

Public debriefing

38th BEREC Plenary meeting

Jeremy Godfrey, BEREC Chair 2019

Brussels, 13th March 2019

Body of European Regulators
for Electronic Communications

BEREC

The logo for BEREC (Body of European Regulators for Electronic Communications) features the word "BEREC" in a bold, sans-serif font. The letters "B", "E", "R", and "E" are blue, while the "C" is maroon. A blue curved line starts under the "R" and sweeps under the "C", ending under the "C".

- **Guidelines on intra-EU communications**
- **Process for developing BEREC Work Programmes**
- **Additional reports adopted at Plenary**
 - *Pricing for access to infrastructure and civil works according to the BCRD*
 - *Internet of Things indicators*
 - *Terminating contracts and switching provider*
- **AOB**
 - *BEREC transparency and stakeholder engagement*
 - *Call for input: 'Guidelines on VHCN' draft questionnaire*
 - *22nd International Roaming Benchmark Data Report*

Guidelines on intra-EU communications

Presented by: Elisabeth Dornetshumer & Ioanna Choudalaki

(Co-Chairs of Roaming WG)

- 15 May 2019: **price caps** on regulated intra-EU communications:
 - 0.19€ per minute for calls
 - 0.06€ per SMS message
- **NRAs can grant derogation** from the above price-caps if provider can demonstrate, against a relevant BEREC benchmark, that:
 - it is significantly more affected than most other providers in the Union
 - that impact would significantly weaken that provider's capacity to maintain its charging model for domestic communications
- **BEREC shall publish guidelines** on the parameters to be taken into account by NRAs in their derogation assessments.
- **NRAs shall monitor** the market and price developments for regulated intra-EU communications and **shall report to the Commission.**

- ...the scope of the regulation:
 - Services covered (fixed voice services, mobile voice services and SMS services)
 - Types of tariffs
- ... the geographical scope:
 - applies to EU member states including the outermost regions which are part of EU Single Market (according to EU Treaty)
 - applies to Iceland, Norway and Liechtenstein when the regulation is incorporated in the EEA agreement.
- ...charging intervals
- ...tariffs including set-up fee for calls
- ...the handling of alternative tariffs
- ...value added `services

- Two step assessment:
 - Benchmarking comparison.
 - Impact on the domestic pricing model.
- BEREC benchmark:
 - Basis for its definition: volumes of traffic
 - Separate benchmark for fixed calls/mobile calls/mobile SMS
 - Kind of benchmark: proportion of regulated intra-EU/total volume
 - Use the upper 95th percentile as threshold
 - Yearly updates of the benchmark
 - The first year benchmark is based on data collected last year

- Impact on domestic charging model test:
 - Comparison of the regulated intra-EU communications margin with the total margin from electronic communication services
 - Different threshold for negative/positive margin from regulated intra-EU communication services:
 - 3% in case of negative
 - 9% in case of positive
 - Operators have the burden of the proof
 - BEREC has prepared templates for the applicants

- Maximum price level in excess of the price-caps:
 - Surcharges can be applied to all intra-EU communication services – not only to the ones that satisfy the benchmarking test
 - Proposed by operators, taking into account the calculations under the second step and authorized by NRAs
- Procedure/Deadlines:
 - Similar approach like the roaming derogation (one month for the NRA plus 2 months in case of insufficient application)
 - 12-month derogation subject to a new application for renewal
 - In case of an authorisation, operators should comply with any of their national rules regarding transparency or changes in terms and conditions (e.g. advanced publication of price changes, contractual issues that require an extraordinary right to terminate contracts).

- Indicators to be collected from fixed and mobile operators:
 - The number of subscribers (consumers or businesses)
 - Volumes per service (voice and SMS) for domestic and intra-EU communications services (regulated and alternative tariffs, bundles).
 - Revenues from intra-EU communications services (regulated and alternative tariffs)
- Common template
- BEREC will aggregate the data and publish a report on the findings of this exercise.

Thanks for your inputs during the Workshop
on 29 January 2019

Process for developing BEREC Work Programmes

Presented by: Bo Andersson & Bert Klaassens
(Co-Chairs of Planning & Future Trends WG)

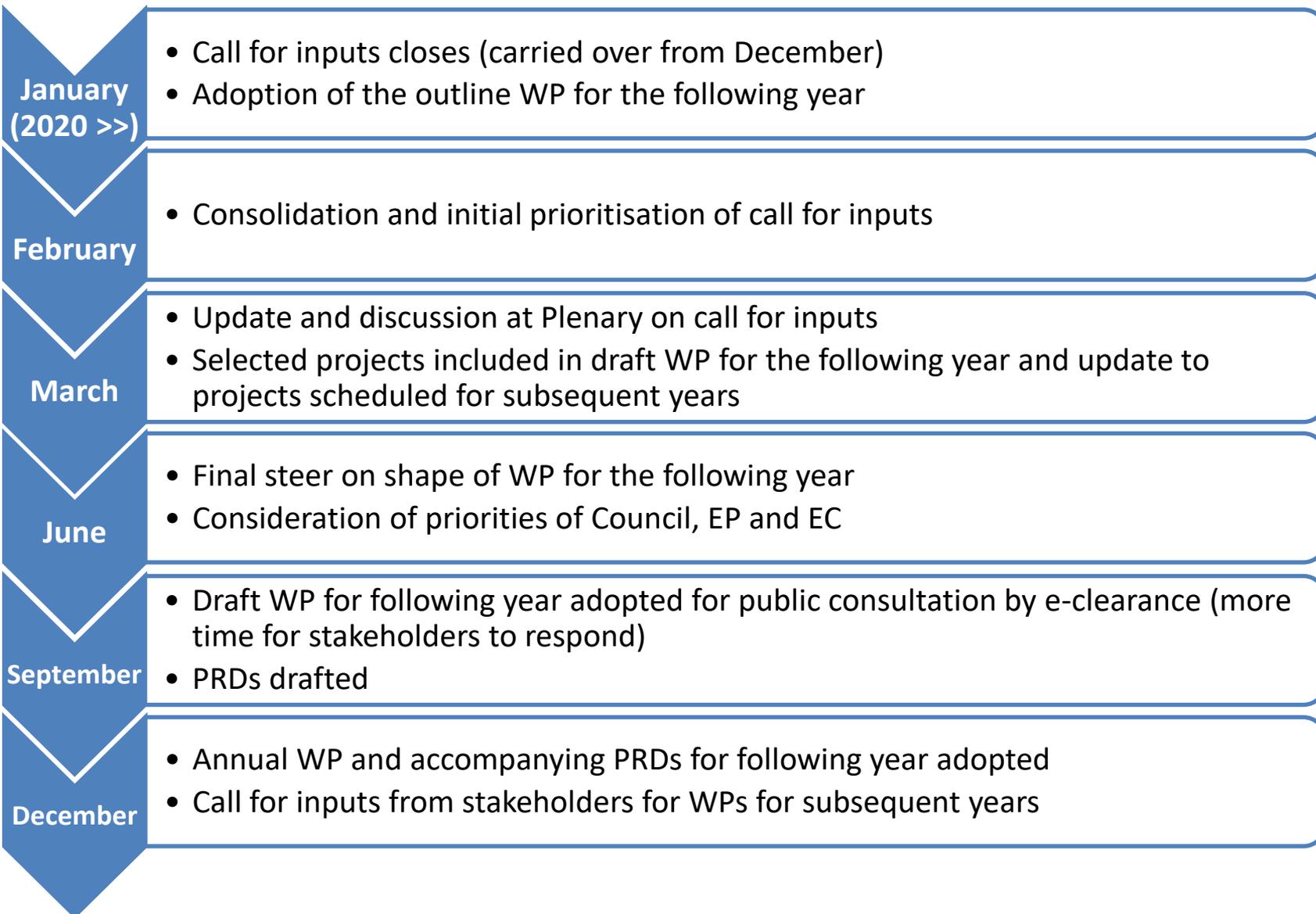
Process to develop BEREC's annual Work Programme

- BEREC moving towards multiannual Work Programme with three year horizon
- 2019 WP already includes significant number of final deliverables (particularly Guidelines) in 2020
- New process captures key principles:
 - *Early engagement with stakeholders to inform decision making process*
 - *Permanent role for Planning & Future Trends working group – ‘institutional memory’ – collaborating with incoming Chair*
 - *Meet statutory requirement to submit outline WP to EU institutions*
 - *Regular updates and feedback from BoR*
- 2020 WP partially uses the new process – in transition

Process to develop BEREC's annual Work Programme

- Two moments of key interaction with stakeholders
- **December – January:** Call for inputs from stakeholders for Work Programmes of subsequent years.
- **September – October:** BEREC's annual Stakeholder Forum and a public consultation on the next year's draft Work Programme.

Process to develop BEREC's annual Work Programme



Additional reports adopted at BEREC Plenary

- Focus on 3 areas of the BCRD
 - Access to existing physical infrastructure (Art. 3 BCRD)
 - Coordination of civil works (Art. 5 BCRD)
 - Access to in-building physical infrastructure (Art. 9 BCRD)
- Pricing methodologies and pricing decisions
- Coordination of civil works (Art. 5)
 - Dispute decided on only in Germany thus far
- In-building physical infrastructure (Art. 9)

- Objectives
- What does IoT encompass
- BEREC proposes an updated M2M definition for data collection purposes
- BEREC proposes to measure a set of indicators related to connectivity including traffic generated by connected objects/devices

Terminating contracts and switching provider

- Objective
- Scope of report
- Key findings
 - Receiving provider led switching & terminating process
 - Mix across member states for rules related to the length of the switching period, mis-selling, slamming, etc.

AOB

- BEREC is working to improve its transparency and stakeholder engagement
- Two workshops (October 2018 and March 2019) with a focus on the future of BEREC, to make it a more efficient and open organisation – to improve the perception of BEREC in the eyes of stakeholders
- Greater transparency (along with credibility and legitimacy) critical to effective relationship between regulatory network and stakeholders.

- **BEREC will aim to:**
 - Publish more documents, i.e. make more information available, as appropriate
 - Increase its engagement with stakeholders (e.g. new process for BEREC WP)
 - Publish detailed rules on access to documents
- **BEREC will further consider:**
 - Lobbying register
 - Permanent stakeholders group

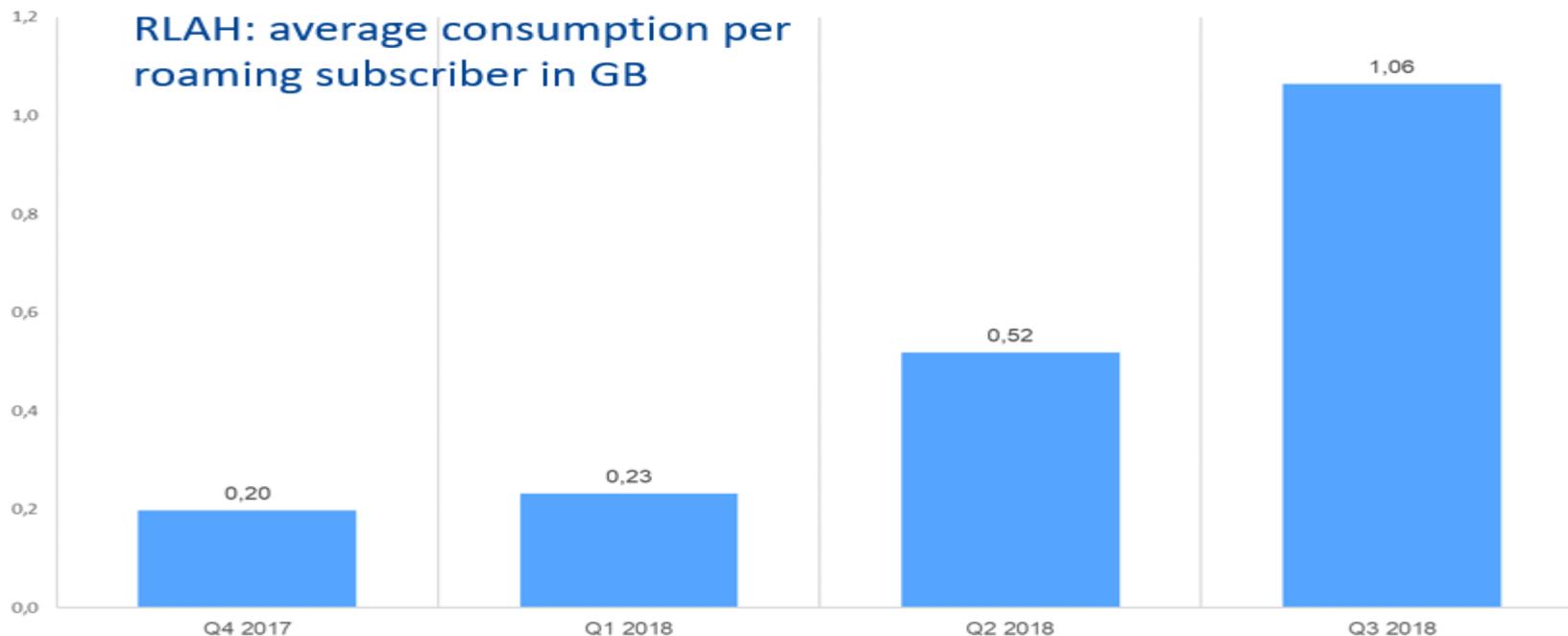
Call for input: 'Guidelines on VHCN' draft questionnaire

- According to the EECC (Art. 82) BEREC shall issue guidelines on the criteria that a network has to fulfil in order to be considered a very high capacity network.
- As part of BEREC's enhanced engagement with stakeholders, for this project, BEREC is launching a call for initial stakeholder input asking network operators and vendors:
 - To comment on draft questionnaires (1st phase)
 - To complete the final questionnaires (2nd phase)
- NRAs will send operators the questionnaires at national level
- This data collection exercise is absolutely critical for this project
- Details are provided in the 'Call for initial stakeholder input' document at <https://berec.europa.eu>
- Inputs should be sent to Call_for_input_VHCN_Guidelines@berec.europa.eu by **5 April** at the latest.

22nd International Roaming Benchmark Data Report

- Results of 22nd round of data collection on European international roaming services undertaken by BEREC, covering the period 1 April 2018 – 30 September 2018 (Q2 & Q3 2018)

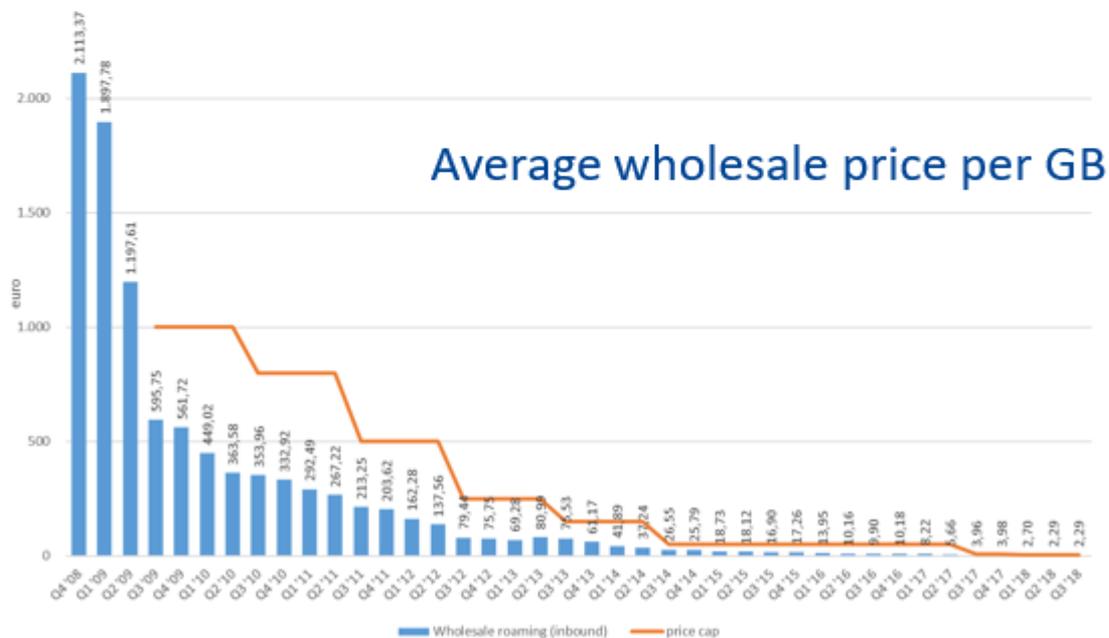
RLAH data traffic still increasing

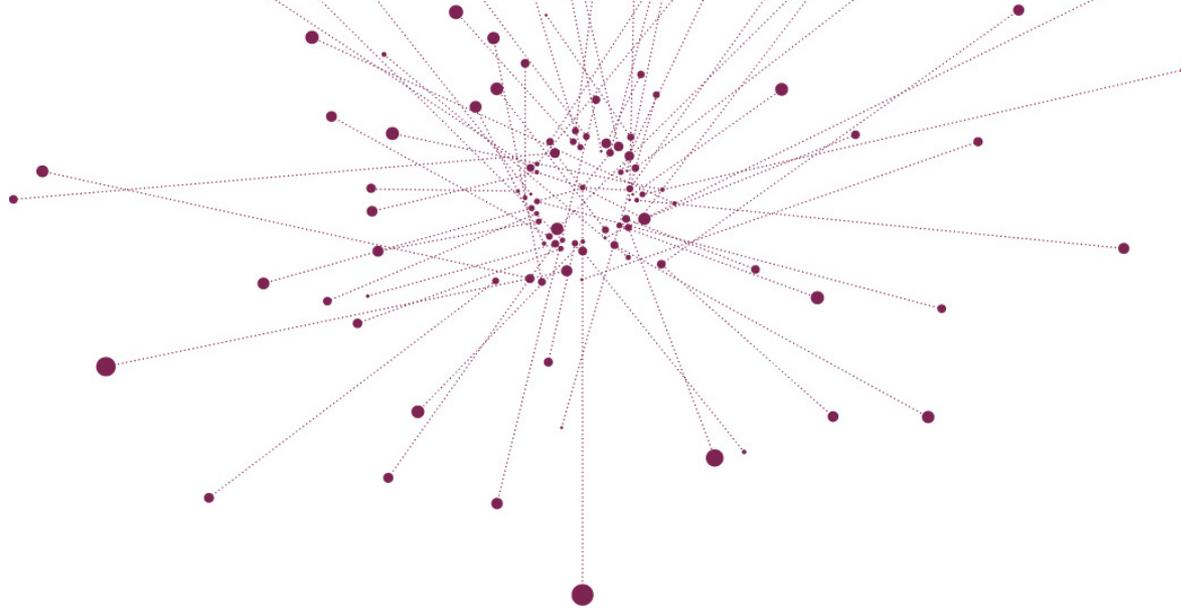


22nd International Roaming Benchmark Data Report

- Wholesale prices continue to decrease and are well below the caps.

Service at wholesale level	Q2 2018		Q3 2018	
	Price Cap	EEA Average	Price Cap	EEA Average
Wholesale voice (€/minute)	3.2	1.98	3.2	2.04
Wholesale SMS (€/SMS)	1	0.28	1	0.27
Wholesale data (€/GB)	6	2.29	6	2.29





Thank you!

Body of European Regulators
for Electronic Communications

BEREC