

BEREC Report on the Public Consultation of the BEREC draft Work Programme 2015

4 December 2014

The [draft BEREC Work Programme 2015](#) was discussed and agreed at the [20th BEREC Board of Regulators meeting in Rome on 25 September 2014](#). The draft BEREC Work Programme for 2015, in line with the draft BEREC Strategy 2015-2017, maintains BEREC's commitment to the development of regulatory best practice amongst National Regulatory Authorities (NRAs), leading to independent, consistent, high-quality regulation of electronic communications markets for the benefit of Europe and European citizens. The 2015 Work Programme aims to respond to the current regulatory challenges and to prepare BEREC to confront future ones arising from market and technological developments, as well as the most important European policy objectives.

According to Article 5 (4) of the BEREC Regulation, the BEREC Work Programme is subject to a [public consultation](#) that was held from 29 September to 24 October 2014. In total, 20 stakeholders commented on the draft work programme. The summary of the comments according to the structure of the Work Programme are provided below.

1. **Cable Europe**
2. **CoopVice**
3. **EAFM – European Association of Full MVNOs**
4. **EBU**
5. **ECC WG NaN – Electronic Communications Committee's Working Group on Numbering and Networks**
6. **ECTA**
7. **ETNO**
8. **Fastweb**
9. **FTTH**
10. **GSMA**
11. **INTUG**
12. **Microsoft**
13. **OpenSignal**
14. **PosteMobile**
15. **Telecom Italia**
16. **Telenor Group**
17. **VATM**
18. **Vodafone**
19. **VON Europe**
20. **WIND Telecomunicazioni S.p.A.**

Stakeholders' comments are summarised in accordance with the draft work programme structure and its items. New items proposed by stakeholders for inclusion in the work programme are summarised at the end of this document.

BEREC would like to thank all stakeholders for the comments they have submitted which are in general supportive of the provisions in the draft Work Programme 2015.

BEREC would like to reiterate its commitment for promoting transparency on its work methods and that it considers engaging with stakeholders as a key priority.

General comments of stakeholders:

Most of the stakeholders welcome the opportunity to express views on the BEREC draft work programme and support the priorities put forward by BEREC for 2015.

3. BEREC work in 2015 – Strategic Priorities

3.1 Strategic Priority 1: Promoting Competition and Investment

EAFM reiterates that BEREC proposes to focus on developments which affect: “The overall competitive scenario, including the trend towards market concentration, and the challenge to competition this may represent, and the need to analyse alternatives, such as network sharing, which could help minimise potential adverse effects on competition”. *The EAFM requests BEREC to add the role of Full MVNOs in this context.*

In **INTUG's** opinion, the ubiquitous availability of high-speed high quality fibre-based broadband services for business customers is a critical enabler of the Internal Market. *BEREC should ensure that regulation encourages efficient infrastructure investment in fixed and mobile networks with a focus on service-based competition*

PosteMobile shares the same view with **CoopVoce** that since promotion of competition is a strategic priority for BEREC, in order to “address potential anticompetitive practices and scenarios, which could lead to the exclusion of MVNO from the market it should start an extended review about the competitiveness of the mobile access market” in light of the following trends which are no persistent and may be clearly observed throughout the EU.

Vodafone thinks that *BEREC should not let the importance of ensuring a suitably consistent approach on Equivalence of Inputs (EoI) fall off its radar during 2015.*

Vodafone endorses BEREC's proposal that *the work that has been done to date on Virtual Access Products should be made "more ambitious and results-oriented"*. In particular, BEREC's activity should *involve a comprehensive benchmarking analysis of Service Level Agreements (SLAs) and Service Level Guarantees (SLGs) across Member States*. This would constitute the basis for the definition of best practices and harmonisation across member states.

Vodafone agrees with the developments identified by BEREC in its Work Programme. In particular, **Vodafone** *supports the need to analyse the potential offered by network sharing arrangements in light of the trend towards market concentration*.

VON Europe refers to the *"need for network investment as a result of increasing demand for bandwidth, especially from Over-The-Top players (OTT)"*. **VON Europe** suggests BEREC to amend its statement as being inaccurate in its view.

WIND is of the opinion that *BEREC is facing several regulatory challenges from the European Institutions, that should be duly taken into account to make a proper settlement of the next main work-stream for BEREC*, in particular to the ongoing Single Market proposal, which from its point of view introduces the risk of a substantial shift in competition as well as the weakening of LLU access obligations. *It is important to guarantee a level playing field also towards a reduction of LLU prices and ensure that all operators are able to compete on quality of fault repair and activation services delivered to end-users also through a liberalization of maintenance and activation services*.

BEREC response:

BEREC notes that the strategic priorities proposed in the draft work programme for 2015 are assessed in general with positive comments by the stakeholders and welcomes proposals for new work topics which will be considered according to the availability of resources.

Regarding the reference to an increasing demand BEREC will make it more precise by stressing that it is in fact ultimately pushed by consumers' access to content and applications provided by OTTs.

3.1.1 Wholesale products

EAFM thinks that there is a *considerable merit for BEREC to develop the regulatory and industry community's understanding of what genuine Full MVNO access consists of*. We make this statement because we observe that Full MVNO access exists only in a subset of EU Member States, and has not been achievable in some Member States.

ECTA considers that *BEREC should reinforce actions aimed at ensuring the consistent availability of key wholesale access products at EU level and BEREC should define harmonised characteristics and specifications for key wholesale access products – not only virtual access products and terminating segments of leased lines but also physical unbundling products*.

FTTH Council considers that there should be an assessment of the impact of virtual access products on investment and on physical access products.

It is **Telenor Group's** view that investment incentives must also be addressed in work streams related to wholesale regulation. In particular, we would point out that considerations related to any SMP obligations on virtual access must be evaluated against the goal of developing NGA networks in Europe. **Telenor Group** therefore suggested that BEREC prepares the report "Challenges and drivers of NGA roll-out and infrastructure competition" (work stream 3.1.3) prior to the report on "Virtual Access Products". In this way analysis from the former report can serve as part of the basis for assessing whether / how virtual access products should be regulated.

VATM would insist on the importance of key wholesale access products. It should be remembered that activities for European standardisation of wholesale products to replace an unbundled local loop are the wrong way and that national unbundling obligations must not be suspended. As a replacement for an ULL we therefore reject a standardisation of bitstream wholesale product, as initially suggested in the proposal of the European Commission introducing a Digital Single Market. **VATM** is seriously concerned about the lack of clarity within the distinction between physical and virtual unbundling products. In this regard, **VATM** suggests BEREC to reinforce actions aimed at ensuring the consistent availability of key wholesale access product. **VATM** would like to encourage BEREC to set up specifications in guidelines for business wholesale access products and without prejudice to the imposition of physical access obligations.

BEREC response:

BEREC would like to thank for the above comments.

Despite noting that some aspects pointed out by stakeholders stem from the EU regulatory framework, to the extent it is possible BEREC will take account of the suggestions of what new issues need to be covered within the work already planned.

3.1.2 Implementation of the Recommendation on Relevant Markets and Common Position (CP) on Geographical Segmentation

ECTA welcomes the planned workshop and asks to open it to participation and contributions by all stakeholders.

ETNO is eager to provide their feedback and would very much support the organisation of open workshops involving the direct participation of stakeholders. Regarding the Common Position on Geographical segmentation, *they are asking for “fresh work” on this issue to be produced by BEREC along 2015.*

CABLE Europe provides some considerations about the implementation of the recommendation on relevant markets and CP on Geographical segmentation, but no specific suggestions for improvement of the work plan.

Vodafone notes BEREC’s ongoing priority of initiatives to facilitate operator switching by non-residential customers. At present this appears to be an internal BEREC activity, Vodafone would like to engage with this review. For example, Vodafone has taken a lead role in advocating for specific action in this area in the Netherlands, and the Ministry of Economic Affairs subsequently set up a special working group focused on eliminating switching barriers with respect to small and medium enterprises.

WIND underlines that in case of removal Market 1 by an NRA this should not lead in any case to a loss of the availability of WLR wholesale input, which is still a strong tool for competition to reach customers in those areas where unbundling is not available. Moreover there is a risk that incumbent could raise its wholesale costs and reduce retail prices directly and only where competition is more developed, using cross subsidies from other areas where there is no competition and higher economy of scale, leading to a re-monopolization of the market.

BEREC response:

BEREC appreciates the contributors' comments and notes with satisfaction that the organisation of a workshop on this subject was well received. BEREC agrees on that stakeholders' input in these two key relevant areas is very important to feed BEREC reports, positions and analysis. However, the workshop for next year is planned as internal in order to take a first step exchanging among NRAs experiences on the application of the new recommendation and the CP on geographical segmentation. This first step will allow BEREC to get a clear view on key issues that will be used to organize an external workshop in 2016 open to stakeholders on these specific issues

3.1.3 Challenges and drivers of NGA roll-out and infrastructure competition

Fastweb believes that the 2015 WP description of the main challenges and trends envisaged over the coming years, should better recognise the role of Altnets as credible investors in ultra-fast broadband networks. Thus one of the needs identified in the first point should reflect specifically the importance of creating the right incentives to trigger investment from all players. In this context, **Fastweb** considers that BEREC should include a thorough analysis and description of the most effective regulatory or policy mechanisms to enable infrastructure-based competition, also based on a benchmark of NRAs best practices. **Fastweb** believes that the promotion of competition and investments would also greatly benefit from unbundling of fault maintenance and line activation services (i.e. the possibility for altnets to provide such services using their own personnel or outsourcing their provision to external contractors).

Cable Europe welcomes the overall initiative to incentivise NGA investment. However, it is cautious towards measures that could create a disincentive to invest in infrastructure, could result in a distraction to the upgrade plans of existing communications networks and depart from and conflict with the approach taken in Article 12 of the Framework Directive. Reports suggested in the work programme (i.e. NGA investment drivers, regulatory policies and even existing regulation) might be indeed very useful to have a proper overview of what is strictly necessary to achieve the goal perceived. This could also be very useful for the future regulatory framework review.

ECTA believes that BEREC should ensure that investment models, Equivalence of Input, infrastructure sharing and forms of separation are specifically addressed in this work stream.

ECTA suggests as a deliverable: *Report on challenges and drivers of NGA roll-out and infrastructure competition to explore investment models, Equivalence of Input, infrastructure sharing and forms of separation.*

ETNO, **FTTH Council**, **GSMA** welcome BEREC's focus on this issue.

ETNO suggests BEREC to reflect on the current wholesale access framework and on its impact on investment in next-generation networks, considering that, as recalled above, the main success story of alternative infrastructure roll-out in the past decade have been cable networks. In **ETNO**'s opinion, as a result it should be possible to identify areas where de-regulatory progress can be made. **ETNO** believes that, contrary to what suggested in BEREC's Work Programme, such reflection should not provide the basis for additional future regulatory intervention.

The **FTTH Council** believes that NRAs should decide on a common role for their members. The **FTTH Council Europe** has always felt that a role as 'coordinator in Chief' would be appropriate and the cost reduction directive really needs someone to fill that role.

GSMA welcomes BEREC's focus on this issue as in a period of technological revolution which requires that all operators make high investments for the deployment of next generation fixed and mobile networks, whilst revenues have been declining due to increased competition and negative economic trends. In particular, mobile operators are undertaking huge investments to deploy 4G infrastructure, and increasing efforts are required in the next years to achieve 2020 targets for ultra-broadband coverage (30 Mbit/s for all) and adoption (100 Mbit/s for 50% households).

Telenor Group encourages BEREC to give high priority to the foreseen report on the challenges and drivers of Next Generation Access (NGA) roll-out and infrastructure competition. Through such a study BEREC may provide national regulators with important guidelines for how regulatory instruments should be designed and used in the years to come to help ensure adequate investment incentives for both fixed and mobile NGA networks.

BEREC response:

BEREC would like to thank for the above comments and is glad to see there is such a big engagement in these questions.

As far as resources allow BEREC will take into due consideration suggestions on how the work should be focused and what issues should be covered, which in any case will include, among others, investment models and network sharing – these two topics already mentioned in the draft work programme.

Anyhow, BEREC notes that some topics have been recently addressed by BEREC and will also be covered by other items of this work programme.

3.1.4 Preparing migration to “all IP networks”

Fastweb supports the willingness of BEREC to look into the regulatory consequences of migration to all-IP networks, however it believes that this report should also include a section on rapid and smooth migration practices, focusing on identifying and eventually on best ways to avoid current and possible anti-competitive practices in the migration process.

The **FTTH Council** considers that BEREC seems to be coming to this late – the lack of a standardised set of all-IP access products is a statement of inaction and the need for co-ordination is clear with NRAs further along the network development path with those who are further behind.

GSMA considers that the work stream should be a priority for BEREC during 2015 but should not be limited to translating current regulatory obligations into the new IP environment. The scope should be broadened to include an analysis of the whole value chain.

In **ECTA**'s opinion maintaining competition in the transition to all-IP should be made a key priority in this work stream. Indeed, in the transition to all-IP, it is of paramount importance that access seekers continue being able to avail themselves of the wholesale products needed to compete at retail level. In case of migration to all-IP, wholesale demand for access products will not change but will also ‘migrate’ to an all-IP context because the all-IP networks will be predominantly controlled by the same (SMP) operators who owned the PSTN network. The fact that both networks are in most cases controlled by the same operator will lead to the operator being able to leverage its retail and wholesale dominance on PSTN to its all-IP network. Hence the need to make the safeguarding of competition a clear element and priority of this work stream.

ETNO notes BEREC's intention to conduct a comprehensive analysis of the regulatory implications of “all-IP migration” in the IP eco-system as a whole. Services based on all-IP

technologies provide a variety of substantial advantages to end-users, and possible minor issues which may arise within the migration to future-proof all-IP networks are expected to be minimal. BEREC's plans to monitor the effects on end-users should consider both advantages and downsides equally.

VON Europe welcomes the BEREC's intention to "conduct a comprehensive analysis of regulatory implications in the IP eco-system as a whole, building on the work already developed in terms of net neutrality (traffic management), transit/peering agreements and termination rates".

VON Europe supports BEREC's intention to continue its cooperation with the OECD through a 3rd joint BEREC/OECD workshop to discuss relevant interconnection issues at the wholesale level in light of the ongoing debates between stakeholders on charging mechanisms used for IP-interconnection like peering and transit.

For what concerns the transition to all-IP networks, **WIND** underlines that it does not imply any need to a switch-off of the copper networks. It is a matter of fact that there is no correlation between the development and use of an IP-technology and the switch-off of copper network and at the same time there is no doubt that in some areas copper will continue to be key for competition since its use will last for a very long time, especially considering that the existing lines are still able to deliver traffic at a suitable bit rate for market needs.

BEREC response:

BEREC would like to thank for the above comments that are mainly positive and will continue the cooperation with OECD and stakeholders in 2015 as envisaged in the Work Programme.

BEREC takes on board ECTA's comment regarding the competition safeguarding, since it is in line with BEREC view and stance on this subject and does not change the scope of the work stream.

3.1.5 Oligopoly analysis and regulation

EAFM proposes to BEREC to draft a report on oligopoly analysis and regulation as this might be a useful tool to develop a forward-looking analysis on this subject. In addition, a report on market developments post-merger may also be envisaged." The **EAFM** urges BEREC to focus its work on mobile markets and requests BEREC to explicitly consider the conditions of supply

of wholesale mobile access (stand-alone for voice, for SMS, and for data, as well as for a wholesale cluster market comprising voice/SMS/data).

ECTA asks BEREC to focus on mergers and acquisitions on mobile markets and explicitly focus on the conditions of supply of wholesale mobile access.

Cable Europe draws an opinion on joint dominance as not well suited to ex ante regulation as well as uncertainties on NRAs assessment on rationales and motivation for collusive behaviour. Furthermore, **Cable Europe** foresees that in the future substantial parts of the single market will be served by 2 or more ultrafast broadband networks competing and innovating. No specific proposals for amendments in the work programme.

The **FTTH Council** is unsure of the objective of this work stream and believes that less regulation would be more appropriate. The **FTTH Council** also believes that there are regulatory risks associated with regulation based on such a market structure.

GSMA considers this issue should be deprioritised given that the European Commission chose not to address it in its Recommendation on the revision of the relevant markets. If work is undertaken in this area, it should not be limited to the telecoms industry but instead, the scope should be broadened in order to cover the whole value chain. This is particularly important given that most M&A activity is taking place in the OTT arena, establishing some very strong market positions.

PosteMobile and CoopVoce stress the domestic consolidation trends of mobile access market and the need to analyse whether the competitive landscape in the mobile market is still adequate for consumers, businesses and MVNOs. Should trends reflect a market failure, BEREC should report the EC and make suitable proposals.

Telecom Italia: Consolidation, in-country and across borders, is needed to make this happen and can be perfectly consistent with the maintenance of an adequate level of competition. In this regard, TI does not see any need for BEREC to investigating into oligopoly and consolidation which are typical matters of the competition Authority.

Telenor Group encourages BEREC to broaden the scope of the economic analysis of oligopoly markets and looks forward to a comprehensive study on the relationship between consolidation, investment incentives and consumer welfare. Relevance should be given to the

facilitation of sustainable investments. Consideration of investment incentives and dynamic efficiencies will should be used as a central premise for this study.

VATM welcomes BEREC position on how to tackle joint dominance and oligopolistic market structures. BEREC must continuously address the problem of joint dominance, especially in the context of ex ante regulation. The question on how to tackle joint dominance and oligopolistic market structures ought to be an important pillar within next framework review.

VON Europe supports BEREC's intention to report on market developments post-merger to monitor market developments and ensure end-users can benefit from competitive markets.

WIND: agreement with BEREC position on the review of the recommendation on relevant markets and focus on maintaining regulation on markets 1 and 2, but no specific suggestions on this work stream.

BEREC response:

BEREC welcomes the stakeholders' comments which generally supported this work stream.

As expected, different views were expressed by different stakeholders. BEREC also considers joint dominance a key issue in the context of oligopolies. In fact, one of the focus of the report will be the standard of proof for joint dominance.

As to the requests made by ECTA, Von and EAFM, they will be considered to the extent possible upon the elaboration of the report.

Regarding Telecom Italia's comments, BEREC believes that the analysis of the regulatory issues implied in oligopolies aims at addressing potential competition problems in a changing competitive landscape.

As to GSMA's comment, BEREC has previously stated that it considers that the issue of oligopolies, a relevant trend in the context of mergers and acquisitions, should have been addressed in the recommendation.

Regarding Cable Europe's input, BEREC does agree on the need to support any joint-dominance analysis with strong data evidence, but considers this an issue to be further analysed, a tool already available in the existing regulatory framework for ex-ante regulation and an issue needing BEREC analysis in a context of consolidation of the market and evolution to single SMP positions.

Vis-à-vis Telenor's comments, BEREC will take them into due consideration when preparing the report.

In order to accommodate stakeholders' contributions, BEREC changed the first paragraph in section 3.1.5 and added a reference to 'competition, investment and innovation'.

3.1.6 Facilitation of access to radio spectrum

ETNO and GSMA welcome the importance BEREC attaches to this area, as well as its close collaboration with the Radio Spectrum Policy Group.

Telenor Group considers this item of high priority and is of the view that BEREC can contribute to promote harmonised, predictable and transparent spectrum regimes since this has a fundamental impact on the attractiveness of future investments in mobile infrastructure.

VON Europe encourages BEREC to put forward three key principles in its work on the Connected Continent Regulation process, for the forthcoming framework review and for the review of the Radio Spectrum Policy Programme, namely:

- 1) Prioritise making additional, harmonised bands available for wireless broadband – to meet pressing capacity and coverage requirements.
- 2) Recognise that more intensive spectrum sharing will be key to achieving more efficient use of existing allocations, particularly when licence-exempt access is enabled.
- 3) Strive towards rough harmonisation of bands both within a European and international level, when making spectrum available for licence-exempt access, but should also recognise that spectrum sharing can be extremely effective in making use of fragmented bands.

VON Europe feels that greater attention needs to be paid to ensure that sufficient of the identified capacity will be made available on a licence-exempt basis.

VON Europe also calls upon BEREC to support efforts in allocating more spectrum for WiFi.

BEREC response:

BEREC thanks for the comments and will continue to work with RSPG in 2015 as envisaged in the Work Programme.

Regarding spectrum issues within the scope of the Connected Continent Regulation process those are handled under section 3.2.3.a. of the Work Programme.

3.2 Strategic Priority 2: Promoting the Internal Market

Vodafone believes the priority activity for BEREC in this area should be the future allocation and renewal of spectrum. **Vodafone** encourages ongoing harmonisation of spectrum policy across the EU.

Furthermore, **Vodafone** thinks that BEREC should focus on measures to achieve harmonisation of consumer protection requirements across the EU (which drive innovative EU products to scale and delivers more certainty to end users). This should be light touch, principles based in order to be flexible enough to adapt to new technology and the same rules should apply to the same services. This element is currently missing from BEREC's draft work programme.

BEREC is correct to be monitoring the development of M2M services. It is vital that this emerging technology is understood by NRAs, and that any regulatory approach is proportionate and technology neutral. M2M is also an area where international cooperation is likely, given that global enterprises are incorporating M2M applications into their operational processes and products for use in many countries across the globe.

VON Europe considers that BEREC needs to recognise that access to content, application and services are key elements for infrastructure demand, as that is what the Internet is about for most citizens and businesses. Broadband, fibre to the cabinet, fibre to the premises, fibre to the curb, that is what most of the policy discussions seem to be about. BEREC should keep in mind that the end goal should be user benefit, not preservation of established players or their business models at all cost.

VON Europe believes that agreements that differentiate according to data volumes and speeds are the way forward, as long as no discrimination based on the content, application or service themselves, or specific classes thereof, is put in place.

BEREC response:

BEREC would like to thank for the above comments and is glad to see that there is such a big engagement in these questions.

3.2.1 Article 7/7A –Phase II

INTUG praises BEREC's work to date, especially through its Article 7 procedures. This area of BEREC's work needs to be thoroughly resourced within the Work Programme for 2015. Vigilance continues to be required to ensure full, prompt and effective NRA transposition.

BEREC response:

BEREC appreciates INTUG's comment and would like to ensure that Article 7 procedures will continue to be one of the priorities of BEREC throughout 2015.

3.2.2 Implementation of the Recommendation on Termination Rates

EAFM believes in the importance of this item, all the more if the proposals on international roaming progress.

BEREC response:

BEREC appreciates EAFM supportive comment.

3.2.3 Legislative Evolution

Cable Europe welcomes BEREC's planned works on the Commission's proposal for a Telecom Single Market as well as the preparation for the review of the Regulatory Framework. **Cable Europe** considers there is a bright future in Europe where less regulation and more pricing flexibility allows for space to grow, competition to the letter of the law, consolidation and a more international and service-oriented market.

Additionally, **Cable Europe** encourages BEREC to further promote sustainable and efficient investment in high speed broadband infrastructure and services. Cable Europe shares BEREC's views to avoid too intrusive regulation that would hinder innovation and focus on more proportionate means to achieve the proposed harmonisation objectives.

EAFM supports BEREC's proposed work in the context of the proposed Connected Continent Regulation and the upcoming review of the EU regulatory framework for electronic communications. The existence and role of Full MVNOs should be explicitly taken into account by BEREC when dealing with the ongoing legislative process and when considering the upcoming review of the regulatory framework.

Fastweb welcomes BEREC's intention to contribute to the debate on the evolution/review of the regulatory framework for electronic communications. In this respect, we stress the need to move to a new regulatory paradigm designed to reward investments from all market players.

In **Telenor Group's** view, it is important that BEREC's work on the legislative evolution (work stream 3.2.3) takes into account the development of OTT services. Consideration of level playing field issues is timely and could also give valuable insights into the foreseen full review of the EU regulatory framework.

BEREC response:

BEREC would like to thank for the above comments that are generally supportive.

a. Subjects linked to the proposal on a Connected Continent regulation

ECTA considers that this work stream should include a BEREC assessment of overall performance of the EU electronic communications sector, the functioning of the EU pro-competitive framework and the extent to which the framework's key policy objectives and regulatory principles of promoting competition, contributing to the development of the internal market and promoting the interests of the citizens have been properly catered for.

ETNO states that as far as the provisions related to the Open Internet are concerned, it encourages BEREC to develop its actions under the following guiding principle, stated in the Draft Strategy: "ensuring a common approach to net neutrality, so that the Internet remains a fertile platform for the development of new innovative services".

BEREC response:

BEREC welcomes the contributors' comments which are chiefly supportive of this work stream, but notes that its development depends on the progress of the Connected Continent dossier and relevant timing. Nevertheless, BEREC will duly take into consideration the suggestions made by the stakeholders upon dealing with this matter.

Specifically concerning ECTA's requests, BEREC would like to mention that such analysis will have to be made anyway when coping with the sector legislative review, and should therefore not be treated as a separate deliverable.

b. Preparation of the next framework review

The **FTTH Council** believes that a broader and deeper review of the issues that need to be addressed in the next Framework Review is required beyond anything conducted in the context of the TSM review. Industry structure (vertical integration), the treatment of technological neutrality, the role of public and private finance, the scope of the framework, are to be considered in detail in the **FTTH Council's** view.

The **FTTH Council** thinks technology neutrality should only operate once appropriate broadband targets and technology characteristics have been defined. This needs to be addressed as a priority issue by BEREC in its 2015 work programme.

The **FTTH Council** proposes that the Digital Single Market should facilitate a market structure in a way that reflects the different economic and risk profiles of different assets (i.e. passive telecom infrastructure vs. active technology equipment) and advocates open access networks so that consumers can enjoy innovative service from all players, including incumbents.

Also, the **FTTH Council** believes that BEREC should examine themes such as structural separation, co-investment, government guarantees etc. on the policy agenda.

GSMA looks forward to a continue exchanging views in this area and believes that BEREC is right to identify the scope of the framework and the role of OTTs as key elements in the review.

INTUG states that the current Regulatory Framework was designed for use of communications services by people. The Framework Review should therefore take into account the increasing impact of significant use of communications services by objects and devices.

VATM assumes that the next framework review in 2015 will result in substantial changes to the current legal framework for electronic communication. As there are no reasons whatsoever to hastily take radical measures to consolidate and reduce competition at this point, it is vital to ensure a public consultation on this important and complex proposal.

Vodafone agrees that BEREC needs to take an active role in preparing for the next Framework review, which should amongst other things revise the definitions of Electronic

Communication Services (ECS) and Electronic Communications Networks (ECN) – both of which have blurred with the convergence of communications services and development of networks.

BEREC response:

The adoption of the deliverables of this work stream depends on the progress of the review process, potential requests received from the European Parliament and the Council and relevant timing.

3.2.4 International Roaming

Fastweb, CoopVoce and PosteMobile urges BEREC to start an extended review of the competitiveness of the mobile access market in light of the following trends which are now persistent and may be clearly observed throughout the EU.

The key concern for the **EAFM** at this time relates to the on-going developments on international roaming as part of the European Single Market for electronic communications and the Italian Presidency proposal. The **EAFM** considers it absolutely essential for BEREC, within the boundaries of its remit, to put its full weight in this debate.

The **EAFM** is on record in stating that the decoupling obligations in the Roaming III Regulation should be abolished if retail roaming surcharges are to be abolished.

GSMA would like to underline the importance of regulatory certainty and legal clarity in the field of roaming. We welcome the constructive engagement that BEREC has developed between its Working Group and relevant stakeholders, and call for this to continue.

BEREC response:

BEREC would like to thank for the above comments and ensure that it will take into due consideration suggestions on issues to be covered when working on the deliverables.

3.2.5 Report on OTT services

The **FTTH Council** expresses concern about the objective of the report on OTT Services. The FTTH Council believes less rather than more regulation ought to be applied in the future, particularly in markets where long term barriers to entry are not evident.

Cable Europe shares BEREC's view that the situation of OTT providers might trigger a debate as to what extent their activities should be covered by the regulatory framework. **Cable Europe** and **EBU** support a report on OTT services BEREC might launch.

As a general principle, **Cable Europe** believes that an allegation concerning the presence or otherwise of joint dominance is not well suited to ex ante regulation and is much better suited to an ex post examination.

EBU thinks that a BEREC report offering accurate data about latest developments in the market would be a very valuable tool in the wider process of developing an effective and comprehensive public policy response to the long-term challenges linked to convergence.

ETNO welcomes the intention of BEREC to "conduct an overall analysis of OTT activities and business models and their impact on the electronic communications sector, both in terms of competition and consumer issues, as well as their impact on the current regulatory framework". **ETNO** urges BEREC to undertake this work stream with urgency and well before the end of 2015.

GSMA considers that a better understanding of OTT business models and how they impact the market and current regulatory framework is vital towards informing many of BEREC's initiatives across its various work-streams. It therefore suggests that the report be brought forward with a public consultation after P1/2015 rather than P3. Noting the complexity of the issue, it also considers useful to organise a workshop with stakeholders on the deliverables expected from the report. It finally propose a public consultation on new indicators for bundles and OTT services, before the report is published.

Telenor Group believes BEREC will have an important role to play in the regulatory considerations surrounding level playing field and the potential for more symmetric regulation of traditional telecom providers and OTT players, in addition to deregulation when effective competition prevails. It therefore strongly supports an analysis of OTT activities and business models and their impact on the electronic communications sector, both in terms of competition and consumer issues, as well as their impact on the current EU regulatory framework.

Vodafone also supports BEREC's proposal for a report on OTT services, which should cover all salient questions, including those identified in paragraph 3.2.5 of the draft work programme and also BEREC's response to the questions posed by MEP Catherine Trautmann.

VON Europe thinks that BEREC should provide more clarifications on its intentions to define a taxonomy for digital market players and services. **VON Europe** considers that the BEREC has already identified several terms to identify the market players in the internet ecosystem, ranging from CAPs (content and application providers) to IAPs (Internet access providers). It believes that in light of the many work streams already being considered by BEREC, this action point brings no immediate value and thus should be deleted from the Work Programme

VON Europe is nonetheless concerned that this is an attempt of BEREC to reconsider the 'electronic communications service' (ECS) definition. This could lead to a general and worrisome extension of telecommunications regulation to Internet content, applications and services, which are very different from traditional telecommunications services. Doing so without making the appropriate considerations or the necessary differentiations, will have negative consequences.

WIND appreciates the efforts made by BEREC on mapping, monitoring and evaluating the overall telecommunication sector, in particular considering that this include Over the Top Players.

BEREC response:

BEREC thanks for the above comments that are mainly positive of the specific work stream.

Notwithstanding, several contributors (ETNO, GSMA, Cable Europe) call for an anticipated timing of the OTT deliverable and GSMA also asks for a preliminary workshop on OTT.

The anticipation would be practically unfeasible and regarding the workshop BEREC notes that it has already foreseen a consultation round for the purpose of stakeholders' involvement.

ETNO proposes to convey a debate on the current scope of the framework. In BEREC understanding this is unviable, both formally, since BEREC cannot raise at this stage any further issues within the legislative process, and substantially, given that BEREC needs time to make up its own ideas on the OTT phenomenon.

On the opposite direction, other stakeholders (Microsoft, VON Europe, FTTH Council) ask for a more cautious approach on OTT, ranging from the request not to deal at all with it, to a

request to a more neutral approach in describing the OTT phenomenon. They invite BEREC to consider OTT with an open minded approach.

BEREC notes that it is, as it would be expected, addressing this topic without any preconceived idea, starting precisely by analysing the current situation in order to identify potential relevant issues arising from a growing number of products and services that make use of the electronic communications infrastructure. Naturally, these products and services envisage consumers and it is their growing usage of the services, and not the existence of the products/services by themselves, which deserves analysis. Given the above, BEREC has now underlined this point in the Work Programme.

Many contributors point out that the key issue that the phenomenon raises regards the scope and reach of the current framework. BEREC amended the Work Programme to enhance in particular these concerns.

3.2.6 Advanced connectivity of devices, systems and services

CoopVoce and **PosteMobile** require BEREC to analyse the situation of MVNOs in such a way that there are no conditions of unequal treatment that prevents MVNOs access to the alliances related to M2M. For dominant mobile operators, which are part of established alliances at the international level, access to wide coverage is not problematic. Such operators can consequently participate in international tenders involving M2M service by leveraging the benefits of such alliances. Therefore, specific international data roaming measures are necessary in order to enable new entrants and small players, including MVNOs, to compete in the M2M market, including the access to international alliances.

EAFM supports BEREC's involvement in Machine-to-Machine communications and Internet of Things, although it warns against unnecessary pro-regulation bias which seems implicit in BEREC's description of the issues in both documents.

GSMA welcomes BEREC's workshop on its preliminary findings on the M2M market, and would also call for a public consultation on the BEREC proposed report on M2M before it is adopted in plenary. GSMA estimates that cellular M2M connections will account for almost 1 billion of the 10 billion total mobile connections expected worldwide by 2020. The IoT services enabled by these connections will provide significant positive socio-economic benefits to citizens, consumers, businesses and governments in Europe and around the world.

WIND welcomes BEREC's activities in monitoring the market evolution of M2M and its role in evaluating the needs for a light regulatory approach in order to assure a level playing field for all market players creating a suitable level of competition granting long term customers safeguards both on economics and privacy issues.

BEREC response:

BEREC welcomes the above comments which are mainly supportive of this work stream.

BEREC also appreciates the support given for the planned workshop.

3.2.7 Cross-border regulatory cooperation within the scope of Art 28 (2) of USD

In regards to the cross-border regulatory cooperation within the scope of Art. 28(2) of the USD, **ETNO** notes that fraud is an area of major concern that should undergo an in-depth analysis. Special attention should be given to cross border practices and on how to better coordinate NRAs efforts in this field.

In **GSMA's view**, fraud is an area of major concern for the electronic communications sector given its increasing prevalence and constantly evolving nature. It negatively impacts on operators and on their customers, and managing cross border fraud is even more complex. GSMA further proposes BEREC to analyse the current NRA's best practice in tackling fraud and assess proposal for actions that may be taken to address cross border/international fraud.

BEREC response:

BEREC would like to thank for these two comments and will take into due consideration the suggestions.

3.3 Strategic Priority 3: Empowering and Protecting End-Users

Vodafone agrees with BEREC's strategy to give priority to user protection and user access to clear and relevant information. **Vodafone** encourages BEREC to focus its attention on ensuring that consumers have the right information and have access to better ways of receiving the information and thus to make the right choices.

BEREC response

BEREC thanks Vodafone for this supportive comment.

3.3.1 Broadband quality of service and net neutrality

INTUG believes that businesses need high quality services over the global Internet, and guaranteed access to information and applications without network blockages or device exclusivity for networks. This needs transparent non-discriminatory positive traffic management to allow provision of differentiated service levels for application and content without bias, without blocking of specific content and without negative differentiation, especially for cloud services. This also applies to online services delivered by businesses to their clients in B2B and B2C environments, both for traffic management and in terms of search engine prioritisation. BEREC should seek mechanisms for monitoring and reporting on Quality of Service.

The FTTH Council believe that this section looking inter alia at traffic Management should also consider the accuracy of advertising of speeds. The FTTH Council has noted a significant discrepancy between advertised and delivered speeds a phenomenon remarked upon by BEREC and the Commission but it is not something being actively monitored.

The FTTH Council acknowledges on-going efforts to increase transparency of network performance and actual vs advertised speeds despite also noting the continuing delays in that timetable. The **FTTH Council** believes that BEREC should monitor and collect accurate network metrics from network operators which are published.

Cable Europe welcomes a regulatory approach on Net Neutrality that gives the possibility of development of future business models. This should help innovation and provide legal certainty. Cable Europe considers that it is essential that network operators are as free as content and service providers to test new business models and to differentiate their offers on both sides of the market towards consumers and service providers. Cable Europe believes that transparency and competition would suffice to remedy the situation.

EAFM requests BEREC to provide for a public consultation on the draft questionnaires and on the draft report. A point of attention in this context is that virtual operators may not in all cases have the same level control as the mobile network operators, and/or may face constraints which are of a different nature compared to those of network owners.

a. Feasibility study of QoS Monitoring in the context of NN

Cable Europe and **GSMA** invite BEREC to organise a public workshop or consultation before taking a final decision on the scope and details of a monitoring system.

Cable Europe supports BEREC's initiative in fostering dissemination of knowledge among NRAs and identifying monitoring systems. Monitoring QoS in the context of NN is important to improve NRAs capacity to perform regulatory assessments of potential degradation of service and provide sufficient information to end-users about the performance of their services.

Cable Europe is of an opinion that BEREC's role on promoting a coherent and uniform model of measuring internet services performance should be limited to what is strictly necessary. BEREC's involvement will benefit from all stakeholders' input and Cable Europe is willing to contribute actively to this task that will improve all European broadband consumers' experience. It also suggest due account is taken of the prominent self-regulatory initiatives that several Member States are developing.

Further given the current policy focus on the relationship between the best-effort-internet and specialized services, **Cable Europe** would encourage BEREC to examine the impact of specialized services on the speed of the internet.

ETNO believes that monitoring the quality of broadband performance can be a positive and fruitful exercise both for European citizens and for European market players operating along the broadband value chain. Beyond legal obligations stemming from the Universal Service Directive (USD) and further best practice at national level, ETNO supports cost-effective and appropriate steps to increase transparency to enable consumer choice and, by this, support network competition. Only reliable measurement tools can provide such transparency. Non-reliable measurement tools (e.g. online web portals) often erroneously report low network performance and increase end user complaints and therefore can foster a feeling of mistrust. Indeed, the growing availability of non-reliable tools is a negative incentive to invest in high-speed networks and may unduly affect end-users' trust towards network operators.

Von Europe supports the fact that the BEREC will conduct a feasibility study on quality monitoring in the context of net neutrality, as follow-up to its 2014 Net Neutrality Quality of Service (QoS) monitoring report.

Von Europe support the BEREC recommendation that the measurement beyond the ISP leg should be used to account for the connectivity of the ISPs interconnection to the Internet. Such measurement allows testing the “real-world” throughput an internet service provider (ISP) can provide to connect an end-user to the Transparency of the actual current throughput of the service delivered by an ISP is essential.

OpenSignal strongly supports the recommendation of developing best practice on a QoS Monitoring system. In assessing methodologies for monitoring Internet access and signal, **OpenSignal** recommends consideration of crowdsourcing from users’ devices.

OpenSignal supports the deliverable of a BEREC Internal Report on the feasibility of QoS monitoring in the context of NN, and recommends the inclusion of a crowd sourced approach in this assessment of monitoring options, based on its strength in reporting end9 user experience, proven track record in providing valuable insights to network operators, cost-effectiveness and no required lead time for data collection.

BEREC response:

BEREC appreciates the supportive comments on this work item in general and notes that several suggestions, such as those regarding the flexibility of the opt-in monitoring system to accommodate national characteristics, consideration of the accuracy of advertised speeds or openness regarding measurement methods, tools and results are already covered by BEREC approach and its work streams.

Some respondents also use the opportunity to repeat arguments already given to the public consultation on the 2014 BEREC NN QoS Monitoring report. These comments have already been covered by the BEREC NN QoS Monitoring consultation report¹ and are, therefore, not covered here.

Regarding cross-border/cross-network monitoring, which is an important aspect of the NN QoS Feasibility study, some respondents argue that ISPs can’t be made responsible for quality

¹ http://berec.europa.eu/eng/document_register/subject_matter/berec/reports/4602-monitoring-quality-of-internet-access-services-in-the-context-of-net-neutrality-berec-report

beyond the ISP's own network, while others respondents that measuring beyond the ISPs, taking the interconnection to the rest of the Internet into account, is important.

BEREC is of the opinion that transparency of the Internet access service is essential, and that the interconnection to other networks (autonomous systems) is an essential part of the service offer provided by an ISP. This was also emphasised in the 2014 BEREC NN QoS Monitoring report and the corresponding consultation report.

Some respondents suggest not performing the feasibility study as an internal report, but instead open this activity for external parties, for which different models are suggested.

BEREC notes that it has already had meetings with several stakeholders at earlier stages of BEREC's NN QoS work. At this stage, however, BEREC stresses its intention to perform a swift study of the feasibility based on current experiences from NRAs, by e.g. performing pilot studies reusing existing national measurement tools, etc. If the result of the study is that such a monitoring system is deemed feasible, stakeholders can be involved when an actual implementation project is launched.

b. ECODEM – Ecosystems dynamics and demand-side forces in NN developments from an end user perspective

Vodafone is supportive of BEREC continuing with its work stream on ecosystem dynamics and demand-side forces in net neutrality developments from an end-user perspective, but this should also cover impact on the service side, and especially whether net neutrality restrictions would encourage or restrict innovation at the edge.

VON Europe welcomes this study and is willing to support it in any possible manner, and encourages BEREC to actively engage the Stakeholder Forum to gather input for the Report.

VON Europe and **WIND** suggest that ECODEM should undergo a formal consultation procedure.

BEREC response:

BEREC will maintain its current approach under this ECODEM work stream, since at this stage it intends to look at what is actually going on in the market, and not on the potential restrictions of any future net neutrality regulations or laws.

BEREC does not plan to conduct a public consultation, given that this work stream will simply be making a contribution to the public debate on net neutrality, and not setting out any formal regulatory guidelines or common positions on how the sector should be regulated.

c. Traffic Management Investigation

EBU supports BEREC's consideration that "there is substantial value in repeating the exercise, so as to provide updated data and identify evolving practices more accurately." **EBU** understands that the exact modalities of this second investigation round still somewhat depend on the mechanisms and conditions included in the EU "connected continent" Regulation. However, the genuine need for such an investigation exercise can never be dismissed. It would provide an updated view of traffic management practices. While some current traffic management practices are justified by general interest objectives (protect network security, implement court orders) or are meant to prevent network congestion, other are purely aimed at implementing certain business models.

GSMA noted that the first BEREC report published in mid-2012 was based on information collected during late 2011 and early 2012, and has often been referenced during the debate on the net neutrality provisions in the Connected Continent proposals. **GSMA** agrees that there is value in repeating the exercise to ensure that the current debate is informed with up to date information that accurately reflects the status of traffic management practices today.

Ever increasing data traffic is intelligently and actively managed by network operators to ensure the best possible experience for all users, and this is becoming even more important as increasing pressure is put on network capacity.

On the BEREC-Commission joint investigation into traffic management practices (TMI), the Work Programme notes that "BEREC considers that there is substantial value in repeating the exercise, so as to provide updated data and identify evolving practices more accurately".

VON Europe considers the first round of the TMI was a very useful exercise and can only applaud the fact that the BEREC considers repeating it. **VON Europe** believes however that this exercise should be open for consultation as regards the methodology used on the one hand but also the availability of the questionnaire on the second.

WIND questioned the necessity for running a new TMI study.

BEREC response:

Several responses (VON Europe, EAFM, EBU and GSMA) support this initiative, and emphasise its importance. A couple of respondents (VON Europe and EAFM) also emphasise that this second round should be more transparent regarding questionnaire before launch, and also regarding results after its completion, e.g. through a public consultation.

BEREC will assess closely the methodology of this study based on the experiences from the first round, and also consider to what extent enhanced transparency of the data can be achieved without compromising confidentiality conditions.

3.3.2. Review of the scope of Universal Service

ETNO member companies continue to support the endeavour of clarifying Universal Service rules and especially the aim to include safeguards to prevent an undue burden for the sector as well as unfair restrictions to the right of compensation for the Universal Service providers. **ETNO** will carefully consider any BEREC activity aimed at informing the decisions of the European Commission in this area. **ETNO** encourages BEREC to focus its reflections on the circumstances under which it is legitimate for a Member State to interfere in a market by means of imposing obligations, and to highlight that such interference by means of imposing obligations to some operators cannot be justified unless a persistent market failure has been demonstrated. **ETNO** supports the view that the scope of the revision of Universal Service should be strictly limited to what is needed to provide a safety net ensuring that a minimum set of services is available at an affordable price and taking into account the risk of market distortions. Services such as e-health or e-education could require extremely high-speed connections. Therefore, they should be covered by other public policies because their development cannot be reached by means of Universal Service policies. In this sense, the USO must remain a social safety net.

WIND welcomes BEREC's efforts on Net Neutrality field, and asks to open to public consultation the report on Ecosystem dynamics and demand side forces in Net Neutrality developments from an end-user perspective, considering that talking about ecosystems implies to take into account also the operators' view, allowing BEREC to have a more comprehensive approach on the Ecosystem dynamics (namely including the offer side forces).

WIND calls upon BEREC on the real needs to run a Traffic Management Investigation considering that only on specific Member States were highlighted problems, as correctly stated by BEREC itself with the conclusion of the previous round of investigation.

The stakeholder asks BEREC to consider a study on best practices of calculating the net cost of Universal Service.

BEREC response:

The adoption of the deliverable of this work stream depends on European Commission plans.

3.3.3. Initiatives to facilitate operators switching to non-residential customers

ECTA stressed that one of the key challenges for the provision of business grade services is the different geographical scope of the related retail and wholesale markets, with the retail provision of services to business customers involving cross-border activities, yet the underlying wholesale inputs being offered at a national level. It considers that enhanced commitment to work in this topic is needed and it also notes that BEREC workshops on this issue with stakeholders would be appreciated.

BEREC response:

While in principle, taking into account the availability of resources, the workshops in this area will be internal, BEREC will take into consideration the organization along 2015 at least one external workshop to give stakeholders the possibility to express their views and provide BEREC with feedback.

4. Quality of BEREC's output and operational efficiency

With regard to the impact of OTT services on the wholesale markets, notably on the provision of fixed voice services, **ECTA** reinforces the point that based on their key characteristics in terms of reliability, quality etc. and the usage patterns by end-users, it does not appear that unmanaged VoIP/OTT services constitute a substitute and effective competitive constraint to fixed voice. It refers that, whilst unmanaged VoIP services are increasingly being used by residential consumers, a substitution trend cannot be clearly identified which could justify deregulation at the wholesale level. **ECTA** further notes that fixed voice subscriptions are not being given up by consumers – the percentage of households with a fixed subscription has been stable over the last few years – and there is evidence suggesting that unmanaged VoIP is used as a complementary service to traditional fixed voice.

With regard to bundles, **ECTA** mentions that in the absence of the appropriate wholesale products, alternative operators are not able to provide bundled products at the retail level and thus effectively compete.

ECTA asks BEREC to reflect these points in this section of the WP2015.

WIND urges BEREC to focus on developing a report on best practices on the performance of the *ex ante* “Economic Replicability Test”, which is one of the most valuable key feature for assuring competition.

BEREC response:

BEREC would like to thank for the above comments and it will take them into due consideration to the extent possible, noting in any case that some issues have already been catered for by BEREC and some are also somehow handled in other sections of this Work Programme, for instance regarding wholesale products.

4.1 Benchmarks

VON Europe notes that with this Work Programme BEREC wants to improve the compilation of data on OTTs, and identifies two task in doing so, namely to:

- 1) share experiences obtained by several countries in terms of indicators on a variety of OTTs activities; and,
- 2) propose a set of indicators to the EC and to NRAs which will be useful in identifying end-user usage and demand for OTT services; these indicators can then be used for benchmarking purposes.

VON Europe welcomes that that statistics are being collected about content, application and service providers, but would like to emphasise the need to do this with the support of the stakeholders targeted. Therefore, it is disappointed that BEREC will not consult on its Report on the development of new indicators for bundles and OTT services. It calls upon BEREC to put this Report up for consultation, and encourages BEREC to consult with stakeholders at the early stages of the drafting process to get feedback about the methodologies and data sources to be used.

BEREC response:

BEREC would like to thank VON Europe for the above comments and will take into due consideration the suggestions when working on the deliverables.

4.2 Regulatory Accounting in practice

No comments have been received on this item.

4.3 Stakeholders' Forum

Many stakeholders welcome BEREC's initiative of organisation of annual Stakeholder forum and praise for continuation of this initiative also in the coming years (FTTH Council, VON Europe, EAFM and INTUG).

BEREC response:

BEREC would like to thank for the support of its stakeholder forum and looks forward to interesting debates with the stakeholders in 2015.

4.4. BEREC annual report on activities and development in the sector

No comments have been received on this item.

4.5. Engagement with EU institutions

Von Europe notes that the Work Programme remarks that BEREC intends to develop its cooperation with other relevant EU agencies and regulatory bodies, and that it will explore the option to organise workshops with them on topics, such as network and information security, net neutrality or OTTs.

BEREC response:

BEREC takes note of this comment and reiterates its engagement with EU institutions.

4.6 International Cooperation

The FTTH Council welcomes this work and believe NRAs across the world can learn from each other's successes and failures.

BEREC response:

BEREC takes note of this comment and echoes FTTH belief on the importance of cooperation among NRAs across the world.

Suggestions for items to be added in the Work Programme 2015:

Telecom Italia suggests additional topics for inclusion in the WP, such as:

1) Symmetric Regulation: BEREC should give guidance to NRAs on how best implementing the provisions of Art. 12 of the Framework Directive for addressing bottlenecks in the access network.

2) Cost of capital and Risk Premium: the Cost of Capital and the Risk Premium for NGA are of paramount relevance in determining the economic perspectives for the deployment of fibre networks and the ability of operators to invest. BEREC should give clear guidance on how to treat the single components of the WACC formula.

3) Equivalence of output and separation models: assessment of advantages and disadvantages of EoI vs EoO.

4) Recovery of the common costs no longer recovered through the pure LRIC-based termination tariff: BEREC should issue a report on the Best Practice or guidelines to ensure harmonisation in Europe of the method for recovery of the common costs of the termination service no longer recovered with the pure LRIC-based model.

VON Europe suggests to include **Numbering** issue as a priority in BEREC efforts to improve regulatory consistency and harmonisation within the EU. In **VON Europe** view, the BEREC should ensure and enforce the harmonisation of the often very different eligibility and usage conditions for allocation of numbering resources and should undertake a profound review of the national numbering plans to truly make them technology neutral.

(a) Various eligibility and usage conditions**(b) Discarding location information in numbering ranges when it comes to termination**

VON Europe calls upon the BEREC to tackle these challenges in a specific work stream, to be added to the 2015 Work Programme.

BEREC response:

BEREC would like to thank for the above comments.

The amount of work already planned is considerable. However, to the extent it is possible, BEREC will take into account suggestions of new issues that need to be covered within the planned work.

One stakeholder, namely Telecom Italia, argued for a continuation of the EoI work stream into 2015 in order to assess and compare the relative advantages and disadvantages of EoI and EoO, to help NRAs in the choice of the non-discrimination model to apply on the basis of the national circumstances.

This topic has in fact been covered to some degree in the 2014 EoI report. Extending this work to a more detailed level, given the already heavy work programme for 2015, may not be appropriate at this stage. However, it is worth considering during the course of next year, if this area may be worth revisiting in the future.