

Notice for the launch of the public consultation on the draft BEREC Guidelines on the minimum criteria for a reference offer

The draft BEREC Guidelines on the minimum criteria for a reference offer document was approved for public consultation at the 39th BEREC ordinary meeting that took place in Ghent, Belgium, between 12-14 of June 2019.

Following from the provisions of Article 69 of the Directive EU 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (EECC), after consulting the stakeholders and in close cooperation with the Commission, BEREC will issue guidelines on the minimum criteria for a reference offer relating to obligations of transparency. The aim of the guidelines is to contribute to a consistent application of the transparency obligations throughout Europe.

A requirement to publish a reference offer may be particularly appropriate when an undertaking has been imposed the non-discrimination obligation. The reference offer shall be sufficiently unbundled in order to ensure that access seekers are not required to pay for facilities which are not necessary for the services requested. In this vein, the scope of the minimum criteria for a reference offer should cover any interconnection or wholesale access services regulated by the NRAs. Also, a reference offer shall contain a description of the relevant access offers, broken down into components according to the needs of the market, including associated terms and conditions, and prices.

Accordingly, the proposed minimum criteria set covers the following core elements:

- Terms and conditions for the provision of network access;
- Details of the operational processes;
- Service supply and quality conditions;
- General conditions and conditions of the agreement.

Finally, the monitoring of the implementation of the guidelines will be conducted regularly.

Stakeholders are, therefore, invited to provide their inputs based on the draft BEREC Guidelines on the minimum criteria for a reference offer as well as on the questions below:

- Do you agree with the proposed BEREC approach to establish a set of core minimum criteria to be included in the Reference Offer by all NRAs, and additional criteria that could be used if considered necessary by NRAs? Please elaborate.
- Please provide any other general comment(s) you might have with respect to the minimum core set of elements covered by the guidelines.

The response to the public consultation will serve as input for the final version of the BEREC Guidelines on the minimum criteria for a reference offer.

Practical details of the public consultation

In accordance with the BEREC policy on public consultations, BEREC will publish a summary of all received contributions, respecting confidentiality requests.

The public consultation will run from **19 of June to 19 July, 2019**.

All stakeholders are invited to submit their contributions via e-mail **by 19 July 17:00 CET 2019**. The e-mail address to be used is: PC_Guidelines_RO@berec.europa.eu. Further enquiries or any other issues concerning the current consultation may also be submitted to this address.

The overall size of the e-mails (including attachments) should not be larger than 2 MB.

After submitting the contribution via e-mail, an automatic reply will be generated. If this confirmation e-mail is not received, the submission of the contribution was not successful and it should be submitted again.

We strongly encourage all stakeholders to submit their contributions as early as possible. **Contributions received after the above mentioned deadline will not be taken into account.**

Contributions should preferably be sent in English.

All contributions will be published on the BEREC website, taking into account requests for confidentiality and publication of personal data. Any such requests should be clearly indicated by stating which information is considered confidential.

Please note that it is also possible to submit both a confidential and a public version of your contribution on the email address: PC_Guidelines_RO@berec.europa.eu.