



# Update Internationales Bericht vom 47. BEREC Plenum

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18. Juni 2021 - Mobilregulierungsdialog



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Sonstiges

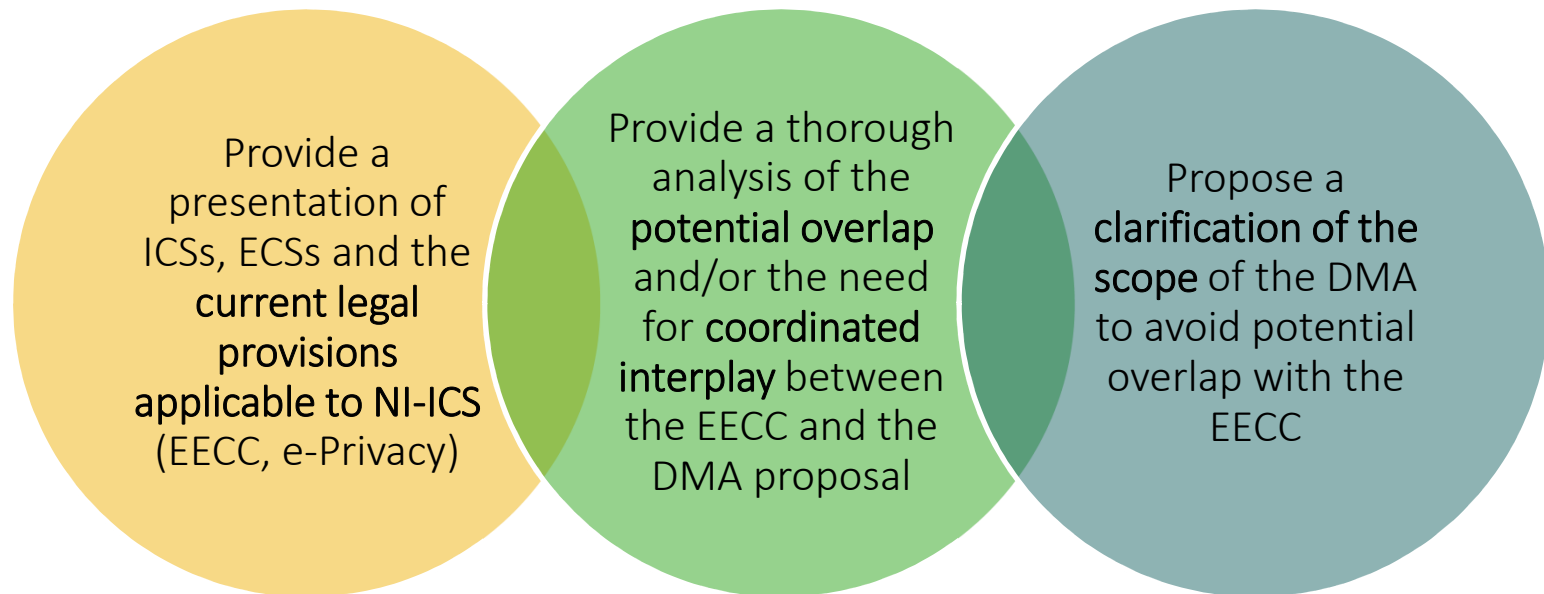


# BEREC's Input zum DMA

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## BEREC Report on the interplay between EECC and DMA concerning NI-ICS - Objectives





## Main take aways

- NI-ICS are also covered in the EECC, allowing NRAs to impose a series of regulatory measures
- The e-Privacy directive set also some relevant obligations for NI-ICS establishing limits to data use for confidentiality reasons
- NI-ICS in the DMA: Ecosystem effect is key. BEREC already proposed to add ecosystem criterion for designation and in the design of the regulatory intervention
- Overlapping between EECC and DMA: When imposing DMA obligations to NI-ICSs, structured consultation needed between EC and competent authorities for ECSs to ensure legal and regulatory certainty



## BEREC Proposals on scope of the DMA regarding ECSs

Art,1(3). This Regulation shall not apply to **markets**:

- (a) **related to** electronic communications networks as defined in point (1) of Article 2 of Directive (EU) 2018/1972 of the European Parliament and of the Council;
- (b) **related to** electronic communications services as defined in point (4) of Article 2 of Directive (EU) 2018/1972 other than **those related to number-independent interpersonal communication services** as defined in point (4~~7~~) of Article 2 of that Directive.

Art,1(4). ~~With regard to interpersonal communication services t~~ This Regulation is without prejudice to the powers and tasks granted to the national regulatory and other competent authorities by virtue of **Article 61 of** Directive (EU) 2018/1972



## Other BEREC documents on the DMA

- **Public consultation on the draft BEREC Report on the *ex ante* regulation of digital gatekeepers**
  - 16 responses received
  - Summary of responses and definitive version to be published after P3 (October 2021)
- **Two new papers on the DMA**
  - *BEREC proposal on remedies-tailoring and structured participation processes for stakeholders in the context of the DMA (BoR (21) 94)*
  - *BEREC proposal on the set-up of an Advisory Board in the context of the DMA (BoR (21) 93)*

=> Both papers further develop BEREC's proposals from its "Opinion on the European Commission's proposal for a Digital Markets Act" and "Draft Report on the *ex ante* regulation of digital gatekeepers" and aim to contribute to the ongoing debate on the DMA proposal



# PPMI Study on Analysing EU Consumer Perceptions and Behaviour on DP for Communication

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## Methodology and scope

- An **online panel survey** was at the core of the data collection activities.
  - Respondents were sampled from online panels using quotas by country, age and gender.
  - Sample size of 12,399 responses from 12 BERC Member States: CZ, DE, EE, ES, FI, FR, IE, LT, NL, PT, RO, SE
  - The countries were selected to represent larger clusters with similar characteristics.
- Additional qualitative research – **desk research, literature reviews, interviews and focus groups.**
- Focus: 17 most popular platforms.

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## Key findings (1)

- The study confirmed that in line with global trends, **various products of Facebook Inc. dominate the European consumer choices** for both social network sites and number-independent means of interpersonal communication. Facebook and Instagram are the first and third most used social network sites, with YouTube in the second place, across all 12 surveyed countries. Meanwhile, WhatsApp and Facebook Messenger dominate as the main messenger applications, although which one of them is preferred more differs by country.
- Despite the fact that most consumers use multiple social network sites to access different types of information and different messenger applications to communicate with friends and family from different social circles, generations and countries (“multihoming”), the study also found that consumers have developed a strong attachment with and loyalty to their main messaging application services.
- The main reasons for using application services are that they can be accessed and used **free of charge, that they are easy and convenient to use, and that provide connections with family and friends** who are on the network.



## Key findings (2)

- The survey data underscores the reality of the **privacy paradox** on messenger applications. Strong majorities of respondents across various demographics and countries stated that the privacy and security of their personal data is important. However, privacy is not as important as the benefits that digital platforms offer, which means that consumers are very much willing to accept these platform practices as the price for using their services.
- The study found a very strong and unequivocal importance of the **zero-cost of digital platform communication services** for consumers, and it is a more important feature in the choice of interpersonal communication services than specific functionalities, personal data collection and display of advertising added together. Respondents of all demographic segments indicated that the fact that messenger applications are **free to use** is one of their **key motivations** to use them.



# Call for input on general authorization pursuant to article 122 (3) EECC

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## Call for input on general authorization

- Pursuant to Article 122 (3) EEC, aim and scope of the Opinion is to analyse the overall working of the GA regime in the EU, in terms of:
  - national implementation solutions of the relevant *acquis* (including changes introduced by the EEC);
  - actual operation and effectiveness of the GA regime with a view to the single market goal;
  - potential identification of areas of improvement and relevant proposals.
- **Interested stakeholders** are invited to provide their inputs by means of answers to a set of questions on:
  - the EU GA legislative framework
    - experience with the GA regime since 2002 onwards
    - experience with the 2018 EEC so far - main changes introduced and expectations
  - **Preliminary experience** on the notification template as in the BEREC Guidelines and the EU GA database held by BEREC and overall effectiveness of articles 12-19 in view of the Single Market
  - Any **additional considerations** on the whole GA-related system and potential improvements



# Draft BEREC Report on COVID-19 crisis - lessons learned regarding communication networks and services for a resilient society

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## Draft BEREC Report on COVID-19 crisis

### Structure of the report

Measures applied by the Member States

Impact of the COVID-19 crisis on the European telco networks  
& open internet Perspectives

Case studies

Regulatory lessons and further measures

Questions for consideration



## Questions for Public Consultation

- Were the measures implemented by NRAs during the pandemic effective?
- What areas of interventions/ specific measures taken by NRAs were the most important ones?
- What further NRAs' interventions/measures could have helped to fight against the pandemic?
- Do NRAs have sufficient regulatory tools to deal with the pandemic?
- What is expected from NRAs in a crisis situation like this?
- Do you consider that the current sectoral institutional framework has proven to be fit to deal with the crises?
- What solutions could be envisaged to improve all stakeholders' (including institutions) ability to cope with systematic emergency situations in the future?





## Kurz notiert...

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## Dokumente zur öffentlichen Konsultation

Project	Launch date of PC	Closing date of PC
<a href="#"><u>Call for input for preparation of the BEREC Opinion on the General Authorisation regime</u></a>	16 June 2021	26 July 2021
<a href="#"><u>Public consultation on the draft BEREC Report on COVID-19 crisis – lessons learned regarding communications networks and services for a resilient society</u></a>	16 June 2021	26 July 2021

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## Öffentliche Dokumente (1)

Document number	Document title/hyperlink
<b>BoR/2021/01</b>	<a href="#"><u>Decision No BoR/2021/01 of the Board of Regulators on the appointment of the Ad-hoc Sustainability Working Group (WG) Co-Chair</u></a>
<b>BoR (21) 70</b>	<a href="#"><u>BEREC Annual Reports for 2020</u></a>
<b>BoR (21) 71</b>	<a href="#"><u>Termination rates at European level January 2021</u></a>
<b>BoR (21) 82</b>	<a href="#"><u>BEREC Guidelines on Geographical surveys of network deployments. Verification of information</u></a>
<b>BoR (21) 83</b>	<a href="#"><u>BEREC Report on the outcome of the public consultation on the draft BEREC Guidelines on Geographical surveys of network deployments. Verification of information</u></a>
<b>BoR (21) 85</b>	<a href="#"><u>BEREC Report on the interplay between the EECC and the EC's proposal for a Digital Markets Act concerning numberindependent interpersonal communication services</u></a>
<b>BoR (21) 86</b>	<a href="#"><u>BEREC Report on WACC parameter calculations according to the European Commission's WACC Notice of 6 November 2019</u></a>

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## Öffentliche Dokumente (2)

Document number	Document title/hyperlink
<b>BoR (21) 89</b>	<a href="#"><u>Analysing EU consumer perceptions and behaviour on digital platforms for communication. Analysis report.</u></a>
<b>BoR (21) 93</b>	<a href="#"><u>BEREC proposal on the set-up of an Advisory Board in the context of the Digital Markets Act</u></a>
<b>BoR (21) 94</b>	<a href="#"><u>BEREC proposal on remedies-tailoring and structured participation processes for stakeholders in the context of the Digital Markets Act</u></a>
<b>BoR (21) 59</b>	<a href="#"><u>BEREC Opinion on the proposal of the Commission for amending the Roaming Regulation</u></a>
<b>BoR (21) 60</b>	<a href="#"><u>BEREC Opinion on the proposed NIS 2 Directive and its effect on Electronic Communications</u></a>

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## Nächste Veranstaltungen

Veranstaltung	Datum
<u><a href="#">Public debriefing on outcomes of the 48th BEREC ordinary meetings</a></u>	06.10.2021
<u><a href="#">BEREC Stakeholder Forum</a></u>	28.10.2021



## Weitere Informationen:

<https://www.rtr.at/de/tk/Internationales>

<https://bereg.europa.eu/>