38th Ordinary Plenary Meeting of the Board of Regulators

Hosted by the National Media and Infocommunications Authority (NMHH)

Conclusions

Chair: Jeremy Godfrey

Commissioner
Commission for Communications Regulation (ComReg)

7-8 March 2019

Content

Annex I – List of documents

Main Results of the 38th Meeting of the BEREC Board of Regulators

The BEREC Board of Regulators (BoR) held its 38th ordinary plenary meeting on 6-8 March 2019 in Budapest, Hungary.

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

1.   Documents approved as 'A' items

1.1   For publication:

- 22nd International Roaming BEREC Benchmark Data Report

- BEREC Report on the outcome of the public consultation on the draft BEREC Report on Pricing for access to infrastructure and civil works according to the BCRD

- BEREC report on pricing for access to infrastructure and civil works according to the BCRD

- BEREC Report on the outcomes of the public consultation on Draft BEREC Report on Internet of Things (IoT) indicators

- BEREC Report on Internet of Things (IoT) indicators

- BEREC Report on the outcomes of the public consultation on the Draft BEREC Report on Terminating Contracts and Switching Provider

- BEREC Report on Terminating Contracts and Switching Provider

1.2   For internal use:

- Decision of the Board of Regulators on the BEREC Art 7 and 7a Phase II Pool of Rapporteurs to be contacted when no Rapporteur is identified within 24 hours after the Office's consultation with NRAs' focal points

2.   Documents approved as regular items

2.1.   For publication:

- BEREC Guidelines on intra-EU communications

- Process for developing the BEREC Work Programmes

For internal use:

- Scoping document for Guidelines on the minimum criteria for a reference offer relating to obligations of transparency

- Scoping document for BEREC guidelines on very high capacity networks

- Letter to the competent authorities on the BEREC guidelines to assist NRAs/CAs on the consistent application of geographical surveys of network deployments

- Scoping document for BEREC Guidelines on common criteria for the assessment of the ability of undertakings other than ECN or ECS to manage numbering resources and the risk of exhaustion of numbering resources

- Scoping document for BEREC Guidelines on the general authorisation notifications transmitted to competent authorities

- Draft detailed rules on access to BEREC documents - Scoping and proposal Document

- Process for developing the BEREC Work Programme 2020

- PRD BEREC Work Programme 2020

3.   Documents submitted for information and/or consideration

- Provisional agenda of the BoR and MB meetings for 2019

- Minutes of the Miniboard meeting 11 January 2019

- Miniboard WG clusters and division of tasks

- Meetings of the BEREC Chair and Vice-Chairs in 2019

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

- Information on planned electronic voting procedures between P1 and P2

- 2019 BEREC Work Programme status update

- Rules of Procedure on the operation of BEREC Working Groups

4.   Other main topics discussed

During the plenary meeting, the BoR also discussed topics related to the implementation of the new telecommunications regulatory framework and BEREC international cooperation. The BoR members also exchanged experience in relation to the implementation of the NN Regulation and eCall in-vehicle system services based on the 112 service.

5.   Next meeting

The next ordinary plenary meeting of the BoR will take place on **12-14 June 2019 in Ghent (Belgium)** and will be hosted by the Belgian Institute for Postal services and Telecommunications (BIPT).

The BEREC Board of Regulators (BoR) held its 38th ordinary plenary meeting on 6-8 March 2019 in Budapest, Hungary.

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

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 is presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	BoR (19) 20 Draft BEREC BoR Agenda
Introduction by	BEREC Chair (ComReg)
Information presented	The BEREC Chair opened the meeting and presented the draft agenda for approval by the BoR meeting.
	He introduced two new BoR members, who were participating in the meeting for the first time:
	– Mr. Ivan Dimitrov – Chairman of the Bulgarian Regulatory Authority (CRC);
	– Mr. Emmanuel Gabla – Board Member of the French Regulatory Authority (Arcep).
	The BoR was invited to suggest any additional issues to be raised or presented under "Any other business" (AOB).
	The BEREC Chair informed the BoR that agenda item 6.2 will become an oral update on WACC, with no document being presented. He also reported that agenda item 12 would be introduced by the WG Co-Chairs, rather than by the BEREC Chair.
Conclusions	The agenda was adopted with the suggested changes.

2. List of 'A' items

Document(s)	Approval for publication:

	BoR (19) 21 Draft 22nd International Roaming BEREC Benchmark Data Report;
	BoR (19) 22 Draft BEREC Report on the outcome of the public consultation on the draft BEREC Report on Pricing for access to infrastructure and civil works according to the BCRD;
	BoR (19) 23 Draft BEREC report on pricing for access to infrastructure and civil works according to the BCRD;
	BoR (19) 24 Draft BEREC Report on the outcomes of the public consultation on the draft BEREC Report on Internet of Things (IoT) indicators;
	BoR (19) 25 Draft BEREC Report on Internet of Things (IoT) indicators;
	BoR (19) 26 Draft BEREC Report on the outcomes of the public consultation on the draft BEREC Report on Terminating Contracts and Switching Provider;
	BoR (19) 27 Draft BEREC Report on Terminating Contracts and Switching Provider.
	Approval for internal use:
	BoR (19) 28 Draft Decision of the Board of Regulators on the BEREC Art 7 and 7a Phase II Pool of Rapporteurs to be contacted when no Rapporteur is identified within 24 hours after the Office's consultation with NRAs' focal points
Introduction by	BEREC Chair (ComReg)
Information presented	The BEREC Chair presented the list of 'A' items, as outlined above. The list of 'A' items was drawn up on the basis of the conclusions of the CN, according to which BoR approval of the documents should be possible without further discussion. The BEREC Chair informed the BoR members that, if needed, they can still make statements for the minutes on any of the 'A' items, and that if a member of the BoR so requests, any item may be withdrawn from the list of 'A' items.
	The BEREC Chair requested the consent of the BoR Members for including all items in the list and asked the BoR to approve the documents in the list of 'A' items.
Conclusions	The BoR approved the documents included in the list of 'A' items for publication and internal use.

3. Information from the Chair

Document(s)	BoR (19) 02 Provisional agenda of the BoR and MB meetings for 2019
	BoR (19) 03 Minutes of the Miniboard meeting 11 January 2019
	BoR (19) 04 Miniboard WG clusters and division of tasks

	BoR (19) 05 Meetings of the BEREC Chair and Vice-Chairs in 2019
Introduction by	BEREC Chair (ComReg)
Information presented	The BEREC Chair underlined the role that the EU played in political changes in Eastern Europe in 1989. He recalled the Plenary meeting in Gdansk in 2018 and the visit to the European Museum of Solidarity. He welcomed the fact that BEREC contributes to the work of the EU institutions.
	The BEREC Chair also briefed the BoR on the outcome of the recent important meetings he attended and on the meetings that he is going to attend. He recalled the email circulated to the Board members with a summary of all the meetings.
	The BEREC Chair reported on the Miniboard activities and the split of tasks among Miniboard members.
	He also called for resources dedicated to 3 specific projects for the following Working Groups:
	• Wireless Network Evolution (*BEREC guidelines on how to assess the effectiveness of public warning systems transmitted by different means*);
	• End Users (*BEREC Guidelines, with respect to internet access services (IAS) and publicly available interpersonal communications services (ICS), detailing the relevant quality of service (QoS) parameters, including parameters relevant for end-users with disabilities, the applicable measurement methods, the content and format of publication of the information, and quality certification mechanisms*);
	• Statistics & Indicators (*BEREC Guidelines to assist NRAs on the consistent application of geographical surveys of network deployments*)
	He underlined that it is vital that NRAs support the work of the working groups ("WGs") and asked all Heads to consider if they can afford to release, or partially release, personnel from their NRAs to contribute to these projects – which are time limited.
	He informed the BoR that another call for resources would be launched next week.
	Recalling the topic of the MoU with RSPG, he noted that there are some doubts about whether the MoU is the right form for the cooperation. He noted that, after the RSPG decision, this topic will be brought to the attention of the BoR at the next Plenary meeting.
Conclusions	The BoR took note of the information.

4. Participation of the NRAs of third countries in the work of BEREC

Document(s)	No document
Introduction by	BEREC Chair (ComReg)
Information presented	According to the new BEREC Regulation, the Board of Regulators, the WGs and the Management Board shall be open to the participation of regulatory authorities of third countries with primary responsibility in the field of electronic communications, where those third countries have entered into agreements with the Union to that effect.
	Under the relevant provisions of those agreements, working arrangements shall be developed specifying, in particular, the nature, extent and manner in which the regulatory authorities of the third countries concerned will participate without the right to vote in the work of BEREC and of the BEREC Office, including provisions relating to participation in the initiatives carried out by BEREC, financial contributions and staff to the BEREC Office.
	A letter was circulated to all third countries' NRAs involved in the work of BEREC inviting their representatives to participate in BEREC meetings on an *ad personam* basis as experts. This is a temporary solution applicable in the transition period until their legal status is clarified.
Conclusions	The BoR took note of the information.

5. Information from the Commission

Document(s)	No documents
Introduction by	Commission Representative
Information presented	The EC representative informed the BoR about the following topics:
	− **Termination Rates**
	The EC representative recalled that, under the Code's provisions, the EC is required to adopt a delegated act setting single Euro-rates for fixed and for mobile voice call termination services. He reported about the ongoing work and the development of a cost model by Axon. He referred on the work done so far and informed the BoR that the EC is currently gathering responses to the consultation on the cost model for mobile termination rates. He informed the BoR that, once it is finished, a workshop will be held with all stakeholders in May 2019. He also reported that a second consultation on the FTR cost model is expected in May/June 2019.
	− **Roaming & Western Balkan Strategy**
	The EC representative reported on the review of the Implementing Regulation on Fair Use Policy (FUP), which will commence in June 2019. He informed the BoR that, at this stage, a full review of the policy is not envisaged, as a general review of the Roaming Regulation is expected by the end of 2019 and any possible proposals for amendments will be included there.
	The interim roaming report adopted in December 2018 acknowledged that the implementation of the roaming regulation has been effective, with few

cases of derogations. In some countries it seems that a second round of derogations is in progress.

The EC representative also reported on the progress with the Western Balkan economies on roaming agreements. He noted that all the actors are almost ready to sign the roaming agreements between themselves, most likely in April 2019. He informed the BoR that the date of entry into force of these provisions is still to be discussed. He noted that the agreement is based on the RLAH+.

The EC representative also informed the BoR about the issues around the possible consequences for the implementation of the Roaming Regulation caused by Brexit. He noted that, if the withdrawal agreement is signed, nothing will change for operators and customers, but if there is a no-deal Brexit the FUP allowance will need to be based on data from the Member States and EEA countries. He noted that its final application would depend on the operators and the drafting of their retail contracts.

− **Platform-to-business (P2B) and Copyright**

The EC representative reported that there is a political agreement on the Regulation on promoting fairness and transparency for business users of online intermediation services (P2B Regulation) and on the Directive on the re-use of public sector information which provides a common legal framework for a European market for government-held data (public sector information).

Regarding the copyright legislation, the EC representative reported that the discussions are still ongoing, focusing especially on the question of monitoring of unlicensed content, better arrangements for authors and remuneration for their work.

A political agreement has also been reached during December, on the Cyber Security Act, which sets up the basis of a system for mutual cyber security recognition. On the other hand there is still a pending legislative discussion on the cyber security competence centres, which concerns the actual building up of competence centres in the member states.

The BEREC Chair also asked the EC representative to update the BoR on the issue of network security, especially in the light of recent developments in the USA and Europe.

The EC representative reported on several legislative measures in this respect, which have already been adopted or which are still being negotiated. For this reason, the EC representative explained that there was no need for any additional legislative framework dedicated to 5G network security. He noted that there are already relevant mechanisms in place, such as: the Directive on security of network and information systems, or the new Cyber Security Act coming into place. He also informed the BoR that on 15 March 2019 there will be a meeting held between competent authorities on cybersecurity.

The EC representative also informed the BoR about the workshop on 5G spectrum authorisations on 24 April. He informed the BoR that invitation

	letters were in the process of being sent, as indicated at CN, and invited the NRAs to participate at high level.
Conclusions	The BoR took note of the information.

6. Remedies

6.1. Scoping document for BEREC guidelines on the minimum criteria for a reference offer relating to obligations of transparency

Document(s)	BoR (19) 29 Draft scoping document for Guidelines on the minimum criteria for a reference offer relating to obligations of transparency
Introduction by	REM WG Co-Chairs (BNetzA/UKE)
Information presented	The WG Co-Chairs reported that NRAs may, in accordance with Article 69 of Directive 2018/1972 establishing the European Electronic Communications Code, impose obligations of transparency in relation to interconnection or access, requiring undertakings to make public specific information, such as accounting information, prices, technical specifications, network characteristics and expected developments thereof, as well as terms and conditions for supply and use, including any conditions altering access to or use of services and applications, in particular with regard to migration from legacy infrastructure, where such conditions are allowed by Member States in accordance with Union law.
	They noted that, according to Article 69(4) of Directive 2018/1972, by 21 December 2019, in order to contribute to the consistent application of transparency obligations, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, issue guidelines on the minimum criteria for a reference offer.
	The WG Co-Chairs presented pros and cons of harmonisation. The WG Co-Chairs reported that, as a next step, a questionnaire will be prepared and circulated to the NRAs as a basis for commencing the work on the draft guidelines.
Conclusions	The Chair concluded that the list of criteria should be as broad as is sensibly possible (but not too broad to remove flexibility).
	The BoR approved the document for internal use and agreed that the guidance provided by the BoR on the topic should also be taken into account when working on the draft guidelines.

6.2. Calculation of WACC parameters – oral update

Document(s)	No document
Introduction by	REM WG Co-Chair (BNetzA)
Information presented	The WG Co-Chair informed the BoR on recent developments on WACC guidance. She reported that the WG prepared a set of questions for the EC to get feedback regarding the calculation of various WACC parameters arising from the Commission's proposal on WACC guidance, on which BEREC needs clarification.

	The WG Co-Chair asked the Heads to agree on the involvement of BEREC in the calculations of the parameters (namely the Risk free rate (RFR) and the Equity risk premium (ERP) which are to be calculated in 2019; and 3 company-related parameters (beta, gearing and cost of debt) to be calculated for the first time in 2020, with the first two being updated at the beginning of each year; The WG Co-Chair also stated that the Regulatory Accounting (RA) Report would remain a descriptive / benchmarking document that would be published at the end of each year).
	She also asked the Heads to agree in principle on the involvement of BEREC in the VHCN WACC study/guidance.
	The WG Co-Chair noted that if the BoR agrees to the involvement of BEREC as outlined above, 2 new PRDs (other than the usual RA Report) will be drafted to ensure the additional work is well resourced and that BEREC can make further progress in these areas.
Conclusions	The BoR took note of the information and agreed to start work on the two core parameters already this year and on BEREC's involvement in the VHCN WACC study/guidance.

7. Fixed Network Evolution

Document(s)	BoR (19) 31 Draft scoping document for BEREC guidelines on very high capacity networks
Introduction by	FNE WG Co-Chairs (RTR)
Information presented	The WG Co-Chair reported that according to Article 82 of Directive 2018/1972, by 21 December 2020, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, issue guidelines on the criteria that a network is to fulfil in order 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.
	He noted that the guidelines aim to define the term "very high capacity network" in accordance with the EECC. Based on the definition, two QoS targets will be set for both wireless and fixed network. Both will have to be determined by BEREC.
	The WG Co-Chair outlined the benefits and challenges of harmonisation.
	He noted that an important part of the project is the data collection exercise based on inputs from network operators and vendors. The WG will also analyse whether it is possible to use measurements made by internet speed tests for the determination of the QoS targets.
	The BEREC guidelines on very high capacity networks will be based on the outcomes of this exercise. The data collected will be presented and analysed in a separate document: 'Accompanying document for the BEREC guidelines on very high capacity networks'.

	The WG Co-Chair also reported on the next steps and planned work on the draft guidelines.
Conclusions	The BoR approved the document for internal use and agreed that the guidance provided by the BoR on the topic should also be taken into account when working on the draft guidelines.

8. Planning and Future Trends

8.1 Oral update on the Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem

Document(s)	No document
Introduction by	PFT Co-Chairs (ACM/PTS)
Information presented	The WG Co-Chairs noted that 5G is a strategic priority of BEREC's medium-term strategy 2018-2020. Based on the work done so far in this domain (study on the implications of 5G deployments on future business models, report on infrastructure sharing, etc.), BEREC will commence an assessment of the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem, which will include how regulation could influence the pace at which innovative services are brought to market – especially vertical solutions.
	They emphasised that the outcome of this work stream is neither a common position nor guidelines that every NRA has to follow. They noted that is rather a 'pathfinding' exercise exploring how 5G affects regulation and how regulation affects 5G.
	The WG Co-Chairs recalled additional areas which could also be considered when working on this topic, such as:
	• Fixed/mobile convergence; • Network slicing in relation to NN; • Numbering; • Wholesale access; • Roaming; • Spectrum awards; • Rollout of small cells; • Feasibility study of broader context of 5G ecosystem; • Infrastructure sharing.
	They outlined the main issues that might be related to the work stream and the issue of engaging other stakeholders in the process as early as possible. The WG would like to do this via the organisation of the workshops, meetings and sharing of experience during other occasions.
Conclusions	The BoR took note of the information

8.2 Oral update on the Study on the determinants of investment in VHCN

Document(s)	No document
Introduction by	PFT Co-Chairs (ACM/PTS)
Information presented	The WG Co-Chairs reported on the progress of the study on "The Determinants of Investment in Very High Capacity Networks – A System Dynamics Approach". They recalled the key objectives of the study and also presented the management structure of the work-streams, as well as the calendar of work. The initial outcomes of the study should be shared with the BoR at Plenary 3 2019 in Crete.
Conclusions	The BoR took note of the information.

8.3 Process for developing the BEREC Work Programme

Document(s)	BoR (19) 32 Process for developing the BEREC Work Programmes BoR (19) 33 Process for developing the BEREC Work Programme 2020 BoR (19) 34 PRD BEREC Work Programme 2020
Introduction by	PFT Co-Chairs (ACM/PTS)
Information presented	The Co-Chairs of the PFT EWG, in collaboration with the 2019 Chair's team and the 2020 Chair's team, have set out a draft process for developing BEREC's WPs, taking into account instructions from the Heads set out at the workshop at Plenary 3 2018 in Portoroz. They recalled the key messages of the workshop: − The drafting of the WP should move from the current (largely) annual exercise to multi-annual Work Programmes; − Multi-annual Work Programmes should be developed, but only at a high level (2-3 years might be a suitable timeframe, corresponding to the medium term strategy); − More involvement of EWG Co-Chairs and potential tasks for the Planning and Future Trends EWG; − The exercise should be less "mechanical", being a more qualitative exercise, where there would be a level of discussion and debate to decide projects for inclusion in the WP. They presented the process for developing future BEREC work programmes. However, this draft process will not be adopted until the start of 2020 and, therefore, an additional modified process was also developed to be utilised in 2019 in order to develop the 2020 WP. These two processes (the 2019 process and the process for all subsequent years) were presented in conjunction with a related PRD, which provides for the establishment of a project team under the PFT EWG, which

	will be responsible, in conjunction with the 2020 Chair's team, for developing the 2020 WP. The WG Co-Chairs asked the Board Members for resources to support this work stream.
Conclusions	The BoR took note of the information and approved the Process for developing the BEREC Work Programmes for publication, while the Process for developing the BEREC Work Programme 2020 and the PRD were approved for internal use.

9. Oral update on the BEREC Work Programme 2020

Document(s)	No document
Introduction by	Incoming BEREC Chair (PTS)
Information presented	The Incoming BEREC Chair presented a plan to the BoR for developing the final BEREC Work Programme for 2020, together with a calendar of the steps to follow.
	He noted that the WP 2020 will go beyond 2020, as not all work-streams will be finalised during the next year. He noted that, when developing the BEREC WP 2020, there will be a need to take into account the fact that a new BEREC Strategy has to be developed.
	He also presented a suggestion for enhanced BEREC cooperation with ENISA (in terms of security on 5G and IoT), RSPG (on peer reviews), OECD (he asked for suggestions for topics) and ITU (on telecommunications topics).
	The Incoming BEREC Chair outlined the additional items from the 2020 BEREC Work Programme Outline:
	• BEREC Strategy beyond 2020 • BEREC input to the Roaming Regulation • Exchange on the impact of the Public Sector Information Directive • Workshop on NRA experiences with 5G • Exchange on regulatory system on platform markets • Internet Value Chain He also presented other additional items:
	• Expanding on consumer protection – in relation to the Code *(e.g. Comparison of MS tools/websites for comparing telecoms services (Art 103.4));* • How to define and supervise OTTs – consumer, competition and privacy aspects; • Proactive preparations for the new Relevant Markets Recommendation *(e.g. symmetric regulation).*
Conclusions	The BoR took note of the information.

10. Roaming

Document(s)	BoR (19) 35 Draft BEREC Guidelines on intra-EU communications
Introduction by	Roaming WG Co-Chairs (RTR/EETT)
Information presented	According to Regulation (EU) 2018/1971, BEREC shall draft Guidelines on the criteria used by NRAs when assessing derogations from the prices of regulated intra-EU communications, which shall not exceed a maximum of 0.19€ per minute for calls and 0.06€ per SMS message as of 15 May 2019.

They noted that the Regulation asked explicitly for guidelines on the derogation, but following the discussions with stakeholders it was decided to have a broader scope for the guidelines.

The WG Co-Chairs presented a brief summary of the document, which covers the following aspects:

– Geographical Scope of the Regulation;
– Price-caps on intra-EU communication services;
– Alternative tariffs;
– Charges in currencies other than the Euro;
– Value-added services/Calls to toll-free numbers/Misuse and fraud;
– Derogations;
– NRAs' monitoring.

The WG Co-Chairs focused on the application of the derogation procedure and explained how it would work in practice.

They reported that the draft BEREC Guidelines on intra-EU communications take into account stakeholders' views expressed at the workshop organised in Brussels on 29 January 2019 and briefly summarised the feedback received. |
| Conclusions | The BoR approved the document for publication. |

11. Information from the BEREC Office and oral up-date on BEREC Annual Reports 2018

| Document(s) | BoR (19) 36 Information on the electronic voting procedures since the last plenary meeting

BoR (19) 37 Information on planned electronic voting procedures between P1 and P2

BoR (19) 38 2019 BEREC Work Programme status update |
|---|---|
| Introduction by | BEREC Office Representative |
| Information presented | The BEREC Office submitted to the BoR for information the recent and planned electronic voting procedures and the implementation status of the 2019 BEREC Work Programme (WP-2019).

A BEREC Office representative updated the BoR on:

– The progress of BEREC activities;
– The update on the public consultations held by BEREC; |

	– The progress made in the development and implementation of the Net Neutrality (NN) Measurement Tool;
	– The study on "The Determinants of Investment in Very High Capacity Networks – A System Dynamics Approach";
	– Preparation of the BEREC Annual Reports for 2018.
Conclusions	The BoR took note of the information.

12. Statistics and Indicators

Document(s)	BoR (19) 39 Letter to the competent authorities on the BEREC guidelines to assist NRAs/CAs on the consistent application of geographical surveys of network deployments
Introduction by	SI WG (ANACOM/CNMC)
Information presented	The WG Co-Chairs reported that work on the BEREC guidelines to assist NRAs/CAs on the consistent application of geographical surveys of network deployments requires the involvement of competent authorities (CAs).
	They presented a letter that was drafted by the SI WG, which is intended to be sent to the CAs, informing them about the forthcoming work. The letter includes information on the different tasks, including a timeline and explains the way in which BEREC expects CAs to respond to BEREC's request for information and opinion. It also invites CAs to participate in the workshop planned for 14 May 2019 in Brussels.
	They noted that, with this letter, BEREC is seeking to be transparent with CAs and to streamline all the processes that need to be undertaken to deliver the Guidelines.
Conclusions	The BoR agreed to postpone the approval of the letter.

13. BEREC International cooperation

Document(s)	No document
Introduction by	BEREC Vice-Chair responsible for international cooperation (RTR)
Information presented	The BEREC Vice-Chair responsible for international cooperation briefed the BoR in relation to recent and forthcoming BEREC international activities. He informed the BoR about the following events:
	– Video-conference with TRAI on the EECC;
	– GSMA Mobile World Congress in Barcelona and several meetings the Miniboard had on 25 February 2019 with international partners (CRCT, FCC, TRAI);
	– Participation of the representative of the BEREC Chair in the EU-Latin America Cooperation initiative to take place in Costa Rica on 20-21 March 2019;

	− BEREC-Regulatel EWG meeting to be held in Cartagena, Colombia, on 1-3 April 2019 to discuss NN, open devices and app stores and the implementation of the EECC (BEREC will be represented by AGCOM, ACM, CNMC and ComReg experts);
	− Miniboard Study Trip to China (Beijing, Shenzhen, Hong Kong) on 1-5 April 2019;
	− Joint BEREC-IIC conference 'Competing Continents: The pursuit of excellence in electronic communications' on 25-26 June in Riga, Latvia.
	− Summit with Reguatel, EaPeReg and EMREG on the side-lines of Plenary 3 2019 in Heraklion, where some of the MoUs will be extended.
	The BEREC Vice-Chair responsible for international cooperation also informed the BoR that BEREC received the usual letter from the European Commission on BEREC's international activities, and that a response would be sent shortly. He informed the BoR that it will be circulated to all NRAs for information.
Conclusions	The BoR took note of the information.

14. Net Neutrality - Implementation of Net Neutrality rules and exchange of experience

Document(s)	No document
Introduction by	Representatives of the NRAs (EETT)
Information presented	A representative of EETT presented the NRA's approach to the implementation of Regulation (EU) 2015/2120.
	He reported on the EETT Regulation, which is complementary to the EU Regulation, and which provides further guidance for the application of the EU Regulation. In his presentation he focused on the main points of the EETT Regulation, emphasising the issues on which it provides more detailed guidance than the BEREC Guidelines.
Conclusions	The BoR took note of the information.

15. Practical experiences with eCall

Document(s)	No document
Introduction by	Representatives of the NRAs (RU)
Information presented	A representative of RU shared with the BoR its national experiences on the implementation of Regulation (EU) 2015/758 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service.

	He briefly presented the description of the services, together with the legislative basis and their key requirements. The representative of RU focused on the main challenges that the telecommunications sector is facing when implementing the requirements, namely: allocation of numbering resources to the eCall services, life cycle and issues encountered during tests.
Conclusions	The BoR took note of the information.

16. Regulatory Framework

16.1 Board of Regulators Rules of Procedure

Document(s)	BoR (19) 40 Draft Board of Regulators Rules of Procedure
Introduction by	RF WG Co-Chairs (AGCOM/NMHH)
Information presented	The WG Co-Chairs briefed the BoR on the progress of work on the draft BoR Rules of Procedure. The BEREC Chair briefly recalled the work on the document and informed the BoR that the most recent draft of the BoR RoP was shared with the BoR. The draft included comments and suggestions made by the EC. He informed the BoR that the document will be adopted via e-voting after the plenary meeting.
Conclusions	The BoR took note of the information and decided that the BoR RoP will be approved via e-voting procedure, taking into account comments made during the meeting.

16.2 Rules of Procedure on the operation of BEREC Working Groups

Document(s)	BoR (19) 41 Draft Rules of Procedure on the operation of BEREC Working Groups
Introduction by	RF WG Co-Chairs (AGCOM/NMHH)
Information presented	The WG Co-Chairs presented to the BoR an updated version of the Rules of Procedure on the operation of BEREC Working Groups. They recalled the legal basis of the new BEREC Regulation (Article 13.4) which requires that the BoR adopts rules" or "states that the BoR shall adopt rules of procedure laying down the practical arrangements for the operation of the working groups. They presented the content of the draft WG Rules of Procedure, focusing on the main changes introduced after the RF WG and CN meetings.
Conclusions	The BoR took note of the information and decided that the RF WG will continue working on the WG RoP with a view to their adoption in the near future.

16.3 BEREC's detailed rules on access to documents

Document(s)	BoR (19) 42 Draft detailed rules on access to BEREC documents - Scoping and proposal Document
Introduction by	Drafting Team Leader (ANACOM)
Information presented	According to Article 36(2) of Regulation 2018/1971, the Board of Regulators and the Management Board shall adopt detailed rules for applying Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents by 21 June 2019. In this respect, the Heads discussed this topic among others during the workshop on 6 March 2019. Based on the outcome of the discussion, the Drafting Team Leader presented an updated version of the draft scoping document to the BoR. He focused on the process for handling the requests for access to documents and outlined the roles and responsibilities of the main actors. The Drafting Team Leader also presented the next steps for the work on the document. He reported that, based on the BoR guidance, the RF WG will draft the rules on access to documents with a view to their approval by Plenary 2 2019.
Conclusions	The BoR took note of the information and approved the document for internal use.

16.4 Scoping document for BEREC Guidelines on common criteria for the assessment of the ability of undertakings other than ECN or ECS to manage numbering resources and the risk of exhaustion of numbering resources

Document(s)	BoR (19) 43 Draft scoping document for BEREC Guidelines on common criteria for the assessment of the ability of undertakings other than ECN or ECS to manage numbering resources and the risk of exhaustion of numbering resources
Introduction by	RF WG Co-Chairs (AGCOM/NMHH)
Information presented	Based on Article 93(2) of Directive 2018/1972 establishing the European Electronic Communications Code, BEREC shall adopt, after consulting stakeholders and in close cooperation with the Commission, guidelines on common criteria for the assessment of the ability to manage numbering resources and of the risk of exhaustion of numbering resources. The WG Co-Chairs presented the work done by the WG so far to the BoR, as well as the benefits and challenges stemming from harmonisation. They highlighted that the guidelines intend to: facilitate the assessment by NRAs that will decide to allow the assignment of numbers to non-ECN/ECS players; contribute to the regulatory clarity for the market, as well as consistency throughout the EU; cover all kind of services and numbers, including IoT/M2M services; consider possible impacts in case the numbering

	resources are assigned to undertakings other than providers of ECN/ECS with rights for extra-territorial use.
	The WG Co-Chairs informed the BoR about the planned work. The adoption of the guidelines for public consultation is envisaged at Plenary 2 2019 and the final adoption of the guidelines is planned for Plenary 1 2020.
Conclusions	The BoR approved the document for internal use and agreed that the guidance provided by the BoR on the topic should also be taken into account when working on the draft guidelines.

16.5   Scoping document for BEREC Guidelines on the general authorisation notifications transmitted to competent authorities

Document(s)	BoR (19) 44 Draft scoping document for BEREC Guidelines on the general authorisation notifications transmitted to competent authorities
Introduction by	RF WG Co-Chairs (AGCOM/NMHH)
Information presented	According to Article 12(4) of Directive 2018/1972, "in order to approximate notification requirements" and harmonise accordingly the notification forms currently in use at national level, BEREC is called to "publish guidelines for the notification template", i.e. guidelines outlining the main features and contents of the notification form to be used by Member States that decide to implement a notification requirement.
	The WG Co-Chairs presented the work done by the WG so far to the BoR, as well as the benefits and challenges stemming from harmonisation. They noted that a high level of harmonisation is already provided for in Article 12.4 of the EECC and it does not leave much room for interpretation to the Member States.
	The WG Co-Chairs also noted the need to compile an EU database, which could only work via a standardised form with a common set of information at the EU level.
	They informed the BoR about the next steps: adoption of draft guidelines for public consultation is planned for Plenary 2 2019, while the final draft guidelines should be ready for approval for Plenary 4 2019.
Conclusions	The BoR approved the document for internal use and agreed that the guidance provided by the BoR on the topic should also be taken into account when working on the draft guidelines.

17. AOB

Information on the 39th BoR ordinary meeting (12-14 June 2019, Ghent, Belgium)

Document(s)	No document
Introduction by	Representative of the meeting host (BIPT)

Information presented	The representative of the meeting host, BIPT, provided information on the logistics for the meeting.
Conclusions	The BoR took note of the information.