

Brussels, 17th April 2019

Minutes

Open Internet WG
Guidelines Update

Drafters' Meeting

16th April 2019 – 10:00-17:00 CEST & 17th April 2019 – 09:30-15:15 CEST
IRG Secretariat – Brussels

1 Opening of the meeting and adoption of the agenda

The co-chair opened the meeting and the following agenda has been adopted:

- **Day 1 (10:00-17:00 CEST)**
 1. Welcome & adoption of the agenda
 2. Implementation questionnaire reminder
 3. Stakeholder workshop
 4. Requests for a preliminary ruling to the ECJ: exchange of thought on the four questions
 5. Draft scoping document
 6. Breakout sessions (sub-teams)
 7. Sub-teams wrap-up (common session)
Lunch break: approx. 13:10-13:40

- **Day 2 (09:30-15:30 CEST)**
 8. Sub-teams breakout sessions
 9. Scoping document for full WG adoption
 10. AoB
 11. Conclusion
Lunch break: approx. 13:00-13:30

The meeting started with a short introduction round.

2 Purpose/objectives of the meeting

The main objectives of this meeting are

- to discuss and prepare the scoping document for submission to the full WG,
- to launch the preparations for the stakeholder workshop.

3 Timeline

The co-chair presented the upcoming deadlines to be considered by the drafters:

- May 1: deadline Full WG
- May 6: Full WG meeting
- May 7: Drafters meeting
- May 13: submission to CN
- May 23: CN discussion

4 Implementation questionnaire reminder

The sub-team leader of the implementation report's work stream [...] provided updated information regarding the implementation questionnaire. Indeed, this year the questionnaire is in MS Excel format instead of using the Discuto platform, as the latter is mainly used for public consultations and not for collecting data.

Furthermore, the sub-team leader invited drafters to compare the current situation with the previous years in order to highlight what has been achieved since the implementation of the Regulation. Hence, this approach would allow to point out the main changes/improvements/experiences in the implementation report.

The questionnaire will be circulated by BEREC Office (BO) and further guidance will be provided in the respective e-mail.

5 Stakeholder workshop

The co-chair informed the drafters about the stakeholder workshop that will be organised on 29th May 2019. The objective of the workshop is to provide an opportunity of early engagement in the project to external stakeholders.

Due to limited financial resources, the co-chair mentioned that only a limited number of BEREC representatives will be allowed to participate (10-15). Thus, each sub-team needs to designate up to two participants. However, the venue is equipped with Web-streaming and AVC facilities, allowing thus to have a broad remote participation.

The drafters agreed on having a public event. Hence, BEREC Office will also publish an information on the BEREC website regarding this workshop.

The co-chair presented an initial schedule, which was not yet finally decided by the co-chairs. Drafters shared their views on this. To summarise, the following points had been raised:

- Suggestion to reduce the introduction round for granting more time to the discussion sessions: the co-chair explained that the official start is scheduled at 10:30. The introduction round could also include a Q&A session regarding the process;
- Proposal for granting short timeslots (5-10 minutes) to the stakeholders, allowing multiple focused presentations;
- Discussion rounds could take up to approx. 20 minutes for each session;
- Decide the final sessions/topics based on stakeholder feedback and suggestion to have a fifth session for AoB;

- Suggestion to prepare several questions for each session for initiating the discussions if needed;
- Publication of any documents after the workshop: This topic will be discussed with ComReg (BEREC Chair of 2019). EC representatives reported that they have not published any meeting minutes after their workshop. However, they pointed out that a restricted version of the slides had been shared with the stakeholders;
- Publication of any video-record of the meeting: it has been agreed to ask the Ad Hoc Communications Group for its recommendation in this matter;
- Suggestion to draft a detailed/final agenda, based on the proposals, 2 weeks before the workshop and to share this with all the stakeholders.

In order to prepare for the workshop, stakeholders shall be invited to consider the publicly available documents, namely the 2018 Consultation report, the 2018 Opinion and the existing Guidelines. [...] Furthermore, the scoping document will not be published and any draft of the guidelines will not be shared as not yet approved by the BoR.

The EC representatives shared their recent experience related to a workshop they had organised. In summary, they reported that:

- there had been issues related to [...];
- the acceptance/selection of participants was quite challenging as there is a need to balance between the different categories of stakeholders [...]. In this context, they highlighted that a balance is also required during the discussions/open questions. For this purpose, it is important to give clear indications at the beginning of the meeting (this would be the task of the Chair);
- in any case some flexibility should be possible.

The intention is to send out the invitation to a broad list of stakeholders. BO will internally check whether there is an available distribution list of stakeholders to be considered for this purpose. In this context, the EC representatives suggested that they will share the participants' list of their stakeholder workshop organised in December 2018. BO's representative pointed out that save the date e-mails and official invitation could only be sent after the approval of the financing decision.

Stakeholders will be asked, whether they want to give a presentation (topic and time requested). Moreover, the invitation shall include a notification that presentation time will be limited and that stakeholders could regroup their views and represent them via their umbrella organisations.

As the workshop will be rather short notice, the co-chair invited NRAs to already notify the local stakeholders about the organisation of this event.

6 Requests for a preliminary ruling to the ECJ: exchange of thought on the four questions

The co-chair reported that there will be no submission by BEREC, based on the information provided by BEREC Office.

The EC representatives mentioned that the EC had been approached and that a draft is currently under legal review. [...]

The co-chair presented the 4 questions raised in the preliminary ruling and the drafters exchanged their views on these.

Regarding Question 1, some NRAs stressed that two elements need to be distinguished. Indeed, traffic management practices and commercial practices should not be mixed up.

7 Draft scoping document

The co-chair guided through the draft document, including the inputs/comments received from several NRAs. Furthermore, the co-chair highlighted that the introduction and executive summary are not yet ready. The corresponding drafting task is up to the co-chairs and they thank to the drafters for the comments received. The co-chair mentioned that the details will be handled on the second meeting day.

Regarding the different options suggested in the document, the co-chair mentioned that it is important to make clear for the heads what the possible impacts are. In this context, the co-chair stressed as well that the document should be compact.

The discussions on the draft text started with the topics for guidance.

7.1 Sub-team C

Sub-team C is dealing with [...], which requires further guidance from the Heads. Regarding this topic, three options could be possible, but only if those are clear.

[...]

[...]

7.2 Sub-team A

There were no major discussions regarding the text prepared for the topics handled by sub-team A. Hence, the current text has been agreed on.

7.3 Sub-team B

Based on the discussions, some updates of the text regarding [...] are required.

[...]. The sub-team B will further work on the text based on the input received during the meeting.

[...]

7.4 Sub-team D

Drafters exchanged their point of view regarding [...]. The sub-team D will improve the draft based on the comments received.

8 Break-out sessions (sub-teams)

The second meeting day started with break-out sessions for the sub-teams. Based on the input received during the first meeting day, they further discussed and worked on the draft scoping document.

The whole drafters' team reconvened at 11:30 for discussing the outcome of the break-out sessions.

9 Scoping document for full WG adoption

9.1 Sub-team A

The discussions regarding the text drafted by sub-team A were already concluded on the first meeting day.

9.2 Sub-team B

[...]. This section has been adopted and will be considered in the version to be submitted to the full group.

[...]. The draft text has not yet been agreed on and the sub-team will further work on the text.

9.3 Sub-team D

[...]. This part has been adopted.

Discussions took place among the drafters concerning the topic [...]. Sub-team D will further work on the text. [...].

[...].

9.4 Sub-team C

[...]. New text has been drafted in the meantime and thus been debated.

[...].

[...].

[...]. This draft text has been discussed and the additional ideas provided during the meeting need to be rephrased by the sub-team.

The co-chair pointed out that the Heads' decision will be after the workshop. Moreover, as decided during the 1st day of the meeting, no information regarding the current WG activities will be disclosed during the workshop.

10 Scheduled action points and deadlines

Next steps:

- **DL for sub-teams:** to submit *GL update* and *Scoping Document* proposals is **Friday 26th April 12.00 CEST**
- **DL for co-chairs:** to submit the information package to full WG and to prepare the stakeholder workshop invitation is **30th April**
- **DL for sub-teams:** to submit participants for stakeholder workshop is **Thursday 2nd May**
- **DL for drafters:** to inform 5G session team leader [...] and co-chairs if they want to participate the team planning the 5G session for the stakeholder workshop is **Thursday 2nd May**

Next meetings:

- 6th May 2019 – OI WG full group meeting in Brussels
- 7th May 2019 – OI Guidelines Drafters meeting in Brussels

11 AOB

The NN Implementation Questionnaire has been sent out by BEREC Office on 17th April 2019. The deadline for submitting the completed questionnaire is 14th June 2019. Any question could be sent to BO or the sub-team leader of the implementation report work stream.

12 Conclusion

The co-chair addressed many thanks to the drafters for the fruitful meetings and the good work done.

Drafted by BEREC Office

Approved by co-chairs on 23/04/2019

13 Annex 1: Attendance list

28 attendees on both days:

NRAs/EC/BO/Other	Name of the representative
ACM	[...]
AKOS	[...]
ANCOM	[...]
ARCEP	[...]

ARCEP	...
ARCEP	...
BEREC OFFICE	...
BIPT	...
BIPT	...
BNETZA	...
BNETZA	...
BNETZA	...
COMREG	...
COMREG	...
EETT	...
EETT	...
ILR	...
NKOM	...
NKOM	...
OFCOM	...
PTS	...
RRT	...
RTR	...
RTR	...
TRAFICOM	...
TRAFICOM	...
EC	...
EC	...
EC	...

5 participants joining via video-conference on day 1 and 6 on day 2:

NRAs/EC/BO/Other	Name of the representative
ACM	...
AGCOM	...
BNETZA	...
CNMC	...
NKOM	...
RTR	...