Body of European Regulators for Electronic Communications

BEREC

BEREC Public debriefing
from the 31th BEREC plenary meetings

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Outcomes of the BEREC 31st Plenary

1 **Enhancing connectivity**

- BEREC Wholesale Roaming guidelines
- BEREC-Regulatel-EMERG-Eastern Partnership Summit

2 **Safeguarding an open environment**

- BEREC Report on Net neutrality regulatory assessment methodology
- BEREC Report on IP-interconnection practices
- BEREC international cooperation on Net neutrality

3 **Reinventing BEREC from within**

- BEREC Medium-term strategy 2018-2020
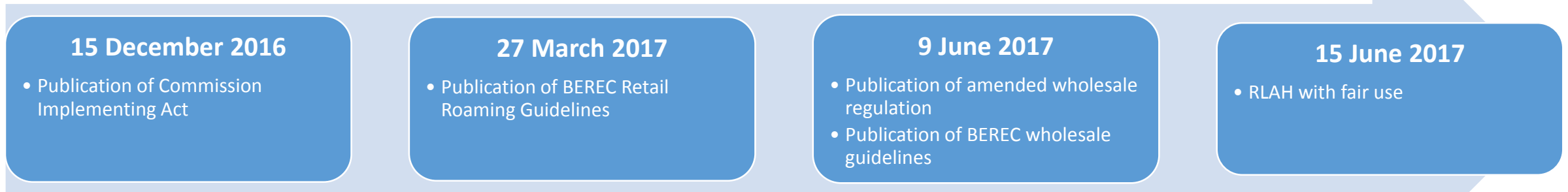
① **Enhancing connectivity**

Q2 Hot Topics

BEREC Wholesale roaming guidelines

BEREC-Regulatel-EMERG-EaPeReg Summit

1- BEREC Work on roaming

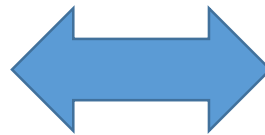| 15 December 2016	27 March 2017	9 June 2017	15 June 2017
• Publication of Commission Implementing Act	• Publication of BEREC Retail Roaming Guidelines	• Publication of amended wholesale regulation • Publication of BEREC wholesale guidelines	• RLAH with fair use

NRAs

- Close cooperation with operators and coordination with BEREC to discuss implementation questions
- Analysis of sustainability applications

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- Internal exchanges to deal with implementation questions regarding the Fair Use Policy
- Coordination on sustainability cases

Update of BEREC Wholesale roaming guidelines

- New wholesale provisions that come into effect on 15 June 2017 require update of the Guidelines

- Include Guidance about access to wholesale roaming services and the reference offer operators have to publish

- Designed to explain the Regulation and NRAs shall take them into utmost account

- Contribute to a harmonised implementation across Europe

Summary of main content

- Wholesale roaming provisions

- Wholesale roaming access services
  - ➤ *Direct access*
  - ➤ *Resale access*

- Reference Offer
  - ➤ *New provisions: Operators may include measures to prevent permanent roaming*

- Disputes and NRA intervention
  - ➤ *Authorization to terminate unilaterally a roaming agreement in case of permanent roaming*

2- Summit with regional regulators networks

- Summit between BEREC, Regulatel, EMERG and Eastern Partnership on 31 May

- More than 45 NRAs represented from Latin America, Eastern Europe and North African and mediterranean countries

- Discussions on
  - ➢ *Connectivity and investments in ultra-high capacity networks*
  - ➢ *Mobile connectivity and spectrum issues*
  - ➢ *Net neutrality challenges*
- Declaration of BEREC-Regulatel-EMERG-EaPeReg:
  - ➢ *Stresses importance of above mentioned topics and the need for regulators to take action*
  - ➢ *Reasserts need for continuous collaboration between regional regulators' networks on these topics*

② **Safeguarding an open environment**

Q2 Hot Topics

NN regulatory assessment methodology

IP-interconnection practices in the context of net neutrality

Continous International cooperation on Net neutrality

NN methodology – what is it?

Methodology for monitoring quality of the internet access service

- speed and delay   delivering what was promised?
- traffic management practices   is the network managed lawfully?

    Check blocking of traffic

    Check degradation of traffic

    Check discriminatory throttling of traffic

- general quality of IAS   impact of specialised services?

NN methodology – the report

- Methodology how to measure **speed and quality** of the IAS (Chapter 3)

- Recommendations to detect **traffic management practices** (Chapter 4)
  - ➤ applied to IAS or individual applications running on the IAS

- Recommendations on **assessment of impact** on measurement results (Ch.5)
  - ➤ Especially taking into account the user environment (e.g. wi-fi use)

- Recommendations on **assessing the measurement results** (Chapter 6)
  - ➤ Results in relation to the contract of the end-user
  - ➤ Aggregate results to market level

- Proposing guidance for **certifying** a monitoring mechanism (Chapter 7)

NN methodology – which status?

- **Guidance for NRAs in monitoring internet access services**
  - ➢ Implementing the NN provisions of Regulation 2015/2120

- **Document accompanies the BEREC NN Guidelines**
  - ➢ Addition / specification of paras 164-166 of the NN Guidelines

NN methodology – what next?

- Consultation period: 7 June – 5 July 2017

- Consultation method: BEREC public consultation online platform Discuto and traditional e-mail

- Updated draft will be discussed for approval next Plenary (October)

Report on IP-interconnection practices in the context of net neutrality published for consultation

- Update of BEREC 2012 report on IP-interconnection

- Builds on BEREC Workshop on IP-interconnection held in November 2016 in co-operation with OECD

- Empirical evidence
  - ✓ *Traffic growth largely driven by video*
  - ✓ *Internet traffic via mobile and Wi-Fi devices gaining importance*
  - ✓ *Prices decline continues: transit -33% 2015 / CDN services -20% 2015*
  - ✓ *Self-delivery of CDNs for very large CAPs only (Google, Netflix etc.).*
  - ✓ *CAPs like Google or Facebook participate in sea-cable projects.*
  - ✓ *Update of Packet Clearing house report: Internet is more densely interconnected than in the past and at a global level, 99,51% of all peerings on handshake basis but no data on traffic volumes.*
  - ✓ *Paid-peering not uncommon involving some larger European IAS providers.*

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IP-interconnection practices - Generic nature of disputes/cases in practice

- CAPs accuse eyeball ISPs for causing congestion by refusing to upgrade port capacities or even slowing down content

- Eyeball ISPs accuse CAPs for causing congestion by sending traffic via certain routes, refer to growing traffic asymmetries and some ask for paid peering

- Few cases submitted to NRAs

- Activities of NRAs/NCAs in F, NL, ES, CH as well as EC and FCC

IP-interconnection practices - Conclusions

- Internet is still able to cope with increasing traffic volumes
- Disputes involve complex relationships as well as economic/strategic considerations
- Disputes were typically solved without regulatory intervention – NRAs should monitor whether this continues to be the case
- Competition and transparency for consumers remain the key
- NRAs should continue to apply a careful approach when considering whether regulation is actually warranted.

Consultation will run from 7 June until 5 July

BEREC international cooperation on Net Neutrality

BEREC is committed to enhance international cooperation on Net Neutrality issues

- BEREC study trip in India – 29 March from 5 April
  - ➢ *Discussion with Indian regulator TRAI on net neutrality*

- BEREC-Regulatel-EMERG-EaPeReg Declaration reasserting regional networks committment to take action on net neutrality

③ Reinventing BEREC from within

Q2 Hot Topics

Kick-off : Second consultation on the Mid Term Strategy 2018 - 2020

Use our interactive tool till 5 July !

BEREC Strategy 2018-2020

Structure of the document

- Introduction
- Market & Technological developments
- BEREC Strategic Priorities
- BEREC Work

BEREC Strategy 2018-2020

Proposed BEREC Strategic Priorities

1. Responding to connectivity challenges and to new conditions for access to high-capacity networks.
2. Monitoring potential bottlenecks in the distribution of digital services
3. Enabling 5G and promoting innovation in network technologies
4. Fostering a consistent approach of the net neutrality principles
5. Exploring new ways to boost consumer empowerment

➢ BEREC is also committing to enhance stakeholder engagement (better information on BEREC work, double public consultations…)

➢ A video explaining the strategy will be available on BEREC website

Next steps for BEREC Strategy

- Second consultation planned from the 7 June until 5 July
  - ➢ The main way to provide input will be through **BEREC interactive consultation tool** Discuto.

- Final draft Strategy to be approved at P3

BEREC papers on the framework review

BEREC has adopted 13 technical papers on the review:

- Non-competitive oligopolies,
- Forced stepping-back of regulation
- Market analysis
- Symmetric regulation
- Co-investment
- Vertically separate undertakings

- Double-lock veto mechanism
- Duration of spectrum rights
- Implementing acts on spectrum
- Information requests (notably on OTTs)
- Notification process and administrative charges
- ITRE draft report on the BEREC Regulation
- Peer review process (published today)

BEREC analysis on access obligations and oligopolies

- Independent NRAs should remain able to **define the most appropriate regulatory treatment** of new network elements or vertically separate undertakings

- Enabling NRAs to **regulate non-competitive oligopolies** could help protect the competitiveness of the sector and ensure favorable conditions for sustainable investment.

- BEREC has prepared a **reply to EC consultation on SMP guidelines**, to be published by end of June, stressing the need to address competition issues derived from unilateral market power

BEREC analysis on spectrum issues

- BEREC welcomes Commission's proposals for **NRAs targeted role on market-shaping aspects** of spectrum management.

- European spectrum management should be **subject to flexible coordination** rather than "hard harmonisation".

- Innovation **cannot live on the same regulatory conditions** during 25 years.

- On the proposed **peer review**, BEREC recommends
  - ➤ To turn it into a **voluntary process ;**
  - ➤ OR to create a mechanism under which the NRA draft measure would be subject to a "**stress test" during a workshop,** opened to the relevant experts, co-organised by BEREC and the concerned NRA.

BEREC Work - What's next?

1 **Enhancing connectivity**

- Consultations on Common Position on monitoring of mobile network coverage and on Report on facilitating mobile connectivity in 'challenge areas'
- Consultation on BEREC report on the impact of content markets and devices on ECS markets
- BEREC work on the framework review: BEREC stays at the disposal of EU institutions to provide technical analyses

2 **Safeguarding an open environment**

- Adoption of Reports on Net neutrality regulatory assessment methodology and on IP-interconnection practices
- Continued international cooperation on Net neutrality

3 **Reinventing BEREC from within**

- Adoption of BEREC Medium-term strategy 2018-2020
- Consultation on BEREC Work programme 2018

Thank you for your attention

Sébastien Soriano
BEREC Chair 2017

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