programme items to a public consultation.

GSMA believes that new competitive constraints have to be taken into account for market definition and analysis. GSMA notes that mobile electronic communications markets are most likely to be national in scope. However, strong competitive constraints on mobile services may also be supra-national or sub-national such as the competitive pressure from globally active over-the-top services on mobile services.

ETNO believes that BEREC's common position should not only be based on the analysis of previous practices from the NRAs, but also focused on the forward looking need to ensure proper market segmentation aimed at avoiding hampering investments and distorting competition in areas where there is no longer any SMP. ETNO also believes that the BEREC analysis should also integrate a specific report on the replicability tests for UBB access offers in presence of different geographical competitive conditions.

DIGITALEUROPE and BEUC welcome the work stream assessing the experience to date with geographic segmentation of markets and remedies. DIGITALEUROPE and FTTH Council Europe recommend some form of public consultation of stakeholders in order to ensure that the wider stakeholders' views and experiences are taken into account.

BEREC Response:

This survey will be of descriptive nature and will provide an overview of experiences of NRAs applying geographical segmentation of markets and remedies. Therefore, it does not seem necessary to launch a public consultation.

1.4. Benchmarking on technical and economic replicability assessment in the context of symmetrical access

BEUC considers the planned report on benchmarking of technical and economic replicability assessments in the context of symmetrical access of key importance.

BEREC Response: BEREC takes note of this support.

1.5. L2 WAP/advanced bitstream offers for undertakings (M4)

No comments received.

1.6 Update on Common Positions markets 3a, 3b and 4

ECTA appeals to BEREC to conduct the workshop to the greatest extent possible transparently and with the involvement of affected stakeholders. More important, however, it is in ECTA's view not to bless political negotiations with the adoption of anticipated administrative adjustments to regulatory guidance, or, more extremely still, to decision-making in the context of market regulation.

BEREC Response:

BEREC will use this internal workshop as a first discussion on potential changes arising from the EECC. BEREC will continue this work stream in 2019. If the Common Positions should be updated, BEREC will certainly seek stakeholders' opinions.

2. Strategic Priority 2: Monitoring potential bottlenecks in the distribution of digital services

ETNO believes that this exercise should not focus narrowly on providers of electronic communication services but should start with fact finding from the end-users' point of view. ETNO also believes that the proposed work streams do not fully address the core issue and requires a comprehensive evaluation on how the digital framework has evolved and the identification of new potential bottlenecks and the assessment on how market power is distributed in the digital market, the existence competition failures and how these can be best addressed, taking into consideration the role of data in the markets dynamics.

BEUC recommends BEREC not only to look into competition within the telecoms markets, but also across other adjacent markets, and in particular within the Internet value chain.

BEREC Response:

BEREC takes note of these comments but is of the view that the work streams under this strategic priority already look beyond what can be viewed as the classical telecom markets.

2.1 Data economy

GSMA is interested in actively participating in the forthcoming BEREC data economy workshop and other stakeholder engagement events on the topic planned in 2018 and beyond.

DIGITALEUROPE welcomes BEREC's interest in understanding 'data economy', and the impact to the telecoms industry. DIGITALEUROPE appreciates also that the outreach to other institutional stakeholders which are already involved in this area is already foreseen as part of BEREC's work.

BEUC welcomes BEREC's plan to analyse the impact of data economy on the telecom sector. In particular, BEUC agrees on the need to make an assessment of how data aggregation can raise barriers to entry in the communications sector and how the NRAs together with the competition authorities can address such competition concerns. BEUC would also like to participate at the Heads Workshop as well as the seminars with stakeholders.

BEREC Response:

BEREC would like to thank for the above comments, and is happy to engage with different types of stakeholders in this work stream.

2.2 Location of the network termination point

BEUC welcomes BEREC's plan to analyse the definition of the location of the network termination point, but strongly encourages BEREC not to limit itself on the fixed termination point, but also include mobile. BEUC also asks for a public consultation on the draft report on the location of network termination point.

BEREC Response:

BEREC agrees with the comment of BEUC and amended the Work Programme accordingly.

2.3 Internet of Things (IoT) Indicators

GSMA underlines that the IoT market is global and still very much nascent. Therefore, as such national/regional indicators will at best only be indicative.

DIGITALEUROPE looks forward to further contributing with its technical expertise and extensive cross-sectoral experience to this BEREC work stream.

BEUC welcomes BEREC's plan to survey NRAs on the data they are collecting on IoT, and encourages BEREC and NRAs to make such data available through the open data platform project. In this respect, BEUC invites BEREC to consider a common methodology for all NRAs on how to measure IoT network traffic. BEUC also encourages BEREC to enter into a discussion about the NRAs' role and competences regarding security features of connected products.

MVNO Europe supports BEREC's initiative to develop and monitor IoT indicators. MVNO Europe invites BEREC to examine whether there are competition-related

obstacles/bottlenecks to IoT development, and to keep track of the conditions of competition for service delivery, to ensure that threats to competition are identified in a timely manner, and that they can be addressed if needed.

BEREC Response:

BEREC appreciates the supportive comments. BEREC agrees that this is a global market and included some reflections about the cross-border dimension of IoT services in the Work Programme.

3. Strategic Priority 3: Enabling 5G and promoting innovation in network technologies

FTTH Council Europe is pleased to see that Connectivity Challenges and Access to High Capacity networks is a priority area.

EOLO observes that focusing exclusively on mobile technology, there is a high risk to fall back into a new 5G digital divide. EOLO also underlines the contribution that Fixed Wireless Access (FWA) represents a very good alternative technology for providing 5G services in rural areas.

BEUC proposes BEREC to focus closely on the development and deployment of the Internet of Things.

ECTA calls for clarification of how technological aspects, both of 5G and in a wider network context, will be addressed under this Strategic Priority. ECTA also considers that the perception of competition in relation to 5G even in the BEREC Strategy remains inappropriately limited when it fails to consider the importance of backhaul availability for the development of a competitive 5G environment.

BEREC Response:

BEREC would like to thank for the contributions and the support in this area. BEREC also agrees with the importance of backhaul availability for the development of a competitive 5G environment, and would like to mention that already recently a report on mobile backhaul was published¹.

3.1. 5G, IoT and security

ETNO welcomes the recognition of 5G relevance for Europe and the acknowledgement by BEREC that security issues are paramount. ETNO would appreciate the opportunity to

¹ BoR (17) 187, BEREC Report on the convergence of fixed and mobile networks, http://bereg.europa.eu/eng/document_register/subject_matter/bereg/reports/7311-bereg-report-on-the-convergence-of-fixed-and-mobile-networks

participate and would be willing to contribute to the views of the experts actually operating in the field.

DIGITALEUROPE would be very pleased to share its IoT and cyber security expertise and would strongly encourage BEREC to open up the workshop to external stakeholders if this is not already the case.

ELOO calls on BEREC to promote net neutrality for enabling 5G, by fostering the development of 5G wireless networks, whether mobile and fixed, and promoting Fixed Wireless Access FWA as the best candidate technology for services in rural areas.

BEUC welcomes the work stream and would like to participate in the planned Joint BEREC-ENISA workshop to provide the consumer view on IoT and cyber security.

ECTA calls on BEREC to explicitly recognise backhaul availability for the development of a competitive 5G environment as a priority in the 5G network development context and integrate it as work item. Similarly, ECTA believes that BEREC should also include fixed wireless access 5G use cases and examine their contribution to achieving competitive electronic communications markets in the EU.

MVNO Europe asks BEREC to explicitly take account of the B2B segment in mobile markets and converged markets involving mobile connectivity to ensure that its actions enable and foster a viable and diversified European-led ecosystem for M2M and IoT, without undue fragmentation along national lines.

GSMA asks to get involved in the various work streams relating to 5G, especially the discussions on 5G, IoT and security.

BEREC Response:

BEREC welcomes the great support on this project and will try to take the interests into account in the preparation of the workshop.

3.2. Best practices report on spectrum authorization and award procedures with a view to considering their suitability to 5G

GSMA believes that BEREC should recognize the achievements of the high-level advisory group, RSPG, that assists the European Commission in the development of a radio spectrum policy.

ETNO asks for the introduction of a more ambitious process, transparent to all parties.

DIGITALEUROPE recommends to adopt mechanisms to ensure as comprehensive as possible a harmonisation of the licensing conditions applicable in each European country to any spectrum band.

MVNO Europe strongly supports BEREC's initiative and asks to include the wholesale access dimension in its work on 5G. MVNO asks BEREC to explicitly include in the description of the planned best practices report an explicit reference to (potential) wholesale network access conditions and to make this report a subject of public consultation.

ECTA believes that references to market shaping in the context of spectrum authorization and award practices must not be dissociated from the objective of fostering competition.

BEREC Response:

BEREC thanks for the inputs. BEREC is aware of the work done by RSPG and as mentioned in the Work Programme will exchange views with RSPG on this subject. As ECTA notes, the objective of the BEREC work are relevant not only for this project but also for all other deliverables.

3.3. Infrastructure sharing

GSMA notes that BEREC does not mention any link or exchange with competition authorities while they are very often involved in assessing voluntary sharing deals.

ETNO considers important the cooperation between ECS operators as feature of many markets. ETNO believes that, as a rule, it should nonetheless remain a process led by voluntary agreements, without requiring any specific regulatory fixes. ETNO looks forward to the opportunity to provide its views for the elaboration of the report and to participate in the public consultation.

MVNO Europe asks BEREC not to constrain its report to a description of legacy situations, but also report on, and stimulate innovative future forms of sharing.

ECTA asks BEREC to explicitly recognise backhaul as a priority in the 5G network development context and integrate it with a view to a possible separate follow-up investigation on how different sharing and backhaul settings interact in terms of observed competitive outcomes. Similarly, ECTA proposes BEREC to include fixed wireless access 5G use cases and to examine their contribution to achieving competitive electronic communications markets in the EU.

BEREC Response:

BEREC welcomes the comments and will take the views into account when drawing up this report.

3.4. Best practices report on coverage obligations with a view to considering their suitability to 5G

GSMA believes that a public consultation would be reasonable to enhance transparency.

BEREC Response:

This will be a rather descriptive report and therefore BEREC does not consider a public consultation.

3.5. Carry-over and follow-up work on monitoring mobile coverage

ETNO considers it very important to recognise the importance of the costs associated with the coverage obligations, which should be taken into account when determining the fees of the rights of use. ETNO recommends the alignment of the work with the work on Quality of Service in the scope of net neutrality. ETNO is also of the view that when coverage obligations are studied electromagnetic fields (EMF) limits should be incorporated as a parameter.

DIGITALEUROPE welcomes the key focus on 5G, not just in Strategic Priority 3 but also as declared central priority within all 5 strategic priorities. The overall aim of BEREC's work in this space should be to foster and facilitate 5G.

BEREC Response:

BEREC thanks for the support and will take the comments into account in the drafting process.

4. Strategic Priority 4: Fostering a consistent approach of the net neutrality principles

GSMA encourages BEREC to involve GSMA in the various related work streams. GSMA also asks to continue the discussion with BEREC on the links between net neutrality rules and 5G architecture and services.

ETNO supports the ambition to apply the Open Internet Regulation in a consistent way throughout Europe.

BEREC Response:

BEREC takes note of this support and will engage with stakeholders especially with regard to the input to an evaluation of the net neutrality provisions.

4.1. Development of a net neutrality measurement tool

BEUC welcomes the development of a net neutrality measurement tool. BEUC recommends BEREC to follow up on its obligation under Article 4(4) of Regulation (EU) 2015/2120 to certify measurement software that allows consumers to test their internet connection and assess whether they are receiving the contractually agreed minimum, average and maximum speeds.

BEREC Response:

BEREC takes note of the support.

4.2. Implementation of the NN Regulation

BEUC welcomes the continuous monitoring of the implementation of the Regulation, and encourages BEREC to do so actively and including all forms of zero-rating detected in the market. BEUC would also appreciate taking part in the forum.

DIGITALEUROPE also welcomes BEREC's continued work on net neutrality and recommends BEREC to pay attention to ensuring interpretation, including how it is applied at national level, and if it is in line with the Net Neutrality Regulation itself. Digital Europe proposes to include the implementing work on the Regulation as element of public consultation.

BEREC Response:

BEREC thanks for the inputs received, however, as this report is providing an overview on different cases and procedures that NRAs dealt with, BEREC does not intend to put this report for public consultation.

4.3 Net neutrality - Input to an evaluation

GSMA suggests to BEREC to adopt such a report only after exchanging views with the industry, as relevant implementation experiences also come from market players which are bound by the rules.

BEUC encourages BEREC to publicly consult on BEUC Opinion before finalising it.

BEREC Response:

BEREC would like to thank for the comments and agrees that an exchange with stakeholders will be very useful. BEREC therefore will amend the Work Programme accordingly by including a public consultation.

5. Strategic Priority 5: Exploring new ways to boost consumer empowerment

FTTH Council Europe is pleased to see the prominence of 5G and consumer empowerment in the draft Programme.

ETNO supports the focus on proportionate transparency, on making sure that the users have the necessary information to make informed choices.

BEUC warmly welcomes BEREC's decision to elevate consumer protection and empowerment as one of its Strategic Priorities. BEUC also suggests that a systematic and regular co-operation of BEREC/NRAs with consumer organisations at EU and national level become a strategic element within this priority.

BEREC Response:

BEREC takes note of the support.

5.1. Report on termination of contracts and switching of provider

BEUC welcomes BEREC's intention to carefully analyse the telecom market and identify all the barriers to switching that may exist and to focus on bundles of multiple services as it is a common place practice across the EU and a recurrent barrier to switching.

GSMA notes that the draft proposal for a European Electronic Communications Code (Code) includes new requirements on the termination of contracts and switching of provider. Therefore, GSMA considers it too late to explore current practices and too early to investigate whether future measures will have the intended effects for BEREC to consider undertaking the writing of a report on these topics.

BEREC Response:

BEREC takes note of the suggestions and comments in the drafting process.

5.2 Report on best practices for ensuring equivalence of access and choice for disabled end-users

GSMA considers that the European Electronic Communications Code is still being negotiated as is the draft European Accessibility Act, and it is therefore too early to investigate whether future measures will have the intended effects for BEREC to consider undertaking the writing of a report on these topics.

BEREC Response:

BEREC takes note of this comment.

5.3 Report on contractual simplification

GSMA believes that it is expected that the European Electronic Communications Code will include requirements on providers to issue a contract summary to their customers. In this regard, GSMA believes that it is the recommendation that this contract summary is developed on a self-regulatory basis by the industry itself as this will ensure the necessary flexibility in responding to customers' needs and the development of offers and technologies.

ETNO supports the focus on proportionate transparency and believes that providing contract summaries needs to be fully aligned with horizontal obligations on pre-contractual information and contract summaries and should go hand in hand with simplifying information requirements.

BEUC welcomes BEREC's plan to look into contracts of telecom services across the EU. BEUC recommends BEREC to also screen the transparency and fairness of the terms used

by companies in the market, including terms linked to Roam Like at Home (RLAH) and the use of Fair Use Policies.

BEREC Response:

BEREC takes note of the suggestions and will take them into account in the drafting process.

5.4 European Benchmark of the pricing of bundles

GSMA sees little need for a European benchmark on the pricing of bundles as bundles are not fixed in terms of which services are bundled together. Ultimately, it is the demand from customers and the competition in the market that decides which services are bundled, and this will vary over time and from market to market.

ETNO believes that the aim to compare prices of the different commercial proposals might be unnecessary and that current competition in retail markets is the most effective means to ensure consumer choice and benefit. ETNO believes that BEREC should take into account that bundling of services, content, devices and products is not ECS-specific but a general trend across the digital market.

BEUC warmly welcomes BEREC's plan and proposes to cover also telecom services and services from other markets.

BEREC Response:

BEREC takes note of the comments but does not see a need to change the work stream. BEREC believes that price comparisons are an important tool for regulators and policy makers and should reflect market conditions (e.g. bundling).

6. BEREC obligatory work and stakeholders engagement

Framework review

6.1. Inputs to the legislative proposals in the context of the EC Regulatory Framework and the e-privacy Directive

FTTH Council Europe notes that there is a considerable regulatory evolution underway with the review of the Regulatory Framework. However, there are a number of broad trends taking place today which are driven by market dynamics and which will evolve independently of the change in the regulatory environment, but which have significant impacts on regulation. The first is a very strong push towards FTTH in Europe – this is driven by a number of factors over and above the inherently superior performance characteristics of these networks (for instance much lower operational costs, growing demand for higher bandwidth and the evolution of higher bandwidth services). FTTH Council believes the matter to be of such importance that a public consultation should be carried out whereas none is proposed in the Draft Work Programme.

ECTA asks to conduct such work to the greatest extent possible transparently and with the involvement of affected stakeholders.

MVNO Europe asks BEREC to continue to be proactive in this area.

BEREC Response:

BEREC confirms that the review is still a priority in its Work Programme. BEREC does not usually consult when giving an opinion to European institutions but will take all stakeholders' views into consideration.

6.2. Ad-hoc work: Inputs to the European Commission

MVNO Europe urges BEREC to make an inventory of problems relating to the level of wholesale roaming caps in the light of retail (domestic = roaming) pricing, to feed – as early as possible – into the European Commission's end-2018 Interim Report on the functioning of the Roaming Regulation.

BEREC Response:

BEREC will closely follow the work carried out by the European Commission and provide its input whenever requested.

Roaming

6.3 International Roaming BEREC Benchmark Data Report

MVNO Europe believes that the International Roaming BEREC Benchmark Data Reports should be developed in a manner to highlight discrepancies between widely practiced retail (domestic = roaming) prices, and the level of wholesale caps, to provide the necessary evidence of distortions of competition. MVNO Europe encourages BEREC to gather specific and relevant data and benchmarks to evaluate the impact of the introduction of RLAH on the market, and specifically on MVNOs.

BEREC Response:

BEREC for 2018 will amend the BEREC Benchmark Data Reports by taking into account the new provisions of RLAH and development of prices and volumes both at the retail and the wholesale level.

6.4. Transparency and Comparability of Roaming Tariffs Report

No comments received.

6.5. Input to the EC on weighted average MTRs

MVNO Europe calls the effective implementing of a unified Mobile Termination Rate (MTR) across the EU, at a low rate, not only in the context of mobile roaming, but also for cross-border calls.

BEREC Response:

BEREC takes note of this comment; however, this is not covered under the EU Roaming Regulation as input to the European Commission on the weighted average MTR.

Quality and efficiency (Benchmarking)

No comments received.

6.6. Termination Rates at European level

MVNO Europe asks BEREC to examine whether some operators apply differential MTRs depending on the origin of the calls, where the origin is clearly within the EU.

BEREC Response:

BEREC takes note of this comment.

6.7. Regulatory Accounting Report

No comments received.

6.8 Response to the Commission's consultation on WACC calculation

No comments received.

Communication and Cooperation

ETNO encourages BEREC to establish more transparent communication channels and proposes to submit more activities to public consultation.

ECTA comments on the importance of transparency and stakeholder engagement in the development of the BEREC deliverables. ECTA notes that out of 21 planned work items, only seven foresee stakeholder engagement by means of public consultation.

BEUC welcomes BEREC's renewed intentions to engage and cooperate more effectively with stakeholders and asks BEREC to systematically be consulted on all its policy papers.

BEREC Response:

BEREC welcomes the comments and agrees on the importance to engage with stakeholders wherever appropriate. BEREC therefore cross-checked again where public consultation would be appropriate and for example included a public consultation for the work on the BEREC opinion on the NN evaluation as well as the Report on access to physical infrastructure in market analysis.

6.9. BEREC Annual Reports

No comments received.

6.10. Development of an Open Data platform

No comments received.

6.11. Stakeholders' Forum

BEUC welcomes BEREC's renewed intentions to engage and cooperate more effectively with stakeholders. Nonetheless, BEUC regrets the fact that no consultation was undertaken on BEREC's guidelines on retail roaming.

MVNO Europe requests to be involved in the annual BEREC Stakeholders' Forum, and in all BEREC engagement with stakeholders going forward.

BEREC Response:

BEREC takes note of the comments received and is looking for interesting discussions with the stakeholders in 2018.

6.12. Cooperation with EU institutions and institutional groups

BEUC recommends BEREC to collaborate closely with other relevant national and EU authorities such as the Article 29 Working Party, the Consumer Protection Co-operation Network, the European Competition Authorities Network, the Council of European Energy Regulators, etc.

BEREC Response:

BEREC appreciates to cooperate with BEUC especially in consumer related issues and made a reference to it in the Work Programme.

6.13. International cooperation

No comments received.

7. Suggestions for additional work streams

FTTH Council Europe notes that NRAs have a very important role in lowering barriers to entry in the potentially competitive urban areas and believes that a consistent EU-wide approach that relies on best practices could deliver enormous benefits to the market. FTTH Council Europe notes that this activity is largely ignored in the BEREC WP-18 document and is an area which the FTTH Council Europe addressed, where NRAs could learn from best practice particularly in the context of the Cost Reduction Directive which is now active after its transposition into national law across Europe. FTTH Council Europe believes that a consistent nomenclature and a consistent definition for data collection purposes would be very useful to industry and suggests working with BEREC on such a project.

Mobile & Wireless Forum (MWF) encourages BEREC to provide the European Commission, the Council and the European Parliament with advice on harmonising European electromagnetic fields (EMF) exposure limits by following Council Recommendation 1999/519/EC to avoid slowing down the rollout of 5G which in turn will raise the financial burden on operators and consumers. The MWF, therefore, strongly recommends that BEREC addresses adverse impacts of arbitrarily low EMF exposure limits in its 'Work Programme 2018'.

ETNO suggest the introduction of a new work stream on the revision of the paper "Article 28(2) USD Universal Service directive: A harmonised BEREC Cooperation process".

GSMA asks for the introduction of a new work stream on the revision of the paper "Article 28(2) USD Universal Service Directive: A harmonized BEREC cooperation process", published in May 2013. GSMA believes that BEREC should revisit those guidelines, in conjunction with the industry, to analyse their effectiveness and see the improvements that may be required, in light of the new market developments and the new competences foreseen for BEREC in the new code.

BEUC proposes as new work stream the monitoring and enforcement of Roam Like at Home (RLAH) rules, since BEREC's role will be key in ensuring that the new RLAH rules are implemented correctly and respected by the entire industry. BEUC also proposes BEREC to actively monitor the market to ensure telecom operators are compliant with the rules. Additionally, BEUC proposes BEREC to produce a mapping of the level of compliance with the RLAH rules in the different Member States.

BEREC Response:

BEREC would like to thank for the additional suggestions for the Work Programme. It seems difficult to include an additional work stream at this stage but BEREC will keep your suggestions in mind when drafting the Work Programme 2019. With regard to the proposals of the GSMA and ETNO to follow up the work on Article 28(2) USD, BEREC would like to note that we followed up on this work by adopting an internal report in December last year (BoR(16)226). With regard to the proposal of BEUC, BEREC would like to mention that this is already covered by BEREC's Benchmark roaming data report and the Transparency and Comparability of Roaming Tariffs report.