



Transcript of the 8th BEREC Stakeholder Forum 19 October 2020

Philippe Defraigne [moderator]: Good afternoon everyone and welcome to the 8th BEREC Stakeholder Forum meeting. This year, we won't be able to meet in person, there will be no drink at five, but still an extremely interesting program for this afternoon put together by BEREC.

Without further ado, I'd like to introduce our first speaker, the Commissioner Thierry Breton, who recorded a message for us. Thierry Breton, as you know, is the Commissioner for Internal Market, and he's looking over almost all the topics of interest to the audience this afternoon. So, please, the floor is for Thierry Breton.

Thierry Breton: Ladies and Gentlemen, I'm glad that, despite the difficult circumstances of this period, so many of you are participating in this very important event. At the same time, these difficult circumstances have made us all realise how dependent we are on good, secure, and resilient connectivity. Let me start from this, from connectivity.

The European Union remained resilient and connected during the crisis. This is also thanks to the effort made by many of you. However, there is no room for complacency. As long as parts of our society are excluded from fast broadband connections, we just cannot be satisfied.

We now have a unique window of opportunity. With the new Recovery and Resilience Facility, we provide large-scale financial support to mitigate the impact of the pandemic and to relaunch our economies through keen investment in green and digital technologies.

Twenty per cent of the funds will have to be invested in digital priorities. This is the moment to invest in those key flagship initiatives which are at the heart of European digital sovereignty.

And when we speak of sovereignty, or strategic autonomy, or resilience, we are not talking about isolating ourselves from the world, but just having a choice. Alternatives.

Fair competition. Avoiding unwanted dependencies, both economically and geopolitically.

Connectivity together with data and microelectronics, are the cornerstones of our digital sovereignty. They will act as an enabler for many other critical digital technologies we need to invest in, such as artificial intelligence, supercomputers, and processors.

What we need to do is very clear. Accelerate fibre deployment. Ensure fast and secure rollout of 5G networks. And prepare us for 6G already. And in addition, ensure coverage for everyone and secure communication through a constellation of low-orbit satellites.

These investments take place against the backdrop of our Electronic Communication Code—a modern regulatory framework promoting high-quality connectivity and access to very high-capacity networks by everyone.

For years, the Commission and BEREC have been working together to ensure that the application of our legislation promotes competition and investment, strengthens the internal market, empowers and protects end-users, and promotes connectivity in Europe. I would like to thank BEREC for its very important contribution to these objectives.

However, to mobilise investments, we also need an efficient system. Current fragmentation in Europe is holding back our collective potential and promoting inefficient business model based on national markets.

Fragmentation and high-spectrum costs for EU operators have consequences. We need to unify more our European markets. And it is time to encourage consolidation and create a real internal market for telecommunication services.

Let me add a few remarks on another very important aspect of digital sovereignty, to which part of this event is also devoted. I am referring to the issue of digital platform regulation.

We are preparing an ambitious proposal for the Digital Services Act and have received almost three thousand contributions to our reflections in the recent public consultation. I would like to thank BEREC again and the national regulatory authorities for the very interesting and important contributions to that.

Digital services have evolved since the adoption of the e-Commerce Directive in 2000. And so has the scale of their use as well as the users behaviour alike.

Certain platforms have become systemic to our economy, society, and even democracy. At the time of the financial crisis, we used to say that certain banks had become “too big to fail”. Today, certain online platforms have become systemic also and maybe “too big to care”.

A new banking regulation was the answer to “too big to fail”. Before the end of the year, I want to give our answer to “too big to care”. So, two proposals that we present

and also the Digital Service Act will be the new rulebook for digital services at the heart of the regulatory backbone of our digital sovereignty.

My plan is to have a horizontal regulation modernizing the e-Commerce Directive, accompanied by a specific instrument to correct problems in the digital markets characterised by the presence of few very powerful gatekeepers. For all digital services, we are considering a system based on due diligence, calibrated to the type and size of the service. For gatekeepers, in addition, we are considering much stricter obligations.

Let me be clear on this, big online platforms are global, conglomerate, and a diversified ecosystem. They involve public interest beyond economic and competition considerations. There are certain similarities with the telecoms world you know so well, but also various differences.

I derive two implications from this. First, we need to think out of the box. To strengthen the governance and enforcement system for the future rules for the platform economy. This is why I am thinking of a multi-layered system involving authorities in all member states as well as the Commission.

Second, since digital markets are fast-moving, we cannot limit ourselves to just some pre-defines obligations for gatekeepers. We need also a flexible way to investigate how these markets evolve and draw the consequences. And maybe adapt the pre-defines obligations.

In a few weeks, when I present our proposals, you will see how these reflections have been translated into concrete provisions. I leave these few thoughts with you and would like to wish you all the best for your discussions during the rest of this event. Thank you.

Philippe Defraigne: Thank you, Commissioner Breton, for these words of introduction. I'm sure we will go back to many of the topics that you raised in this introduction during the rest of the afternoon, in particular, the DSA. The second part of this afternoon is dedicated to a presentation and a roundtable on the DSA.

I'm delighted to introduce now Michel Van Bellinghen, the Chairman of the Belgian regulator and incoming Chair 2021 for BEREC. Michel, over to you for a presentation on Work Programme 2021. 2020 was a very busy year for BEREC, I was hoping that 2021 would be a bit lighter, but when I saw the programme, you know, it's amazing what you are going to achieve next year.

Michel Van Bellinghen: Thank you very much, Philippe. Can I have the slide presentation, please. Thank you very much for that.

So, good afternoon everyone, and yes, after the very enlightening and inspiring introductory remarks, it is now my pleasure, as the incoming BEREC Chair 2021, to guide you through the draft Work Programme for the upcoming year. 2020 was very lauded indeed, and as you will see, 2021 as well.

So, I'm convinced that this online Stakeholder Forum is a good opportunity for the stakeholders to interact with BEREC and, again, given the exceptional circumstances, now we have to meet virtually. But let's hope that we will meet in real life in Brussel again next year in April. So, next slide, please.

Thank you very much. Let me give you an overview of the process and timing of this draft Work Programme. First of all, as requested by the BEREC regulation, we adopted and published a first outline of the draft Work Programme at the end of January. On 10 March, we launched an early call for inputs. On 6 October, we launched a public consultation on this draft Work Programme. Today, we are having this Stakeholder Forum, where we are interested in hearing your thoughts about this draft. And we are also looking to your reactions on this—via the public consultation, which will run until 5 November, as you probably now. Finally, we will publish the final Work Programme on 15 December. Next slide, please.

Thank you. So, as you can see, this is the structure of the draft Work Programme, which follows the objectives of the BEREC's work for 2021 and which is also aligned with the BEREC Strategy 2021–2025. This means that in 2021, we will obviously focus on the three high-level strategic priorities you can see on the screen. Other priorities were also set for institutional and international corporations. As you know, we have the BEREC obligatory and EU mandatory work. And, finally, the stakeholder engagement and suggestions for the Work Programme in 2022. We will discuss this in more detail in a moment. Next slide, please.

So, what are our important horizontal priorities? BEREC's activities have mainly been focused on meeting its obligations under the Code by developing guidelines this year. In 2021, much of BEREC's work will shift from issuing guidelines towards assessing future technological and market developments, especially related to end-users' provisions within the scope of electronic communication and the digital ecosystem. Facilitation of successful implementation, consistent application of the Code, and the focus on sustainability will be important horizontal principles that remain high on the radar of our overall goal. And looking beyond our own work items we have put forward, we are also sure that 2021 will become a lauded year for the European institutions, especially in the field of electronic communication and digital policy.

As you know, the Commission is currently preparing several new legislative initiatives, like the Digital Services Act, as the Commissioner Breton mentioned, but also the Green Deal. The Commission is also reviewing a high number of legislative instruments: The Roaming Regulation, Broadband Cost Reduction Directive, Access Recommendation, Recommendation on 5G, and the NIS Directive.

For that, BEREC stands ready to provide its independent advice to the core legislators and the Commission based on our long-standing experience in the sector of electronic communications and ex-ante regulation.

We plan to issue an opinion regarding the Roaming Cost Reduction Directive, the review of the Access Recommendation, and to provide input regarding the review of the Roaming Regulation and the potential review of the EU State aid guidelines, as required.

We are also ready to support the Commission, ENISA, and the NIS Cooperation Group on security issues related to electronic communications networks. Indeed, promoting deeper collaboration both internally as well as externally will be increasingly valuable and necessary, especially in the context of regulatory issue with a horizontal impact related to, for instance, the Internet value chain, development of 5G, network security, and adapting competition rules to a digital platform economy.

To that end, we envisage to develop mid-term strategy for relations with other institutions. These are important horizontal principles in the draft Work Programme 2021. In addition to this, we will, of course, focus on the three high-level priorities aligned with the BEREC strategy. Next slide, please.

Yes, thank you. Okay, the first priority is promoting full connectivity. The ongoing Covid-19 pandemic, which has made us all recognize the absolutely crucial aspect of communications networks, is a stark reminder of the necessity for digital connectivity. Our electronic communication networks have been put to test through compulsory teleworking and e-learning, but they stood their ground.

In 2021, BEREC will evaluate the measures of the NRAs and other market players taken during the pandemic to identify the steps needed to strengthen Europe's digital capabilities and increase the resilience of electronic communications market for dealing with situation such as the Covid-19 crises. And given the strategic importance of 5G for the European market, it is obvious for BEREC and the NRAs to put 5G at the forefront of our agenda.

Now that more and more countries in Europe have auctioned 5G spectrum bands, followed by the rollout of 5G networks and the launch of 5G services, all work will be increasingly focused on the actual availability of 5G services and network infrastructure deployment by operators.

And for that, there is a high demand for learning from each other, exchanging best practices, and building the right set of coverage indicators in order to ensure an adequate rollout of 5G networks across the European Union and better-informed end-users.

BEREC considers that it would be timely to start internal discussion in cooperation with the RSPG on practices that would allow NRAs and other competent authorities to monitor the rollout of 5G networks. And eventually, to inform end-users on the availability of 5G networks and services.

The rollout of 5G and fibre depends strongly on the service, but equally essential aspects are backhaul or the migration from copper to fibre. So, in order to foster the advance of 5G and fibre, these aspects also require attention. BEREC will scrutinise the application of backhaul by NRAs. While reviewing the current practices, it will assess the need for preparing a common position on the regulatory treatment of backhaul. We will also issue a report aiming to develop a consistent approach to migration of a copper switch-off based on detailed data collection. Lastly, we will deliver a report issuing recommendation to enable comparable national broadband coverage indicators throughout Europe.

So, on the next column, please...Thank you very much. This is the second priority, which is driving sustainable and open digital markets. So, regarding open digital markets, BEREC must track developments in the electronic communications sector and related sectors. To do this, we must continue to develop our expertise in digital platform regulation. We have together good understanding of the impact that new technologies have on the market dynamics and business models to be able to coordinate the implementation of appropriate regulatory measures. And, stemming from the Open Internet Regulation, BEREC will continue to monitor the implementation of the open Internet provisions amongst NRAs.

Regarding sustainability, in 2021 BEREC will implement ways of achieving more efficient meetings and efficient solution by maximising potential of virtual meetings, building further on the lesson learnt form the Covid-19 crises. But in addition to that, we will work on the issue of sustainability for the ICT-related parts of the upcoming Green Deal and the Agenda 2030 targets. It is important for BEREC and its members to share best practices, but also to position itself as a trusted third party with the EU institutions. So, next pillar, next column please. Thank you very much.

Let me know come to our third important priority: empowering end-users. We recognize the need to get a better understanding of digital platforms and consumers' view on digital platforms. And of the platforms' role as providers and distributors of digital services.

In this light, we have envisaged publishing a study that provides BEREC and NRAs with an evidence-based understanding of interaction between consumers and digital platforms. We will also perform the first monitoring exercise of technological and market developments in the use of the different types of electronic communications services and analyse their impacts on the implication on the end-user's rights.

BEREC will produce two reports benchmarking the evolution of prices and volumes of international roaming communications as well as intra-EEA communication. And we will provide one report on transparency and controllability of international roaming tariffs.

So, what about the cooperation with the EU institutions and institutional groups? In addition to these three strategic priorities, next column please, BEREC has an overarching objective to strive towards engaging cooperatively and effectively with its stakeholders, in particular, by exploring how collaboration can be strengthened with other European institutions so that we are ready to tackle huger challenges.

This is the last slide of my presentation on the draft Work Programme 2021. I already mentioned that the public consultation is out there, and we really hope to receive your comments before 5 November so we can take them into account before our plenary meeting in December. With that I hand over the floor back to Philippe. Philippe, back to you. Thank you.

Philippe Defraigne: Thank you very much, Michel, and *bon courage* on this busy year 2021. You are going to have a lot of work.

After Dan's presentation in a minute, we will have a Q&A, where the audience will have the opportunity to ask questions to Michel, Dan, Annemarie. Some of you were kind enough to send in their question in advance. They have been prepared and formatted so you will be able to see them. Be aware that you can still at this stage add further questions through the chat box, but, please, keep them short and to the point. I am told there is a technical restriction of 250 characters, just keep it short and to the point. Thank you very much.

Now, I'm delighted to introduce our next speaker Dan Sjöblom, who is Director-General of PTS and the current BEREC 2020 Chair. Dan, you will speak to us about the Covid-19 crises and give us a perspective on this crisis.

Dan Sjöblom: Thank you, Philippe. Good afternoon colleagues, friends, stakeholders whoever you are. Of course, talking about a topic like Covid-19, you have to start by realising that this is a horrific challenge everywhere and there are many who have been personally, with friends and family, very badly hit by this virus. When we talk about the impact that it had on the sector or BEREC in particular, we should not forget the bigger picture, I think.

So, when we sat into 2020, the chairmanship year for me, for PTS, we were prepared to travel extensively, to meet with many of you stakeholders in different places. And, as it turned out, I think the first week of March was my last trip to Brussels, and since then, I have been grounded in Stockholm. Like most people, we have changed our habits a lot this year. One thing didn't happen, the travelling part didn't happen, the personal interaction was changed into this format that we're using now.

On the other hand, I must say that we did meet a lot of stakeholders, we did have a lot of events, and we reached out. Sometimes we could see that the participation in the events was really big compared to past years' experience in terms of the number of participants. It was a little bit more democratic way of meeting stakeholders at some events, like the debriefings from our plenaries. We could see that there were many faces who did not participate when we had live events in Brussels. And they were spread over a bigger geographic area, wider circle of sectors. So, there have definitely been good things as well as bad things over the year.

Also, for us, sharing the organisation this year, we have had to shift our focus a little bit to learning new skills, new functionalities, managing change, what this new way of working means for all of us. And not least ourselves taking big steps in terms of learning new digital skills. Many of these things have strengthened us and I think we'll carry with us in the future when hopefully we are freer to make choices apart from the government recommendations that we're now adhering to.

Now, on new tasks. I think the most visible task has been that BEREC very early in March was given the task by the European Commission to monitor the functionality of the Internet, when we almost overnight changed our production from office to home. In many places, schools changed from learning in school to home learning. This, of course, could have been quite a difficult period if the Internet had not supported the transition.

So, that's the background why BEREC was asked to provide this monitoring. In the first weeks, we actually did two monitoring reports every week, and then, as we noticed that things were going relatively well, we reduced the reports to monthly basis with weekly and biweekly versions in between. Because we could actually see there were big surges in the Internet use, as could be predicted, that our Internet infrastructure in Europe is very strong. And it has been able to cope with the increased load caused by all of the people working and studying and doing much more everything from home and shifting to daytime use rather than evening use in their homespaces.

So, I would like to say to everyone from the sector who is participating: well done! Without your work, this pandemic would have been so much harder for everyone. Thank you very much for that.

Beyond monitoring the speed and functionality of the Internet, we have also done a little bit of work... we started receiving requests for reports on different tracing apps produced by member states and developed by various players. This is an area where we will do more work in the coming weeks and month.

It is interesting to note the different approaches taken in different member states. It is also interesting to see different uptakes so it would be interesting to know what has worked well and across border. To learn from experience. We'll see what we can do there. If there are stakeholders who already have experience from tracing apps and can share reports with us that would be of interest to us.

I'd like to say a few other things about Covid-related changes, if you like, affecting and stressing the importance of electronic communication from this years' experience. Of course, you will know that we have new habits. We use more e-commerce; we do remote work. Everyone knows a lot more about Zoom, Webex meetings, and so on, e-learning, and less travel.

So, how is this going to develop post pandemic, if there is such a word in sight. I think it's very likely that all the tools that I mentioned and the ways of working that we've learnt are going to become part of our normal working life. And it's going to be complementing physical meeting rather than replacing them.

We see already, I think, many of us in government services, we are very reliant on other government services' recommendations. If the recommendation is to work from home if you can, as in our case, we do so. At my own organization, we have already said that at least till the end of this year, we are working from home. And I think we are hearing that it might indeed be longer.

But we're seeing many examples in the news about global companies taking the experiences further and not necessarily reflecting on the health authorities but finding advantages in more remote working policies and enabling people to work away from the office on a more permanent basis. This is a trend that we're going to continue to see.

Another interesting thing to look at might be the stock markets. I'm not a stock market expert, but I think it is a bit surprising to many of us how quickly the stock markets rebounded from the initial shocks. It's also very interesting to see that the driver of the

stock market recovery has largely been in the tech sector that we interact a lot with at BEREC. Of course, some of it comes from the member state and EU's stimulus packages, the indication that member states should include at least 20 per cent of the stimulus package in digital measures, which will provide good starting bases for the development of the sector to work towards the targets that Michel mentioned in the Work Programme.

I'd also like to say a few words about the view from inside BEREC, I've mentioned that we have had to reset and rethink some of our processes. We quite recently held an internal workshop discussing how this pandemic should impact our future work. I think that everyone agrees that there is no going back, even inside BEREC, to the pre-pandemic schedules.

We think that we will need both digital and real-life meetings, including with you, stakeholders. There might well be more meetings going forward. It is easier to arrange relatively short meetings, topical meetings. So, that's one possible development.

But I also think that, in terms of our big meeting... those of you who know BEREC well know that we have, traditionally four times a year, preparatory contact network meetings and we have the big plenary meetings where we take all the important decisions. We have found ways of dealing with the business of adopting decisions very well without meeting this year, but we do miss the networking opportunity to share experiences, and I think we will see a development in how we interact inside the network and with the stakeholders.

I'm closing soon in case anyone is worried about the time. I'd like to say just the obvious. We have talked about a digital divide for a long time. This year has really shown what the digital divide can be. When everything is moved into digital space, and you are not inside the space where everything happens, you really have problems.

So that provides even more reason to continue to work as a team with connectivity, with good connectivity, with different types of connectivity, I think Michel mentioned that in the focus areas. Of course, it should be as also the European Commission has put the digital agenda on the top of the list of priorities going forward.

So that's an obvious conclusion, I think. We will also continue to work, as Michel mentioned, on the uptake and deployment of 5G, and the Digital Services Act comes very timely, indeed. So, I am not surprised, as Philippe mentioned, that 2021 will be a very busy year for BEREC, and I also look forward to the input from our stakeholders on the draft Work Program. Thank you very much.

Philippe Defraigne: Thank you very much, Dan, for sharing those thoughts with us. And timewise we are doing very well because Commissioner Breton kept it short and to the point. So, now I'm delighted to open the Q & A session. For this, we will have three very qualified personalities to answer your questions. Michel and Dan, whom you have met already, and Annemarie Sipkes, who is the Director at ACM, the Dutch regulator, and also the BEREC Chair 2022. Welcome, Annemarie.

Annemarie Sipkes: Thank you.

Philippe Defraigne: As I explained, because of the particular format this year, we will only be able to handle questions in written form through the chatbox. Those of you who were kind enough to answer BEREC's call for questions to be sent in advance, you may not recognize exactly your question because someone had to shrink them to fit the limit of 250 characters. Hopefully, the heart of your question is still there. Perhaps the statement that you wanted to make with your question has disappeared, but the question is still there. So, I will now ask Quentin to show the first question. I am reading the beginning of the question, and I guess it is a question for you, Annemarie.

Annemarie Sipkes: Yes, I see Philippe, thank you. I think that, as Dan and Michel have already mentioned, consumer protection is really at the heart of the things that we do at BEREC: the importance of connectivity, the downsides of the digital divide have been made very clear to us this last year due to the Covid lockdowns that we have experienced. So, I think that the work we are undertaking this year, next year, and probably also in 2022 will be very much in connecting people, in improving connectivity, in fostering innovation to help consumers. To help citizens, students, family members, to help businesses to connect.

These themes, I think, are also very important going forward in 2022. I do look forward to engaging very early on with stakeholders on how to take these themes into concrete priorities on the agenda for 2022. But I think that at first, we have a lot of important work to do in 2021 that I am looking really forward to.

Philippe Defraigne: Thank you very much, Annemarie. Quentin, please send the next question unless Dan or Michel wish to add something on the consumer protection front? No, that was clear. The next question is from GSMA and is pertaining to 5G. The question is: "What is BEREC seeking to achieve with its upcoming Report 2021. Does BEREC plan to revise its "5G Radar" in the long run?". Michel, would you like to tackle that one?

Michel Van Bellinghen: Yes. Thank you very much, Philippe. I will start with the second question. The answer is "yes". Because the 5G Radar is BEREC's general overview for anticipating the pace of innovation, but this is just the first step, a rolling document, an ongoing work. Each map development needs more detailing as innovative 5G services develop. Therefore, updates and revisions seem inevitable.

Back to the first question. In 2021, BEREC will issue a report that will contain lessons learnt from the workshop with stakeholders in Q1 or Q2 of 2021. This report could provide either a high-level overview of details regarding specific verticals. An outcome could include monetary mechanisms to keep up with the development in the markets. And in the meanwhile, BEREC and the regulators keep exchanging information.

Next year, we will continue to talk with each other and to have internal discussions of how to monitor the rollout of 5G networks. For instance, which metrics and coverage indicators should be used and how to inform end-users about the availability of 5G services in geographic areas. These kinds of question we will try address. And also, we will continue to learn how to deal with this issue of EMF. Over to you, Phillippe.

Philippe Defraigne: Thank you, Michel. Quentin, next question, please.

This is a question from ETNO. It's about the evolving role of BEREC. I'm interested in that answer. BEREC, since its inception, deals with telecoms, but now we see a debate on DSA. Recently, there has been more talk on sustainability...so, this is basically an empire in expansion. "How will regulators support EUs political priorities to increase Europe's digital leadership? A theme that Commissioner Breton alluded to, this rather emerging theme of digital leadership, strategic autonomy. What is the role for the regulator in this space?" Annemarie, do you want to...it's a long-term project for...for 2022... handle it?

Annemarie Sipkes: It is, it is. And, actually, the use of the word "traditional regulation" does not do justice to the fact that in telecoms we have seen all the things that are described. The advent of digitization, the digital ecosystems arising are all based on good connectivity.

And as we see that the telecom sector is moving into a new world, new business models, making all these digital business models possible, they evolve and we as regulator evolve with them. I think that our present experience with regulation and the things that we have learnt in various jurisdictions as well as in the network that BEREC is, a learning network. I think we are very ready to help and assist, making sure that we reap all the profits and that we minimize the risks.

If you look at the opinion that BEREC has produced, vis-à-vis the DSA that Commissioner Breton already mentioned, the experience that we have gained over the years can be very viable and very useful in the challenges that lie ahead.

So, I do think that as the sector evolves, we as regulators evolve as well. And we also know that connectivity as well as innovation and accessibility also thrive with stability and lessons learnt. From those experiences, we will continue our way into 2022 and probably beyond to help Europe face these challenges as well.

One last remark on sustainability. Covid-19, of course, is a very urgent crisis, but the sustainability issue is on a very long-term agenda. So, I think it's very appropriate that it is also on our agenda and that we will increasingly do work on that theme as well.

Philippe Defraigne: Thank you very much, Annemarie. Would Michel or Dan wish to add something on the previous question?

The next question is from ECTA, and it is rather to the point, I would say. So, BEREC Work Programme foresees opinions on three really key files—The Broadband Cost Reduction Directive, the State aid guidelines, and the review of the Access Recommendation. Needless to say, these are three strategic questions. The question asked by ECTA is: "Why is BEREC not foreseeing a public consultation?" A good question. Who wants to...Michel? It will fall in your remit next year, so...

Michel Van Bellinghen : Thank you, I will take the question. Thank you very much, Philippe.

Indeed, that is a good question. My answer is rather straightforward. You know that our general rule is that when BEREC publishes a document, we consult unless we have a justified reason not to consult the sector.

But as to the three opinions referred to in the question, we will, of course, issue on the legislative work of the Commission. The only reason why we cannot consult the sector is just related to time constraints. As happens recently with the opinion on the lists of relevant markets standard euro rates that we published only last week. BEREC had very limited time to bring all NRAs round the table and come to a joint position.

Consultation procedure, which should last one month, as the procedure prescribes, is simply not possible. And the same will apply in 2021, I'm afraid. BEREC will have to deliver these opinions with very little time available between we get the draft from the Commission and the moment we need our feedback.

Having said that, we have, of course, the possibility to meet the stakeholders, we are available to listen to the main concerns of the sector, by having a meeting or reading their first reactions. Thank you, Philippe, over to you.

Philippe Defraigne: Thank you, Michel. Dan wishes to add something. Please, Dan.

Dan Sjöblom: I just wanted to add one more thing about consultation. I think there is nothing stopping any organisation which wishes BEREC to take anything into consideration, whether it is answering consultations by the Commission or to just inform us. Just send us a letter with the views you wish us to take on board. I think that happens relatively frequently that we get these kinds of inputs into the organisation.

Philippe Defraigne: Thank you very much, Dan.

With these things now taking place online, one of the benefits is that we have friends from all over the world connecting to follow interesting European meetings.

Next issue is sadly not confined only to Europe. This is an issue that operators are confronting all over the world. It is not just European telecoms and European... Operators and regulators around the world watching us this afternoon will be keen to find the answers.

So, the next question is from GIGAEurope. And GIGAEurope is asking: "Okey, we know that granting building permits for base stations, street cabinets, digging up the street is not delivered by NRAs (otherwise things would run smoothly... stop by a local mayor, and so on...). But is there anything BEREC could do to speed up the process to encourage the local politicians to deliver the permits more swiftly? That is a tough question. Dan, do you want to handle it?"

Dan Sjöblom: Yes, I will have a go at it. Thank you.

So, of course, this is an area where all the NRAs are already active depending what is happening in their national market. I think we are already, as BEREC, sharing experiences. But it's true, of course, that this is an area where neither BEREC nor the NRAs are the ones handing out the permits or making the decisions. But we have to work with the agencies. But it's clear, of course, that promoting connectivity involves facilitating the rollout and take-up of high capacity networks, this is clearly part of our strategy, and there are many things that we can do in our own sort of national theatres.

I'll give a couple of examples from things that we have found useful here in Sweden. When it comes to digging, which was explicitly mentioned in the question, the PTS is already now since some time providing a database where we coordinate different interests of those who want to dig in a certain area. The idea, of course, is to try to find or enable people who want to dig in the same place to cooperate and reduce the cost by digging at the same time rather than several times. Might be the electricity company together with the cable company or some other combination. Another example of experience that we have is we sometimes have had the pleasure of having a sort of mediating role, sort of stepping in between the operators on the one hand and the agency who is responsible for some sort of permit or planning decisions. Just try to make both sides speak and understand each other better. That's a role that an NRA can sometimes usefully take to smooth out any difficulties and try to understand where the other party is coming from. So, I think there are things that NRAs can do, and we can share in BEREC. Thank you.

Philippe Defraigne: Thank you very much, Dan. Michel, Annemarie, do you want to add something on this crucial topic? No? Everything has been said by Dan, I think.

So, the next question is from MVNO Europe and I'll read it: "Has BEREC been contracted by the European Commission to work on an opinion focusing on the upcoming Roaming review and the legislative proposal that is expected in Q1 of 2021?"

Dan Sjöblom: Okay, I'll take that as well.

So, yes, indeed, this is an area where we have, in fact, done quite a bit of work. We have provided input to the Commission no fewer than three times. We had an opinion in June 2019 and a follow-up opinion as late as June this year. We also had a little bit of supplementary analysis on wholesale roaming costs in September 2019. And all three of these input documents have been published on the websites, so you can refer to them there.

Maybe to name just a few of the things that we have highlighted there—areas of possible improvement...quality of services is something that we have seen and discussed a bit. The issue there is that subscribers may receive lower quality connection on roaming in another member state than they do at home, like 3G instead of 4G. That is one issue. We have also had a look at the position of MVNOs in particular, where dependency on the host MNO may make it challenging to achieve discounts or better rates that the regulator wants. The interrogation mechanism can be too complex at times. The last area to mention is value added services, where we

have also identified scope for improvement in some areas prone to fraud or misuse of roaming with premium-rate services. All of those items can be found in the documents referred to on the homepage.

Philippe Defraigne: Thank you very much, Dan. Next question, please.

This is a question that came through the chatbox, so I have no idea who asked it, but it's a very good question. I will take this opportunity to check the time. And I think we still have a bit of bandwidth for a few more questions. We have a few questions in the pipeline. For additional questions, if you are in the audience thinking about asking a question, keep it short and add the name of the organisation at the beginning.

Anyway, it is a good question, whoever asked... raised it. So: "Most telecoms want to be platform providers, especially for 5G. Will they be regulated as platforms?" Annemarie, you specialise in DSA issues, so go ahead this afternoon.

Annemarie Sipkes: I do. And, as we all know, the DSA or the platform regulation has not been finalised yet by the co-legislators. So, they might be. Erm...But I do think that telecom operators who look like telecom operators will first and foremost be regulated as telecom operators. And I have, erm...At present, I know as much as the rest of us about how platforms will be regulated. So, I think this is still way out there. And we will get more clarification in '21, hopefully.

Philippe Defraigne: Thank you very much. I think this is a clear answer. Quentin, next question please.

This is a question from Vodafone, if I remember correctly. So, this is a question on...actually, Commissioner Breton reminded us that 20 per cent of the 750 billion NextGenEU will be dedicated to digital priorities. And the Vodafone question is as follows. So, they are alluding to these massive funds and say: "Could it be that this influx of massive funds into telecom and digital could reinforce existing dominant positions? And what role can NRAs and BEREC play in order to ensure that competition in telecom markets is preserved?" So, who...wishes to... Annemarie? That's a competition law issue, you know.

Annemarie Sipkes: I know, it was a Dutch, well...State aid is, of course, within the jurisdiction of the Commission, the matters of State aid. But, as Michel already mentioned, this is why I think BEREC will include this in their opinion on the new EU State aid regulation. So, our opinion on this and our views on how to deal with this best will be included in that opinion. Which is due, I think, in the first half of '21.

Philippe Defraigne: Thank you very much, Annemarie. Next question, please.

This is...well, I'm sure everybody would have liked to have asked this question, but it came from our friends from Eire, in Ireland, from GIGAEurope. They both more or less raised the same question, which is as follows...it's about the public acceptance of 5G and all the misinformation surrounding the rollout of 5G in some countries. And the question is: "Does BEREC intend to hold its workshop on EMF with stakeholders, with operators, for example, and seek their input? And would it be appropriate for BEREC to engage in a dialogue with the civil society, including with, it's my word, "5G

sceptics"? Like you have climate sceptics, maybe you have 5G sceptics. And the person that asked me the question said, "Maybe we should reach out to the sceptics and not just stay among us who are convinced about the value of 5G. Is there a role for BEREC to reach out and speak to the non-converted?"

Michel Van Bellinghen: I'll take it. Philippe?

Philippe Defraigne: Yes, over to you.

Michel Van Bellinghen: Yes, I will take this. Thank you, Philippe, thank you for the question.

Yes, indeed, we will organise a workshop next year on 5G and EMF. And, as I mentioned during the Stakeholder Forum last year, we are no health experts. You know, this is a sensitive topic. It makes it difficult for BEREC to make bold statements in this EMF debate. So, what is the plan in 2021?

What we want to do is to have an exchange, a dialogue with other institutions that are having a voice in this debate. Those are the health organisations and the radiations authorities to consider possible approaches for the future with regard to the public information.

So, like the operators, we are in favour of innovation and we want to focus this EMF workshop on the interaction with the other competent institutions. We really need to understand each other better and learn from each other.

In addition to that, referring to the second part of the question, I think it is important to engage with the civil society organisations and to enter into dialogue with them, too. With the aim of understanding the underlying fear and to provide valuable information to the citizens through our communication channels. And those fears are expressed about health, but also privacy, security, and environment. Over to you, Philippe.

Philippe Defraigne: Thank you, Michel, for these words. Does anyone want to add anything? No, okay.

Next question is, of course, a key topic when it comes to encouraging the deployment of fibre, that is the management of copper switch-off. There are two questions here which are raised by Deutsche Glassfibre. Sorry, Deutsche Glasfaser. "Does BEREC foresee different obligations where the incumbent migrates from copper to fibre, but not on its own network but on a third-party fibre network? Is this a particular scenario from a copper switch-off point of view? And the second question, I remember discussing that, this issue will never go away. It is a very good question: "Could regulated copper price be used as a mechanism to accelerate a switch to fibre?". So, could regulated copper price be used as a mechanism to accelerate the switch to fibre? Two questions there. Dan, Sweden is the expert in fibre. So?

Dan Sjöblom: Yes, I'll try happily to say something on copper switch-off, which, of course, is an interesting topic. And, I think that everybody in the conference here is aware that the main method by which we regulate markets is by designating SMP status to telecom operators who have significant market power, and we have a methodology by which we assess that, of course, which is, I think, well-established

and known by everyone. So, I think the first part of the question really is about designating SMP status. So, if, as suggested by the question, there is a third-party operator who rolls out the fibre network, this could, perhaps, if this is the beginning of that process in a country, have an impact on the market power already decided or assessed with the incumbent operator. If that is the case, of course it will have an impact on the subsequent review of the SMP status for the incumbent operator. So that would be a factual assessment taking all relevant market conditions into account. Does the incumbent operator still hold SMP or not? Given that there is now a new fibre network being rolled out by a third-party, on which the incumbent is apparently buying services.

As a second step, one could, of course, also imagine a situation where this new third-party operator continues to build out the fibre network, build out a very ubiquitous fibre network across the country, and, eventually, might in its own right develop an SMP status. We will use the same methods of analysis again. And if found appropriate, there might have to be remedies on that supplier as well. I think the first part of the question is really the traditional way we do market analysis and enforce SMP status and remedies.

And, I think, that the second part of the question is more, perhaps, up to each NRA, to think about what is used in terms of pricing flexibility for FTTP wholesale access in order to promote investment in new technologies in the territory, given all the circumstances of the market situation as it is.

Our own experience has been that the legacy copper infrastructure continues, often, to exert a price constraint on the rollout of fibre, up to a point. And that is hard to determine exactly when that point is hit, but as long as it does, it sort of anchors the price of the rolled out fibre, because there will be sufficient amount of willing customers to switch back to copper if the price of fibre was to increase too rapidly. But, as I said, finding that exact position is complicated. And, I think, that for that to be a driver of investment, which it has been, I think in Sweden, a good driver of investment, you need to have couple of other preconditions which are not necessarily in the gift of the NRA. They are both on the demand and the supply side, actually. On this demand side, you have to have a sufficient number of willing payers or customers, private people or companies, willing to pay for added valued services that can be provided by fibre but not easily through copper. And you also need to have some alternative investors on the supply side. You need to have an environment where there are willing investors to compete for the market as it is, with the rollout of new fibre networks initially have a competition for the market. And that has brought us relatively far up in the percentage terms of fibre being rolled out in Sweden, that is correct. So, I think that the lesson we have learnt is that, yes, it works, but it requires these preconditions. Thanks.

Philippe Defraigne: This question was asked not only by Deutsche Glasfaser but also by INTUG, actually. Next question, please, Quentin.

This is a question from Hutchinson. I think it could have been asked by many mobile operators, actually. I am told there was an interesting GSMA meeting last week or so in Tokyo, I mean, online, where the European operators were quite impressed by the progress made by their Asian counterparts. Whether on the supply side, on the

demand side, there is really a feeling that in Asia, governments are pulling by, for instance, strong demand in terms of smart cities, and on the supply side they are helping with effective ways of facilitating the deployment of base stations. So, that is the background to this question. Some European operators are bit envious, if you like, of the support granted to mobile operators for the deployment of 5G in Asia.

So, the question is: “BEREC 5G Radar offers an assessment of where additional regulation may be required to protect consumers. (That's fine. Important). Is BEREC planning to review the existing regulations to identify which one could be removed or simplified to assist 5G deployment?” You cannot decide to speed up the development of smart cities, Michel, but what else can you do?

Michel Van Bellinghen: Thank you, Philippe. Thank you very much for the questions and, indeed, 5G promises to have profound impact on how citizens, business, and you use electronic communication services.

This 5G Radar aids BEREC to anticipate the pace of innovation and adjust accordingly. However, you will see that BEREC in itself cannot decide, just to quote the question, to review existing regulations to identify which could be removed or simplified. It is not within our mandate. Each regulator is bound by its national legislations and the obligations stemming from the Code. So, any review needs to be examined by the member states and the European Commission.

And I am aware that in other continents, you referred to an event in Japan, Philippe. And mostly in Asia, they are doing everything possible to boost both demand and access to promote 5G. So, the European Commission published a recommendation on connectivity last month, as you know. To pursue that objective. And the review of the Broadband Cost Reduction Directive will also further facilitate the rollout.

So, in this, BEREC will play a role in both instruments by exchanging national experiences and coming up with a set of best practices. And it is through these exchanges that we strive for a harmonised EU wide approach that will boost 5G deployment and take-up as swiftly as possible. Thank you, Philippe. Over to you.

Philippe Defraigne: Thank you, Michel. Next question, please, Quentin.

Ah, this is a question from MVNO Europe. And the question is: “In the future work on 5G, will BEREC put the emphasis on wholesale access to enable innovation and benefits for end-users?” Dan, wholesale access in the context of 5G. Is there a renewed emphasis on that or not?

Dan Sjöblom: Well, thank you for the question. We have an ongoing consultation with the 5G Radar. And we have received this input and much other input, and the work of distilling how to deal with all the input there is ongoing. So, it's a little bit awkward to answer this question. We will proceed as we usually do with the consultation report that will be adopted at our forthcoming plenary meeting in December. So, I think that our friends at MNVO Europe will have to wait a bit for the feedback on that one.

Philippe Defraigne: Thank you, Dan. Next question, Quentin. *Alors.*

“Will BEREC dedicating part of its work to the commercial practices of some major handset manufacturers deliberately limiting the openness and interoperability of their operating system?” Thank you. Annemarie, do you want to...?

Annemarie Sipkes: You know, Philippe, the DSA is one of my favourite subjects. Yes, I think that BEREC in its opinion is very careful to make sure that our opinion on the Digital Services Act also includes operating systems. So, limiting the openness and interoperability of operating systems is very much in the scope of how we look at what would be wise to include in any regulatory intervention thought up by the co-legislators on the European level.

And I do think, I did have the impression that the Commission is very much on the same track. So, I do think they are using a kind of broad definition that not only looks at platforms, but also at operating systems. So, I am hoping together with the organisation that posts this question, that this will be included, yes.

Philippe Defraigne: While we are on the DSA, there was a question from Telefónica that you partly answered earlier. The question was...it's a factual question: “Has the Commission formally asked BEREC to play a role in the DSA and in the possible application of ex-ante rules? So, *voilà.*”

Annemarie Sipkes: Well, as you know, Philippe, we have just issued this opinion. And as Commissioner Breton said, they received 3000, I think I heard him say 3000 reactions. They are very busy processing that. And of course, as we regularly do when we issue opinions, we are in a dialogue with them. And, I think, it is too early to tell how concrete this dialogue is. I mean, they are talking to a lot of parties and also to us regarding our input.

Philippe Defraigne: Thank you. Presumably in the 3000 BEREC was probably on the top of the list or close to it.

Annemarie Sipkes: I am not the one to ask. I think it should be, but I'm not sure.

Philippe Defraigne: Do you wish to say something?

Michel Van Bellinghen: Yes, Philippe. Oh, sorry, please.

Philippe Defraigne: You know, I think Quentin is indicating to me that it's time to move to the next thing. But on this...so, no formal request from the Commission is what I gather. But more informal contact.

Thank you very much. I don't know how we managed, but I think we managed to go through absolutely all the questions. And it is now 3:20, so it is now time to hand over to ...For the debate. And I'm delighted to know introduce Matthew Newman, who is Chief Correspondent Europe at MLex, and who will take over the rest of the afternoon, which will be largely dedicated to the DSA. Matthew, over to you.

Matthew Newman: I would like to give a short introduction of the next part of the debate.

Good afternoon. I am Matthew Newman; I am Chief Correspondent at MLex. And we are going to be focusing on the Digital Services Act. So, I am going to just give a few comments about that and then introduce our keynote speaker.

Digital markets and platforms have transformed the way we live and do business. For many citizens, their days begin and end by checking the latest tweet and sharing the latest news or funny joke on these platforms.

For businesses of all sizes and especially small enterprises, large digital platforms have become essential to selling products and services, as well as expanding their businesses and reaching new customers. These very large platforms have developed what the European Commission calls "gatekeeper power". Several high-profile competition cases have shown that this market position allows them to engage in anti-competitive and unfair practices. As Commissioner Breton told us today, policymakers are concerned that certain platforms have become so systemic to the way we live and do business online that they may be, quote, "too big to care".

We are now at a crucial time in platform regulation. In the next few weeks, the Commission will announce two initiatives as part of the Digital Services Act to update e-commerce rules, which are 20 years old, and tackle problems related to structural competition issues in digital markets.

The first initiative will deal with platforms' responsibility for content. It will cover the growing problem of illegal content, such as hate speech and child pornography, as well as online ad transparency and disinformation. The second initiative, now known as the Digital Markets Act, will tackle the market power of gatekeepers. It will include rules against anti-competitive behaviour, removing the need for lengthy anti-trust investigations that sometimes take too long and often achieve very little.

In recent days, France and the Netherlands have backed the Commission's plans for a list of dos and don'ts for powerful digital platforms. A company with a more flexible mechanism to scrutinise and remedy the conduct of gatekeepers on a case-by-case basis. The French and Dutch digital ministers also said that breaking up big companies is also a possibility.

We are clearly in an exciting time for platform regulation that will have a profound effect on the way big companies operate. The endgame is more choice and innovation. Today we get to exchange ideas on how to get there.

To kick us off, we will hear from William Kovacic. Professor Kovacic is the Global Competition Professor of Law and Policy at George Washington University. He is well-known to anyone who follows competition policy and especially the role of platforms. From January 2006 to October 2011, he was a member of the Federal Trade Commission and chaired the agency from March 2008 to March 2009. He was the FTC's General Counsel from June 2001 to December 2004. Bill, the floor is yours.

William E. Kovacic: Thank you very much, Matthew. I am enormously grateful to BEREK, to Philippe, to Michel, and to Dan for the honour of participating in this exciting debate and discussion.

I want to situate the discussion about the DSA and the global debate about the appropriate way ahead for competition law and for other areas of policy-making. If I can turn to the next slide, I will just give you a quick outline of the agenda. I plan to take a look, first, at the... just to describe the foundation of literature that supported the approach towards regulatory policy intervention. A little bit about the policy diagnosis that underpins the decision to develop the DSA, and to talk about the strengths and weaknesses of proposed solutions, and a bit about the timing, about how things unfold. In doing this, I am giving you my views only and not those of the Competition and Markets Authority in The United Kingdom, where I sit on their board. But I am certainly influenced by what I have learnt from that experience about the development of policy for digital platforms.

If I can turn to the next slide, please. There is a huge literature that, in many ways, created tremendous momentum, carrying us in the direction that we are going. The Furman report in the UK proposed the creation of a digital markets unit. The Cremer Experts' report for DG Comp spoke about turning beyond the boundaries of competition law and policy to develop appropriate public policy responses. The Stigler Centre's report in the United States, an extensive report by the ACCC, and, most recently, a report by one component of the US Congress about the appropriate way ahead. Next slide, please.

I am going to use the US example to simply show how much attention and concern there is developed around the creation of a new regulatory instrument. These are the familiar four. For the first time, they appeared together before a congressional hearing. They were questioned extensively. What was striking about the enquiry that took place is how many of the questions did not deal with traditional competition law and policy. Some did, especially about merger control. But most of them dealt with policy domains that lie at the boundaries of competition law but did not overlap with it. The next slide, please.

In many ways, this hearing foreshadowed the report that appeared at the beginning of the month. A House of Representatives Subcommittee, the Subcommittee on the Judiciary, a Subcommittee on Antitrust, Commercial, and Administrative Law, published an extensive report on digital. Much of that report laid out a vision of future regulation that did not deal with recourse to traditional competition policy's tools. It's a very significant endorsement of the view that we see reflected in the consideration of the DSA. A global view now that competition law itself is not enough. Next slide, please.

If we look at all of the literature, reports, and policy discussion globally, we see the following view about what are now called platform "gatekeepers". That they have substantial and durable market power. Not just the famous four that we saw before but a number of others as well. That they suppress competition, for example, through the acquisition of nascent rivals. That they impose very oppressive contract terms on customers and on their own third parties, with whom they deal with, selling on the platform. That they harm rivals with self-preferencing mechanisms and the collection

of information about platform transactions by third parties that's gathered and then turned to compete against them. And that they routinely ignore privacy law commands, data protection, and that they treat their own workers very badly. Next slide.

The solution? Well, what about competition law? Yeah, that'll be part of the mix, no doubt. Especially tougher merger control regarding the purchase of nascent rivals. Both the US and the UK waived the Instagram acquisition by Facebook through. Tougher merger control on complementary vertical assets, where both the United States and the European Commission allowed Google to buy DoubleClick, in 2007/2008. And yes, much more exacting abuse of dominance enforcement, especially dealing with demands for exclusivity by major platforms. But a clear view of this literature and commentary is that competition law isn't enough.

Case-by-case litigation doesn't give you the opportunity to take a broad perspective on what is happening in the larger sector and in related sectors, and to analyse that. Real doubts about the remedies achieved today and expressions of doubt by current and former DG Comp officials. When the Google prosecution initially yielded big fines, that got the headlines, nice big round numbers in the billions. Today, I think the reaction to the fines is "so what?".

Does Google really care about 9 billion dollars collectively or 9 billion euros in fines? I'm sure Google would rather keep 9 billion dollars than put it into the European Treasury. But is that really going to change the way it behaves? More and more observers say no. And repeated questions about the effectiveness of the conduct achieved in those European prosecutions.

And the view that many of the problems that we are seeing are arising in other policy domains. Such as data protection, consumer protection. And note that many of the people who are saying that it is not enough are traditional competition people.

I think our colleagues in the regulatory policy sphere are well aware that competition people have tended to look down their noses at regulation, at least in many instances. And to think that competition law was a superior, better tool. This is an instance in which the message about the need for regulation is coming from the competition community itself. Next slide.

The solution is Competition Law Plus. Again, if we look at this most recent menu in the House Judiciary Subcommittee Report, it is enormously sympathetic to the vision that is motivating the development of the DSA. And the report tells the competition agencies go bring big cases. And probably this week, the Department of Justice is going to launch a major monopolisation case against Google. Highly likely that by the end of this calendar year, our member states will individually or collectively launch additional cases against Google, and the Federal Commission will sue Facebook. So that's going to happen.

But it proposes as well major amendments to the existing framework of competition law. Notable changes to the merger control regime. But very significantly, it proposes new regulatory frameworks involving platform structure and conduct. We can say that the most important elements of that report do not deal with traditional competition law. And this aligns the report very closely with the DSA proposal, with the United

Kingdom's intent to create the Furman digital markets unit. Not yet established where it goes, but the commitment of the government to do that. We are seeing a fundamental shift in the direction of regulatory policy responses. And not reliance exclusively or mainly on competition law. Next slide, please.

What is the motivation for this? As we said before, a lot of disappointment with competition law enforcement to date. The European effort through DG Comp has been robust. It's been persistent, it's been significant. But I think the general view is, in restraining Google—not very effective.

And there has been a rethink of regulation by the larger competition law community and policymakers. The question is, is competition law so good? Is regulation, which is so often historically derided, really so bad? Basic rethink of both. And there is an awareness that the right solution of the problem will have to involve contributions from a variety of policy domains. Three in particular—the juncture of competition law, data protection law, and consumer protection law. Next slide, please.

So, the proposed regulatory approach, in many ways, focuses on prescriptive ex-ante rulemaking and that is going to be the main tool going ahead. And the substantive commands are going to focus on, what's called, self-preferencing. Can a platform pitch its own goods and services in a way that makes them the most readily visible to users and subordinates the presentation of alternatives? Structural separations and line-of-business restrictions. This is the most vivid and avant-garde element of the US proposals in The House of Representatives, to force, for example, Amazon to participate either as the operator of a platform or a seller of goods and services, but not to do both.

Abuse of superior bargaining position is a major ingredient of policy-making. Where the concern is, to paraphrase Commissioner Breton, not only do firms go about routinely, unilaterally changing terms, imposing terms, but they simply don't care. And they look back at the consumer and say, what are you going to do about it? Good luck! You don't have any choices. Take these measures and get to like them. And privacy-related commands that deal with the collection and use of data. All of them packed into the proposed regulatory programme. Next slide, please.

Why does this make sense? Why is the direction toward a more regulatory approach sensible? Here are a few reasons. One, it recognises that the answer to the problem is not just going to come from traditional competition law enforcement. You will need several different policy domains in a coordinated manner. Second, ex-ante rulemaking gives you an opportunity to look at the field, look at the problem more comprehensively, gather more relevant information and come up with a better remedy and a better mechanism for implementation. And third, it's going to avoid the tendency and the perceived need of competition agencies to stretch their competition law mandates to the limits or beyond to address infirmities in collateral regulatory schemes, such as data protection.

For example, the German Facebook case is an innovative, imaginative, and bold effort to address a variety of problems that, arguably, originate in the field of data protection or in the field of, what we call, contract law or consumer protection law. It is an innovative effort to address those under the umbrella of competition law. The approach

of regulatory policy-making, arguably, makes that easier to do without, again, bending, stretching the framework of existing competition law. These are the reasons that the regulatory approaches, including the current vision of the DSA, make sense. Next slide please.

To finish, what is hard about it? First, lots of hard technical issues about implementing these. Some of these already presented in the questions posed to our colleagues a moment ago. Who is a covered platform? Ask yourselves, in what year did the GAFA firms become dominant? Take each one of them and say, this was the year that dominance was achieved. At what point do you become dominant? Is there a way to get off that list? And, in what respect is monopoly power in this sector durable? What level of persistence is necessary to be put onto the list of gatekeepers? As your right to rule to develop the framework, there will have to be criteria that are meaningful. Those are hard to address.

Second, who should do it? We've already talked about this. Is this the domain of a new regulator? Do you create something new? Do we establish it at the Commission level or at the member state level? Or do you give it to someone who is already there? My own intuition would be, listening to Annemarie speak and her ACM colleagues, I'd give it to an authority that already does make policy at this intersection of different domains. The ACM is a competition authority, it's a consumer authority, it has regulatory responsibilities. If I was thinking about where it goes, certainly at member state level, I'd say you give it to the ACM. And you listen very carefully to the ACM's contributions to the discussion about what this framework should be and how it should operate.

Still not clear, for example, in the EU, where the digital markets unit will go. Does it go to the competition and markets authority? Does it go to the communications regulator? Or do you set it up as a stand-alone institution?

If you create the new functions, you are going to pay for them. But simply note that to do work in this area well, you need top quality people from, yes, law, yes, economics, engineering, science, computer science. If you are not going to bring in first-rate people from this area, you can do a lot of damage. So, are jurisdictions that are keen on this going to pay for this in a robust way? I think they should but that is not always the impulse of public policy. Especially listening to us, taxpayers, who say—we want a Mercedes quality vehicle, but we only want to pay for a humble Chevrolet.

How to frame the substantive commands? Should the DSA go in the direction of structural separation? Should it go in the direction of interoperability commands plus non-discrimination requirements? Should there be an abuse of superior bargaining position component to it? Should there be data protection commands, should those simply be referred to by reference with the collaborative framework that takes place between the digital regulatory authority and the privacy authority?

And last, how should you execute policy? If you're going to have an asymmetric bargaining power provision there, do you set up an arbitration mechanism overseen by a public authority? Do you simply have direct enforcement? Enforcement by one of the Commission Directorates or the Commission itself? Or is that delegated to the member states? Commissioner Breton mentioned a multi-layered system with the Commission, member states. That's a nice vision, but, as we all know, it's interesting

to see about how that is actually going to be designed and implemented. Who does what? That's another interesting question to take on. That's difficult to do. Last slide, please.

Some finishing thoughts. Just a prediction about the sequencing of these events globally. I think the DSA will be first. That train is moving relatively quickly compared to the others. Likely to be in place in 2021. What about the Furman proposals in the UK? Probably not until mid-2021 at the earliest. There's some other event coming up at the end of December that's commanding a lot of attention in the United Kingdom and in Europe. Furman probably comes into being in the middle of 2021. Then US legislation. Probably not in 2021. Probably in early 2022, assuming that there is a Biden sweep, not just the White House, but the House of Representatives and the U.S. Senate.

It raises a question, as we have all of this national initiative or jurisdictional initiative, how much are these jurisdictions going to work with each other to try to achieve some harmonious result, where harmony is appropriate and desirable? Is this going to happen? How much do they learn from each other? How many genuine discussions are taking place about what to do and how to do it? Ideally, policymakers would say—there should be a lot of it. I'm not sure how much of it will happen.

It underscores the role of BEREC and related associations, bringing together the experience of all the regulators who've done some of this before. Who have the knowledge and know-how. And the member state institutions who are specially attuned to the problem of how implementation takes place. They know how hard it is to do and that the only people who think it is easy are those who have never done it.

So, these contributions through associations like BEREC are indispensable to make sure this lands well. Thank you, and I look forward to the debate.

Matthew Newman: Yes, Will, thank you very much. That was, as you promised, very exciting. And it looks like you might be giving a new job to Annemarie at the ACM if she is ready to take it on. Also, nice previews of election results coming up on 3 November. So, Bill, we will see if you are right about that.

So, I want to just start by introducing the panel. We've got a fantastic panel today to talk about these issues. I am really looking forward to the debate. We have about an hour to discuss these issues with the panellists. I am just going to run through who we have.

Ben, I'm not going to do this in a particular order, because I don't know where people are on your screen. Benedikt Blomeyer is the Director of EU Policy at the Allied for Startups Association. Before joining AFS, he worked for a small business alliance and Deutsche Welle and completed a traineeship at the Council of Europe. Kay Jebelli is the Competition and Regulatory Counsel to the Computer and Communications Industry Association, CCIA in Brussels, where he represents and advises the association on competition policy issues and regulatory affairs. Ursula Pachtl. She is Deputy Director General at BEUC, which is probably well-known to everyone here. That's the European consumer organisation. She's worked at BEUC since 1997. First, as a legal adviser, and then, as a senior policy adviser, and now as Deputy Director

General. Then we have Luc Hindryckx, who is the Executive Director at the European Competitive Telecommunications Association, known as ECTA. Mr Hindryckx has more than 20 years of experience in the telecom industry and has been very active in business development, operations leadership, and regulatory policy affairs. And finally, Lise Fuhr. She is the Director General for ETNO, the European Telecommunications Network Operators Association. She took up that role in January 2016. She is also on the board of an administrative committee in the European Cybersecurity Organisation. So, we have a fantastic panel ahead.

And I am going to allow them to speak. I think the first one up for our discussion will be Ursula. The floor is yours.

Ursula Pachi: Okay, thank you very much, Matthew, I hope you can hear me well.

Because you mentioned in the introduction that I have been working in consumer policy for a long time, that makes me think that I would like to start by saying that when the e-Commerce Directive was negotiated in legislative procedure 20 years ago, and when it was adopted, I remember many people saying consumers don't need so much protection any longer because the Internet and e-commerce will make them so powerful. They can reach out all over the European Union in the single market, they can compare prices, they have comparison tools. If they don't like something, if they're not satisfied, they can denounce a trader, et cetera, et cetera.

We, obviously, did not think that this was the case 20 years ago. But I think it is good to think what we thought a long time ago and how this has changed, and how this must change now. Because I hope you will agree that we can say that consumers are, actually, much more vulnerable in the digital market than they have been in the brick-and-mortar markets. I often hear that we should have the same level of protection. But actually, we must have much more protection for consumers online because the situation is very different. We are talking about a digital asymmetry. That means that the powers have significantly changed. And—to the disadvantage of consumers. There are such powerful big companies that operate now. And that is not only for consumers but also for competitors problematic.

So, consumer problems that are often related to these market constellations are—the lack of choice, lock-in effect, the lack of transparency, personal data exploitation by permanent tracking, targeting, consequent personalisation of offers, of prices, leading to manipulation, and we see dark patterns. We also see, and I will come back to this, a proliferation of dangerous products on platforms. Much more than a few years ago, our consumers are exposed to non-compliant products and services that they can buy or are supposed to buy from these markets. And not to talk about disinformation with regards to our democracy. So, a fair marketplace and fair business practices, healthy competition, is more important than ever. And the Digital Services Act must really serve consumers, and it must better protect consumers.

So, there are two angles from our point of view. On the one hand, the market needs to be strengthened to be competitive and fair, allowing greater choice for consumers. And the second point, and that is for us to focus on the form of the e-Commerce Directive, is to put more liability on the online marketplaces. Not on everything but on

online marketplaces, we think there is a particular need for holding them to account. I will come back to that in a second.

A few thoughts on the first element about what is more the competition law part. Here, as has been said by the keynote speaker, competition law has been a very valuable tool. It has been able to tackle many issues in the market. But it has also clearly shown its limits when it comes to the digital markets with regards to the new technology, and the speed about how the markets develop, the network effect, et cetera, et cetera.

If you think about the Google Shopping case that started 10 years ago, there is still no decent remedy in place to address this issue. So, it could be very soon that there is no other comparison service available to consumers, and I think that is not how we want the market to evolve.

What we favour is a list of unfair and prohibited practices. A clear obligation not to engage in such specified practices. The overall idea, of course, is to prevent and not always to run after the development, rather prevent and not cure. So, I will come back later to what we think we should have in such a blacklist. That needs to be very clear. That's absolutely important. It needs to be what we call "self-enforcing". So, the businesses can understand easily what they need to do and what they must not do.

We have an example in the Consumer Law, where we have a list of unfair commercial practices. But that has a much narrower scope. It's a similar technique and it is very powerful. That can be done at a European level also, in an asymmetric way.

Maybe the last point there is that we think it should be a horizontal tool, not limited to digital markets. In particular, when I speak about the new enforcement tool. So, the investigative powers should be horizontally available, not only for digital markets.

And then, very shortly, on the e-Commerce Directive. It's not that we say that the general principles of the e-Commerce Directive should be changed, but what we would like to see is a response to the problem that in the past years there has been a tsunami of unsafe products, of services, of scams, of unfair practices coming through these platforms. That is unprecedented. And we have not seen the right responses to that. So, we think it would be adequate that there is more liability on the platforms. They shouldn't be too big to not care. They must be held liable. So, in certain circumstances, we want them to have a civil liability for damages that are caused by such listings of illegal products or services.

The example is the COVID crisis, where we have seen masses of scams and unfair practices on these platforms, and there is nearly nothing that can be done about it. Platforms have reacted, but we think that authorities should also have a way to force them to do more, and they should do more by themselves based on the law. Know your business user, that principle is also important and could help to improve the situation. And we also want platforms to monitor, if they are marketplaces, from time to time in a random way, what goes on and if there is illegal activity. So, these are our main points. I'll leave it here, thank you, Matthew.

Matthew Newman: Yes, thank you very much. Just to move on. You raised some interesting points. Hopefully, we'll get into the aspects of liability with our questions. I

will pass the floor onto our next speaker. I already introduced him. Benedikt Blomeyer. The floor is yours... Ah... I think he has a sound problem.

Benedikt Blomeyer: Let me try that again. Thanks. I just wanted to start with a quick thank you to BEREC. I think you are on the money with this discussion topic. I will keep my opening remarks brief to allow for time for the interactive part.

For those who don't know us, Allied for Startups is a global network of 45 start-up organisations representing also thousands of platform start-ups. We like to think that we are the voice of these platform start-ups in politics and government.

Especially for us as a start-up organisation, in the last month, everything for us has become digital, including platforms. We are embracing the challenge, and we are still bullish and try to face this crisis as an opportunity. And we are trying to build our own champions here in Europe. We see that the market is also recovering.

For our members, the Digital Services Act is a top priority. To kick off the discussion, I would like to share three thoughts.

In the last months, we have been on a virtual roadshow throughout Europe, to our members, and I have been learning how changes in the liability regime could affect them. We have seen over 10'000 platform start-ups, who approached the DSA as an enormous opportunity to get an overhauled and a more harmonised EU liability regime.

Concretely, we believe any limited liability exemption should positively take into account proactive measures entrepreneurs take to remove illegal content online. This should be incentivised. In this process of discussing updates and procedural obligations, it's very important for us to maintain the no-monitoring obligation.

Besides liability, there is also a chance to reaffirm the country-of-origin principle. Just one example from our roadshow, for instance. I'm sure you all know SoundCloud. It's a big European platform, which just had to make a lot of investments to get the Network Enforcement Law in Germany right. And the trust and safety team there is now on a 24-hour notice to meet the reporting deadline. If you now factor in France, which proposes a one-hour deadline, this would necessitate significantly more headcount and would actually triple the costs for the trust and safety team at SoundCloud. So, while the DSA has the potential to really focus on start-ups and ease of scaling up in Europe, we have to be mindful that start-ups still have less resources at hand.

Secondly, for us it seems that the DSA has a kind of one-proposal-fits-all approach, sometimes. I understand why this framing is helping politically, but we are concerned that it makes transparent policy-making more difficult. It might exclude start-up voices.

We observe many different challenges that are seemingly being addressed with this one legislation. I said it last year on the panel, actually, but since it's already the end of October, I can bring out the analogy again of avoiding a Christmas tree legislation. We've heard talk of illegal, harmful platform, disinformation, lack of integrity, and we don't dispute that there are issues here in all of these sectors. But the more topics we try to address in one go, the harder it becomes for smaller players like start-ups have

a voice in the debate. The harder it might be to find a compromise politically. And frankly, the more complex the legislation becomes, the more it will be relatively easier for bigger players to deal with and leave smaller players with more upfront costs and investments to make before challenging incumbents in the market.

So, throughout the legislation, let's define and be specific about the problem we are looking at to solve and every effort we can make to focus the debate and make sure the legislative remedies are proportionate and affordable. And with a view to scaling up in Europe as well. It would pay off in the long run, also regarding our green and digital recovery.

Thirdly, the idea, the notion that we are targeting big platforms to make space for smaller start-ups in the Digital Markets Act is a narrative we have heard before on other policy files. And that has not gone well in our experience. The reality is, there are not just big players and small players. It is an interconnected ecosystem.

Numerous studies show that app-related jobs are creating jobs that didn't exist 12 years ago. The start-ups in these ecosystems are interdependent with bigger platforms. Like start-ups and platforms are interdependent with the rest of the economy. So, just an example, a social impact start-up fighting food waste can build its services on an existing map, using a map API, this helps the start-up. It doesn't have to reinvent the wheel. It can use the services that are already out there, and it helps the consumer because privacy settings are uniformly applied across the board.

So maybe taking a step back on this: start-up founders build a business with the goal of being the number one. To challenge the big incumbents. The "googles" of our economy. We think there should be no limit to the ambition of European start-ups. One worst-case scenario for us would be building an overly complex set of ex-ante rules that dissuades start-ups from becoming big.

I have to share an experience from the past. And what we have seen from the Copyright directive is that we should avoid a situation where legislation brings fences causing start-ups to buy proprietors' technologies from these bigger platforms. So instead of a narrative of hitting big players and creating new empires by breaking up companies, we think we should be investing our time and resources more into supporting start-ups in Europe. So often we see a start-up starting out as a story of an unmet consumer need. And start-ups being as close to consumers as no business in the past has been. That is what we should be leveraging.

We'll actually be presenting the economic impact assessment on the DSA next week. So, I am happy to share with the organisers here the invitation, you may all join in. For now, I will leave it with this. Thank you for your time and I am looking forward to the discussion.

Matthew Newman: Yes, Benedikt, thank you very much. It's always really good to get the perspective of small companies and start-ups. Particularly, when you hear the European Commission talk about these issues, the sort of holy grail is to help start-ups. I'm going to pass the floor on to the next speaker. Kay Jebelli. He is from CCIA. The floor is yours, Kay.

Kay Jebelli: Thank you, Matthew. Thank you to BEREC for this opportunity.

For those who don't know, CCIA is a non-profit trade association that has been representing the interests of the computer and communication industry for nearly 50 years. Our mission is to promote open markets, open systems, and open networks. Some, if not all of society's most useful innovations are the by-product of competition. In fact, although it may sound counterintuitive, innovation often flourishes when an incumbent is threatened by a new entrance. Because the threat of losing users to the competition drives product innovation, product improvement, and it is the Internet and the products and services that there is no exception in this space. Companies do need to constantly stay on their toes as the next start-up is ready to knock them down with a better product.

Often, this kind of innovative, disruptive entry and expansion happens by introducing an improved product or service to a niche of the wider market. And then slowly expanding from that niche into other segments. New technologies are constantly emerging, promising to change our lives for the better. And the pace of innovation has only quickened as the Internet has enabled intermediation from grocery shopping, food delivery, remote work, school lessons, and electronic health and fitness plans.

We think that preserving an innovation-friendly environment is of tantamount importance not only to businesses but society at large. This means that innovators need to be able to capture the value of their innovations. It's the incentive, the carrot that the drives competition and generates a consumer surplus we all enjoy.

Of course, there is a legitimate debate as to whether digital platforms are capturing more than the value of their innovations. There are those that the majority of the value generated by the platforms is due to the data provided by users or due to the network effects of having a large number of users, which drives rigorous competition between suppliers and brings prices down, thus attracting even more users.

One complaint is that digital platforms do not pay enough in taxes. And we at CCIA encourage ambitious global tax reform to address this. But we are concerned when we see regulatory proposals based on analysis that overstate the extent to which digital sectors have competition problems. We are particularly concerned by proposals that suggest that the size of the digital platforms itself is a problem. And evidence of the lack of competition that needs to be addressed.

Critics of the current landscape say that there is a winner-take-all dynamic. But of this really true? If the so-called gatekeepers were already winners having already taken it all, why do they continuously improve and optimise their platforms and business practises, quickly adapting their services in response to the evolving consumer demand? Surely, this is a sign of existing competitive pressure. When we talk of structurally entrenched market positions, we often ignore how dynamic these markets have been and how much they have changed over the last 10 years. If we choose to ignore these inconvenient facts, isn't there a risk that our prescriptions will miss the mark and negatively impact the system that has generated many consumer benefits?

Some will accept that there are competitive outcomes in these markets, that new players like Spotify, Shopify, Zoom, and TikTok can enter and grow and win customer

attention rapidly, meeting consumer needs. But they will say, there are not enough European players in this mix. And we need to encourage our own European champions and our technological sovereignty. This is an important issue, of course, and we need to do better to attract talent and innovation, the best technical, commercial, and managerial staff, and investment capacity in Europe. But will a more protectionist policy send the right message?

China has seen some success in closing its digital markets to foreign competitors, but we're not China. We have to ask whether closing our markets to the best innovations and tools developed abroad will serve our interests. Particularly, at a time when we need to rebound from this biggest economic recession in memory.

The ex-ante regulatory framework from the electronic communication service has shown that business users and citizens can benefit from well-crafted sector-specific regulation that addresses structural problems and enables competition and innovation. We support measures to harmonise rules in member states relating to the unfair behaviour of some platforms with significant intermediation power. But the platform-to-business regulation has barely come into force. After only a few months of consultation, we are already expecting new far-reaching rules impacting the digital space. We need confidence that these rules are driven by the interests of consumers and pro-competitive outcomes, and not the competitors petitioning governments their commercial interests.

In this respect, I want to briefly speak about two considerations. One—defining significant intermediation or gatekeeper power. Two—altering the economic incentives where that power is identified. It is obvious that a few large platforms are the entry points to a large volume of potential customers. This doesn't mean that they're in control of a specific, irreplaceable bottleneck. Telecom companies have exclusive rights to deploy the infrastructure to deliver their services or use certain spectrum. There are no exclusive rights on the Internet. Except in places like China. Every company with a sufficiently valuable and differentiate service can attract users. We shouldn't be punishing companies simply for doing something better than their rivals. We are offering a service that is too convenient. If we want to attract the greatest talent to Europe, we need to show that we can also reward success.

My last point is that we should consider how competitive incentives change when we extinguish proprietary rights and force platforms to open up access to their infrastructural learnings. Putting aside what this does to the incentives of that incumbent to invest further in the ecosystem, there are significant advantages to being a regulated incumbent. And a risk that regulation will reinforce market power. If a competitor can adopt a remedy, take a business model, there are reduced incentives to challenge that incumbent directly. Incumbent lock-in is a risk. We should be fostering innovative disruption of existing incumbents rather than encouraging new businesses to be even more reliant on them. There are also other considerations in crafting good legislation. Each should be duly addressed objectively and in a proportionate manner. Thank you.

Matthew Newman: Excellent. Thank you very much. A lot of food for thought. I hope we can get into the debate about gatekeepers. I think Kay just offered some very good

counterbalance to what we heard earlier. I am going to pass the floor on to Luc. He is our next speaker. If the running order is correct...

Luc Hindryckx: Yes, I hope everybody can hear me.

Matthew Newman: Luc, the floor is yours.

Luc Hindryckx: Yes, can you hear me? I have some slides so if you could put them on the screen, please. *Voilà*.

Please, could you move to the next slide? First, I would like to thank BEREC for the opportunity to present our views on this very important topic. Before I start, a few words on who we are. I usually say that at ECTA, the European Competitive Telecommunications Association, we represent the competitive forces in Europe. And yes, competition is very important for innovation. And as you can see on the left-hand side of the slide, you see that the telecom infrastructure and our members have made the network resilient and redundancy was very important. And all digital services are, of course, totally dependent on the telecom infrastructure behind it. In our ecosystem, we have several members that move from the classical telecom services to the digital services areas. And despite the things that we heard about our sector, our sector is far from a commodity. We offer added valued services in various areas. And I would say, and I hope that we will be able to continue that in the future. And make sure that competition will not be sacrificed to create, what some would love to see, European champions. Next slide, please.

So, first, I would like to share some of our views on the reforming of the e-Commerce Directive under the Digital Services Act. The point that has been mentioned before. On the liability regulations, we believe that the graduated liability rules, as provided in the e-Commerce Directive, should be and must be maintained. The next point that we find important is that the future regulations must ensure that they do not create new incentives for market-strong platforms to choose their own headquarters. So, to cherry-pick where the rules would be the most advantageous for them. So, the rules need to be harmonised all through the European Union. The third point that is important, and I think the Professor said it quite well, the binding criteria should be defined for the platforms subject to regulation. So, a clearly defined and pre-established list of obligations and prohibited commercial practices should be established. I will come back to that a little bit later when I discuss an SMP-like regime. And of course, a key point is that the platform interoperability and data transferability are fundamental. The final point that I want to mention at this stage is that the algorithm transparency for gatekeeper platforms acting as an active hosting service provider is very important. Luckily, on that I have to say that it would be aligned with Tiemo Wölken [rapporteur on Digital Services Act], when he presented, during the press conference, the report from the Parliament just before they were about to vote for it, that is something that we would favour. Next slide, please.

Then there is one key important point. And you all notice this. Just to give you two examples, my youngest son is in secondary school. And when you have to log into the platform of the school, the first choice you have is to login via Microsoft. The second choice: is to log in via Gmail. And the third choice is to login via Facebook. Another example—a few months ago, I wanted to buy some inox screws that I found on a

website somewhere in France. And I had to log in via Facebook to be able to place an order of 20 euros for inox screws. So, we believe that the DSA is the opportunity to introduce a mandatory European Single Sign-On. So that we would not provide all this information when we log in to the dominant players. Next slide please.

Ex-ante dedicated rules. Of course, in the house that we are today, I think it is something that they know very well. It their reasons to exist. And, in fact, it's also why independence is guaranteed in the framework. But I would say that that's why, in fact, we would certainly welcome those tools. And as we've said, in the European communication services sector, in the electronic communications sector, the ex-ante regulation framework has proven to be efficient to foster competition and contestability. There are still issues, I'll come to that. But there is a track record of some achievements.

Then we would say that the experience with the ex-ante approach and expertise gained with the European SMP framework for electronic communications could serve as a good basis. Also remembering that this framework has evolved. We started from an open network provision and moved to the SMP. And now with the new Code we have somewhat weakened this regime a bit.

But there are some fundamental differences and some important questions remain, because the regulatory framework is based on the first point, the market definitions. So, what are the products or services that you include in one specific market. And once you have defined your market, you look if you can find significant market power. And then, in the ECS problems begin if you only have non-competitive outcomes, for example. There, it is already much more complicated. And finally, if you have the SMP, you impose remedies that you hope will solve the market failures that you have identified.

And to do the product market definition, the regulators have to do the Hypothetical Monopolist Test. It's a theoretical exercise by thinking, what would be the result of a small but significant non-transitory increase in price? The SSNIP test. The challenge on platforms is that you have two-sided markets. In telecom, when you do the SSNIP test, the direct increase in price goes to your customers. Here, you could say, okay, how do you ventilate it. Just to illustrate, there are other examples.

BEREC has made the proposal of the Significant Intermediation Power, SIP. That is also probably a good idea. And the Professor listed some of the criteria. On our side, the criteria on the behavioural area are also quite important. I think, defining precise and important criteria would be of the essence. For example, does the platform restrict choices for additional services? Or, is it bundling its own services and applications? Is there an equal treatment with competing services? There are many of those criteria that could be applied.

But we see already that, although there are similarities and that the SMP regime can be a good basis, there are still a lot of differences and there needs to be a significant reflection on that. Also, knowing that the SMP regulation is not a simple task case, so you have a regulatory framework, then you have important guidelines, the SMP Guidelines, and then you have the recommendations on the relevant markets, and then you have BEREC guidelines. So, it is quite complex. Does this complexity

achieve homogeneity? The fact that within the different jurisdictions in Europe we achieve similar results. Then, a last point, to avoid legal uncertainty, binding criteria should be defined for the platforms subject to regulation. It's a little bit the same point as before. The criteria need to be well-defined and binding. Next slide, please.

As I said, we are in the house where I think that people who are connected to this workshop, I don't think that you would probably find more expertise on how to do a market analysis in a multidisciplinary way. As the Professor said, you need legal people, economists, and all kinds of skills.

But let's be a little bit critical on that. And certainly, from our perspective, where we see what happens in the 27 jurisdictions. Sometimes you can give good points and sometimes you think, that is not the way we want it to happen. And then, let's first say, okay, before saying, do we need specific regulatory authority or how would we manage that, I would say, let's first see what the new powers and the instruments are. Because let's put it in the right way. Let's first define what can happen and then have a debate how it needs to be organised. It's like strategy. You define the strategy and then you look at the organisation to implement the strategy, not the other way around. And here it is the same.

Then, we would say that the regulatory oversight both at EU and national level, we would say that is probably a good way because it would be important that you have harmonisation between the different member states. And if we also would see what happens in the telecom sector, you already have those kinds of mechanisms. So that is probably something that will be needed. A mechanism to have a collaboration at the EU level and the member state level.

But what is important, and then I will come to the final points of this slide, let's make sure that we don't have the kind of game where we are throwing the ball back and forth between the EU and national level. Because that is what happens already in the electronic communication sector. And let's look at what lessons can be learnt from the ECS regulatory framework.

The first one I would say, and this is related to a question that we were asked in the beginning - independence goes with transparency. And if we look today at the mechanism that is foreseen to have this coordination between the national level and the European level, when regulating electronic communications, under, still today, Article 7 procedures, and when the European commission asks advice to BEREC, for example, it's not transparent. Stakeholders cannot give input. And you can say it's a matter of time. And I agree with Michel, time should be made longer. We cannot get that as an excuse. Because transparency and the possibility to involve stakeholders is fundamental.

Then, the second point that we see. What happens if the regulatory authority is not performing as it should? Again, I give the example in comparison with the list of relevant markets. Because, in the list of relevant markets, what we see is that they are reduced and reduced and reduced. And then, when the market is taken away from the list, of course, the national regulatory authority can still decide to regulate the market. But it has to do it and if there is a market failure, what happens if the regulator is lazy and is not doing it? Then you could say, okay, there is competition law. But it is a little

bit contradictory because, if you pass the three criteria tests, competition alone should not solve it. And that's what we see in some of the markets. For example, in the German market and the mobile general market, there are huge issues, where players are complaining to the European Commission. And they are sent back, so it's a kind of circle that is not broken. So, the main question...

Matthew Newman: Sorry to interrupt, but could you wrap up quickly?

Luc Hindryckx: Yes, I'm finishing, I'm finishing, Matthew.

The key point is, where is the accountability? Before deciding how to put that, we really need to solve the problem of accountability. Next slide, please.

So, the accountability of the regulatory must be strong and clearly defined. To conclude, I would say—independence goes with transparency and accountability. And you cannot dissociate those three. Thank you very much.

Matthew Newman: Thank you very much, Luc. I will quickly move on to the next speaker. Lise Fuhr of ETNO, the floor is yours.

Lise Fuhr: Thank you, Matthew. Good afternoon, everyone. A big thank you to BEREC for inviting ETNO to the Stakeholder Forum.

We really appreciate BEREC's effort in these difficult times to actually engage with the stakeholders. And the topic of this panel is extremely important for us: promoting a fair, future-oriented regulatory climate that will boost investment in innovation and digital services. That has always been one of ETNO's defining goals.

So today, we have so many people relying on connectivity as their lifeline. And it should be clear for all that investment in rollout is not really a buzzword any longer. It's a top political priority to get our economies up and running.

And in this context, ETNO has been a long advocate for the level playing field in the digital value chain. Sometimes this term has been portrayed as an emblem of a parochial clash between the European telecom operators and the OTTs. But it has become very clear that, while the world is getting more and more online and digital products are an important part of our daily life, key parts of this environment are concentrated in the hands of a few large multinationals.

I can give you a bit of numbers here. If we look at the search engine market, it has one player with 90 per cent share. When it comes to smartphones and the app economy, the top two players jointly possess 99 per cent of the global mobile operating system market. And if we look at cloud infrastructure, the combined market share of the two market leaders is over 50 per cent. And we could go on, on these numbers.

And these mega platforms have the ability to set the rules of the game in the digital ecosystem. And they can act as gatekeepers, both for businesses and consumers. And they are able to stifle, if they want, competition and choice in the market. And this also affects the telecommunication market, where these players are accelerating disintermediation of telecom operators.

So, this trend will actually only increase with 5G, where some of the players are moving towards the edge to leverage their storage but also analytic capabilities. And in software-defined networks, as we are talking about, this could entrench their grip of the key parts of the infrastructure and over telecom users dramatically.

So, I am very glad that BEREC is aware of these developments, and they will investigate the competitive dynamics into the Internet value chain over the next year. And for me, this topic is not only about businesses. It's about the role and the responsibility of digital services and their consequences in democratic societies. And it's about breaking the dependency on a few large digital players and to assert a European way on how digital markets are governed.

And this is what the vision of the level playing field tagline has always been about. We now have the opportunity to shape the rules of the game for the digital sectors for the years to come. And I would like to add one thing. We shouldn't believe those who tell us that this is mainly about protectionism. It is not. We know that the same debates are making headlines also in DC. And we have heard what Professor William Kovacic was telling us. It's about a debate that needs to go into both societies. And it has been profusely discussed also in this panel, the opportunities offered by upcoming landmark initiatives, introducing ex-ante rules for digital gatekeepers, as well as new market investigation powers at EU level.

So, let me be very brief and get straight to ETNO's view on the DSA and the competition reform. We support a new ex-ante regulatory framework that solves problems from entrenched dominance in digital markets. And this framework should be carefully tailored to large online gatekeepers.

It's identified based on relevant criteria that reflect the competitive dynamics of the digital markets. Digital environments that are particularly concerning in term of gatekeeping and anti-competitive effects, operating systems, online advertising, that's voice assistance, and it's also cloud computing.

So, we advocate for a case-by-case approach, with the application of tailored remedies that are most appropriate to address abusive practices, preserve contestability, and promote consumer choice. And proportionality will be key in reflecting the nature and the gravity of specific competition problems in a targeted market.

So, we find that a list of prohibited practices that gatekeepers should always be prevented from employing, that can offer a complimentary safeguard against basic abusive behaviours. But a static blacklist would not be enough to guarantee fair competition in continuously evolving digital systems. It is only valuable as a complement to the case-by-case framework, allowing for tailor-made remedies for individual gatekeepers. And finally, enforcement of new rules should be handled at the EU level, since large platforms in global ecosystems and competitive concerns have an important cross-border dimension.

And still, as the effects of platforms' abusive conduct may differ across national markets, coordination of national competent authorities remains crucial. So, in

conclusion, I believe that the EU is about to embark on what could be one of the most relevant tech policy exercises of our generation, which could inspire a new global approach to digital markets. As ETNO, we are giving full support for European decision-makers to make this effort a success story. And I will stop here and look forward to the discussions during the Q&A. Thank you.

Matthew Newman: Hello. Yes, excellent overview. I want to thank the panel and thank BEREC for raising all these very important issues. And also, to Professor Kovacic for introducing us to these complex issues. We don't have a lot of time. We do have some questions that have already been raised by you, the panellists. And we are also looking forward to questions from the audience. So far, there are none at the moment.

So, I'm going to just launch into the first question that I have come up with. Since we are here at the BEREC conference and you have the opinion of BEREC on the DSA, which hopefully everyone has reviewed, there's some really interesting ideas in there. It's essentially talking about who the new regulator should be. Professor Kovacic has brought this up. He even said that a good model would be the Dutch ACM, where you have a competition and consumer regulator merged into one. So, I would like to put this out to the panel. How should the DSA actually impose some of these ex-ante regulations in terms of making sure that large platforms do actually follow these new rules so that there is more harmonised imposition of enforcement? Could that be through BEREC? Should it be through a new unit in the Commission? Or should it be through the competition authorities? Anyone want to grab that one as the first question? I will leave it up to you. Anyone want to raise their hand? Luc, I saw your hand go up? Go ahead.

Luc Hindryckx: If anyone else wants to answer... because I already covered that somehow in my presentation. So, let's first define, what are the new tools and what are the powers, and then define how to organise it. So, let's not do it the other way around.

But if you think there is a need for a European level, so the European Commission should certainly play a role in that. Depending on the case, that will probably also be a role for national. But one thing is very important. We need to avoid a waterbed effect. Certainly, when you compete for resources. The more competences you put together in one regulator, we need to make sure that they can continue to do their existing activities. For us it is of utmost important that NRAs continue to do and to put sufficient attention to the regulation of electronic communication services because there are many issues. That's a priority for us. Thank you.

Matthew Newman: Benedikt, you had your hand up?

Benedikt Blomeyer: Yes, quite similar to what Luc said when it comes to the enforcement. We first want to clarify what is supposed to be done and how. And then the secondary question would be in what structure. I think there is a few steps back that we should be taking first. Establishing whether there is a market failure, and all of that, before going into a type of enforcement.

Matthew Newman: Okay. That is the first step of this analysis, the market definition, and if there is a problem. So, Ursula, you raised your hand.

Ursula Pachi: Yes, I wanted to briefly answer the enforcement governance question. From our point of view, when it comes to the ex-ante regulatory framework, because that will be a cross-border element by nature, we think that the Commission is probably best placed to deal with it. The problem being: if it is the national authorities, working together, probably, in a network, and taking a joint position, I think we haven't yet seen the ideal concept. The GDPR is based on the principle of the country of origin for determining the competent authority for enforcement. Consequently, the authority where the trader or the company is established is the one responsible for the enforcement actions against that company. We see with the GDPR that this concept is problematic. We have the CPC, the Consumer Authorities' Network, which is something new; we will see how it operates. But when it comes to this gatekeeper regulatory framework, I think the Commission is best place. That could be an interdisciplinary task force within the Commission. And what would be really important is a very close cooperation with the networks that are relevant, and BEREC first of all, but maybe also the data protection authorities and maybe the consumer authorities. That is what we think it should look like. Thank you.

Matthew Newman: Sounds like some good ideas there. I just want to go back to one thing you said earlier. You raised one of your big points about the liability rules.

There is some discussion about whether or not the current rules about giving the protection to the platforms should be maintained. If you look at some of the drafts that have come out from the European Commission, they seem to have that locked in. They are not moving on that. And also, the country of origin is to be protected.

But it does raise the question that comes up a lot, and it is about how you organise the policing of content. So there is this balance between disinformation, hate speech, illegal content but also the freedom of expression issues. So, what should the Commission do about making sure that you maintain innovation, freedom of expression, but also have tougher rules on platforms about content moderation so that it is not just currently a voluntary exercise by these platforms?

Ursula Pachi: Did you ask me, Matthew?

Matthew Newman: Yes, if you want to start, Ursula.

Ursula Pachi: I hear that Roberto is already in the waiting position.

I mean, what is the liability of the platform? I think that is a crucial question. I would like to expand your question a little bit. It is not only about fake news and disinformation and illegal content like hate speech.

From a consumer perspective, it's also about commercial content if I can name it like that. That means, listings of products that are dangerous and not compliant with European standards. Or fake ads or scams, as I mentioned, which was a huge problem, particularly during the COVID lockdown.

So, what we are asking for is that, in specific circumstances, the platform becomes liable. So that we don't question the principle that there is an exemption from liability

unless you have actual knowledge, only then you have to act expediently. But we want to clarify what that means. We want to link it to concrete damage compensation. Because that has not been harmonised by the e-Commerce Directive.

So, we are saying that if you have evidence and clear evidence and credible evidence that there is an illegal activity on your platform and you do not act in an appropriate manner, you become liable towards the consumer for the damages that have occurred due to your non-activity. Another element that we would like to see changed is that platforms that have a dominant economic position towards the trader, the commercial user, for example, that they control the payments or the presentation of the offer or other elements, like they give the infrastructure to the trader, then, they should become liable. So, a more nuanced liability that is not contrary to the principle but is more specific and more harmonised when it comes to damages compensation. Thank you.

Matthew Newman: Excellent. I really wish we could continue this, and if we had a cocktail, we could chat over that. But unfortunately, we are unable to do that.

I am going to very quickly introduce our final speaker for today, Roberto Viola. Many of you have met him in person. It's too bad we can't see him more often. He is the Director General of DG Connect. He was the Deputy Director General of DG Connect from 2012 to 2015. He also served as Chairman of the European Radio Spectrum Policy Group from 2012 to 2013, and Deputy Chairman in 2011 and Chairman in 2010, and he was a Member of the BEREC Board and Chairman of the European Regulators Group. So, Roberto, thank you very much for your participation and we look forward to your speaking today.

Roberto Viola: Thank you very much. I would like to congratulate BEREC and the organisation for being able to run this forum completely virtually. It's a pity, but that's life. So, our life is going to be, in the months to come, still to do with the pandemic. So, having a telecom networks platform and digital services is really at the centre of running the society in a smooth and safe way. So, the discussions we are having are essential when we look at, let's call it, the new normal, or whatever you want to call it.

And there are aspects which are really at the core of the responsibility of BEREC. Like having safe, reliable, cheap connectivity available to the citizens. Which are also at the core of the action of the European Commission when it comes to the recovery of Europe.

As you know, our President has suggested that 20 per cent of the recovery fund will go to digital [initiatives]. And actually, the leaders, the member states, the heads of states of governments, on 2 October decided that, indeed, this invitation should be actually supported, and it would become a legal requirement. That means that we will invest in the future of Europe in the main two strains, which is green and digital. And this will be the majority of the funds. Over 57 per cent of the funds will go to this green transformation.

In particular, in digital we will invest in four flagships. Connectivity, as I said, important. Everybody is a bit frustrated every now and then about a connectivity experience that is not as expected. I think all our way of offering connectivity is something that was considered for a long time important but maybe not so important. When you think, for

instance, about how we charge connectivity on mobile phones. The new normal is probably going to be different. We will need more and more plans for connectivity.

But at the same time, of course, we have to deal with network congestion. That's why new frequencies are so important, and the next generation of mobile phones with 5G is very important. So, connectivity is a big flagship. The second one is people. So, skills, more skills for our society. More possibility for the young people to find a job. There are many jobs without young people and vice versa—many young people without jobs.

Third element is scaling up technology, the possibility to use data, to use computing to really transform every service and every product with digital technologies. And the fourth one, which is also very important, is to change our administration from the old system, from the public system. I think all of you, including myself, have been frustrated at times to deal with an administration that is trying to offer services at a distance, but those services are not coming, the administration is not yet digital. So, these are the five flagships. And you can rest assured that we are working intensively with our member states and make sure that every recovery plan will have these five flagships as the core part when it comes to spending the 20 per cent in digital transformation.

Of course, alongside this is the issue of the rules. The rules need to be clear, need to be predictable. They need to put everybody on a level playing field when it comes to offering digital services. And this is the other important asset that we would like to bring to the table for a solid and stable recovery from this crisis and the new normal—to have clarity about the rules around digital services.

In many respects, I heard the tale of the previous partner about the responsibilities of platforms. And I will comment in a second on this. But also, about the new cybersecurity rules, that they need to be followed by every sector. The new rules, I mean, to empower data sharing among companies, citizens, public services—what we call the data governance. The rules about making sure that every citizen can use a digital identity. And that this digital identity is recognised by every service.

The rules about data generation. Who should be owner of the data that is generated? And what are the rules to engage in such a generation? The rules about safety of artificial intelligence-based products and services. What can be considered? What needs to be done, especially to enable new services to be developed but to limit the risks in terms of artificial intelligence.

And on top of this, the European Council has asked the Commission about the vision for the next 10 years. Where our society will go in terms of the next challenges? And at this Stakeholder Forum, this is something we want to discuss with every stakeholder. And make sure that when we formulate the long-term horizon of where Europe wants to go, it should be clear.

I think all in all, Europe has always been considered strong in standard-setting, rule-setting. But now with the recovery plan, with a new financial framework, I think we have also become very serious about investing in digital [initiatives]. It's a unique

opportunity for the citizens, for the companies, and for the public administrations that we need to see it all together.

So, I understand that this year, the BEREC forum has very much discussed the issue of platforms. This is one of the issues which is part of the rulebook, the new rulebook that we want to present by the end of the year. And we will concentrate on two areas. The first area is the Digital Services Act. The second area is about the fairness of operating in the digital market.

So, about the first part many things have been said. There has been a public consultation. And I can reassure you, I was hearing a little bit that, when looking at digital services, there are many things coming, for example, content-related services, but at the same time there are also services which are about selling physical goods. Or offering services which are not necessarily digital.

So, the responsibility of the platforms is something that is multifaceted and doesn't stop at one time or another. And at the same time, we should, as much as possible, avoid having too many sector-specific legislations. Avoid having too much micromanagement of a certain thing. But really to make sure that we have clear horizontal rules. So, when it comes to responsibility, liability, when it comes to which kind of regulatory system should guarantee the oversight, we need answers which are clear.

For instance, one clear asset of the regulation of platforms, so far, has been the so-called country of origin. So, the fact that a platform can be established in one of the member states in Europe and offer services everywhere. This is a fundamental element if you want European platforms to scale up. The basic principle of the internal market is this concept that you establish somewhere and you can offer inside the internal market. And this is really one of the treasures of the internal market. It would be a pity to lose it. And this is clearly not the intention of the Commission.

But we want to make sure that the country of origin for platforms is Europe. That means that the rules must be the same everywhere. That citizens who are not residents in the country of origin are equally guaranteed as the citizens working in the country of origin. It is clear that if something cannot be offered because it is contrary to EU law when it comes to a product, then it cannot be offered everywhere. It is clear that if a citizen has to complain about a service, they cannot travel to the country of origin to file a complaint.

So, we need to make sure that, first of all, we have harmonisation of rules. Secondly, that we have a good regulatory system based on cooperation. And for sure, we have successful examples of cooperation. And, of course, the first that I'd like to highlight is BEREC. BEREC is a successful example of a cooperation of the telecom regulators.

There are networks where cooperation is very strong. Think about the financial regulators. Think about the privacy regulators. And, if you like, the new kid on the block, which is the cooperation of the content regulators. These are good systems. And whatever we will present in terms of the Digital Services Act will not replace these cooperation networks. And it will not touch sectorial rules. But we will make sure that

all of this can work in a coordinated fashion, because sometimes the issue is about product, sometimes content, sometimes about the service.

So, we need the necessary glue to keep the system together and make sure that the country of origin works but works in a European sense. And we need to make sure that there is regulatory oversight that is valid all over Europe. So, that's the main ingredient when it comes to the country of origin.

When it comes to the issue of liability, of course, we need to make sure that what is the basic rule of liability, which is introduced in the e-Commerce Directive, is not turned upside down. Because no one can actually check every single line of a blog post, post, video, or whatever. But there are different mechanisms that we already have. Introducing the concept of, for instance, co-regulation, the concept of terms and conditions, the notion of regulators working together. So, there are mechanisms by which the overall principle of liability can be defined in a very precise way of looking at those things.

I will frustrate you because I will not tell you much about what we are doing, and you will understand. Nothing is decided until everything is decided. So, when the Commission will present the DSA, it will become clear. Now we are still awaiting thousands of replies in the public consultation, and it would not be a sign of respect for those of you who posted the many important comments and ideas if I now start to say, this is right, and this is wrong. Or, this is the decision of the Commission. The Commission has not yet made its final decision.

But you can be reassured that things like country of origin, liability, issues about products and services, issues about regulatory cooperation, they are all part of the things we are looking at right now in terms of finalising the Digital Services Act proposal that we will present by the end of the year.

The proposal will be about looking at the market power of platforms and the dynamic which is around the digital market, which is very peculiar. These are markets, for those of you that fancy a bit more detail, markets which share different dimensions. Markets where you have customers on one front, and you have business on the other front. You might have multiple types of businesses, and this makes the economic evaluation of the dynamics in this market particularly interesting and particularly complicated.

These are markets, they exist, such large platforms, it's relatively common because of the winner-takes-all network effect. All these things, you know very well. So, in this multi-dimensional space, of course, there is a big question we have posted during the public consultation—whether we should have some form of ex-ante regulation of a certain kind. I'm sure you remember; we have now entered into the forced regulation on fair behaviour of platforms when it comes to business-to-business. So, this is something that is based, these are all rules...Transparency rules which are valid for the whole sector when it comes to business-to-business transactions.

Now, the next question which we will examine is whether there is a need for some asymmetric rules. And once again, it's a bit frustrating that there is some expectation, but I will not say much for the time being because we are still reading. There is an enormous number of contributions. But, of course, the question is on the table,

whether there are similarities with other parts of regulation or whether there are not similarities. And whether we should go for the identification of certain elements that make the need for ex-ante rules in order to maximise the benefit for business and consumers. As for the Digital Services Act, our intention is to present something by the end of the year.

So, in summary, I think you should not look at one thing that is being done. One thing is part of a broader picture. I think the broader picture is—digital transformation is one of the imperatives and one of the assets of Europe to fight and exit this pandemic, and then to have solid economic and social rules in the so-called new normal. It cannot be just rules, it cannot be just funding, it's a bit of a mix of everything, and it's a long-term project.

So, that's the way to look at the approach we are taking. And the other thing, this being the Stakeholder Forum, nothing can be done against what the stakeholders indicate, and this would be a further mistake which we hope we will never make. That's why all of this is rooted in extensive consultation with stakeholders, and a forum like this should continue. And I am sure that in the coming weeks, when we will see the recovery plan entering much more into the implementation and the regulatory side, that also for the Digital Services Act, whatever we propose about the market force when it comes to the digital economy, these kinds of things, of course, we will need a democratic debate with the two colleges, but there will also be a very intensive stakeholder dialogue. Thank you very much for your attention.

Matthew Newman: Excellent. Thank you very, very much, Roberto Viola. That was fascinating to hear a little bit of a hint where we are going with the DSA, and we will be glued to our screens on 2 December when the Commission will release the big package. And then we will have...Well, could be 18 months, two years or three years of debate.

So, now we are close to wrapping up for today. I want to thank you for your attention. I am going to pass the floor to Michel for some final words, and I wish you all a very pleasant evening.

Michel Van Bellinghen: Ladies and gentlemen, dear colleagues. I'd like to start by thanking all the speakers of today and the people of the BEREC Office who made this event happen. Our thanks must also go to our two moderators, Matthew from Mlex and Philippe from Cullen International. And to the ACM, PTS, and BIPT teams as well.

BEREC organised a webinar on 1 April this year, in which it presented its strategic priorities for the years 2021-2025. And we were happy to see such high early engagement from you on the development of the BEREC Working Programme for next year. And again, today I really appreciate your interactions even though it's fully virtual. And the questions related to our activities. The questions provide valuable feedback on BEREC's work that we take back to our office.

One of the things I would like to take away from your questions and remarks today is that stakeholders appreciate our work on the 5G Radar. However, there is a big hole to eliminate the regulatory burden to deploy 5G and the same goes for fibre infrastructure, of course.

During his introduction, Commissioner Breton was very clear about what needs to be done: accelerate fibre deployment and the rollout of 5G networks. These investments will happen in the backdrop of the new Electronic Communication Code that will kick into effect in Europe by the end of this year, as you know.

And as Commissioner Breton said, to mobilise investments, we need an efficient system, harmonised rules in Europe. Well, I can assure you, as an incoming BEREC Chair, that I will do everything in my capacity to ensure that the overall objective being a consistent application of the regulatory framework in the electronic communications is reached.

BEREC will contribute through cooperation with the competent institutions and stakeholders to ensure that future network technology meets their connectivity targets in line with European values and interests, being security, protection of the end-users, environmental challenges, and so on. And this all fits for the digital age.

In 2021, monitoring the impact of the Code will be at the forefront of BEREC's work. And much of our work will shift from providing guidelines towards assessing future technological and market developments, related to end-users' provisions within the scope of electronic communications and the digital ecosystem in particular.

Ladies and Gentlemen. The Digital Services Act, the new rulebook, will be a major game changer for Europe and for the rest of the world, for players who seem to be too big to care. From Professor Kovacic, we've heard that a dedicated tool is to be put in place because competition law is insufficient and there are other related aspects—data, consumers, ex-ante regulations, and so on. He also raised many questions we need to reflect on.

There are many takeaways of the panels, too. DSA is a top priority. We need to prevent, not to cure. And to reward success, it is not about protectionism in Europe. Independence requires transparency and accountability, and many others.

As mentioned during the panel debate, the governance model of the DSA will not be a walk in the park but requires strong coordination between institutions and the member states, and the European level, a multi-layered model, as Commissioner Breton described it.

In this light, let me refer to our opinion on the DSA published last month. We, BEREC, aim to continue to contribute to the regulatory debate on digital platforms to further refine the details of ex-ante regulations of digital platforms. We want to continue to work with the European institutions and other relevant stakeholders on this topic.

With this, it's time to wrap up today's session. We hope to greet you soon at the next Stakeholder Forum in April and continue fruitful interaction during consultations, public debriefing, and maybe most appropriately, in workshops. Thanks for being with us, I wish you a good evening.