

Open Fiber answer to the public consultation on “BEREC Work Programme 2020”

Open Fiber expresses its overall agreement to the draft BEREC 2020 Work Programme on consultation.

Open Fiber appreciates that BEREC intends to include in its “Outline BEREC Work Programme 2021” some of the topics that we proposed in response to the initial call for input on the “Outline BEREC work programme 2020” last April.

We refer in particular to the need for a consistent approach to migration and copper switch off and the wholesale replicability test.

About **migration and copper switch off**, Open Fiber welcomes the inclusion of the topic among the suggested ones for the BEREC Work Programme 2021, although it could have already been one of the main topics for 2020, as the definition of proper migration processes is crucial for end users.

Open Fiber believes that in order to achieve the ambitious objectives set by the EU in terms of coverage and take-up of VHC networks, it is necessary to urgently define a proper switch off process, as it represents one of the most important incentives both to build new VHC networks and to migrate customers from the legacy incumbent’s network.

In our view, it is fundamental that a consistent European approach insists both on a procompetitive design of the process and on the necessity to monitor carefully the ways in which incumbents work out the migration processes, in order to safeguard the alternative operators’ network/investments.

More specifically, the NRAs should guarantee that migration processes allow end customers to migrate towards the most performing VHC networks available (both incumbent and alternative operators infrastructures without discrimination) in order to maximise the consumer welfare.

Open Fiber would also like to reiterate the importance to continue addressing the topic of the access to existing infrastructures, since it represents an essential element to build VHC networks in a timely and efficient way. On this respect, we suggest BEREC to continue the analysis proposed in the BEREC WP 2019 taking into account not only prices but also the most relevant barriers to accessing existing infrastructures (i.e. availability of information in a standardized format and the access infrastructure processes).

However, it would be desirable that BEREC establishes a clearer timeline for the foreseen activities and the type of final document that will be produced.

As for **the wholesale replicability test**, Open Fiber strongly supports its introduction, which should ensure that the wholesale price charged by an incumbent operator does not exclude an equally efficient wholesale operator from the market and should take cost orientation principles as a reference.

However, as we maintained for the migration process, neither the timeline of the related activities nor the kind of final input to be produced by BEREC (i.e. report or guidelines) has been specified. Open Fiber proposes again that BEREC runs a specific workshop on the topic in order to compare and to share European practices or proposals, to be followed by the adoption of a report that, even if it has no policy value, NRA could use as guidelines.

In addition to the above, we would like to express our appreciation for the work that BEREC planned to carry out to address the **strategic priority to enable 5G and promoting innovation in network technologies**, as indicated in the draft “BEREC 2020 Work Programme”.

In particular, Open Fiber welcomes that BEREC is considering further explorative work by organizing a stakeholder workshop, which would represent an occasion to also address the topic of Neutral Hosts. As we already pointed out in our answer to the consultation for the BEREC WP 2019 and in our initial input on the Outline BEREC Work Programme 2020, Neutral Hosts can act as wholesale-only operators, by building and managing relevant infrastructures for a plurality of network operators. The resulting cost sharing could prove effective both in maintaining competition among a higher number of operators and in extending network coverage, to the benefit of all customers. There is no mention of such a solution in the draft BEREC Work Programme 2020, and Open Fiber would like to reiterate the importance of addressing it.

Due to the already tight schedule of the BEREC WP 2020, Open Fiber understands the difficulty in planning also a dedicated workshop prior to the adoption of the BEREC Feasibility study on development of coverage information for 5G deployments or the BEREC Report on the impact of 5G on regulation and the role of regulation in enabling the 5G ecosystem. However, Open Fiber believes that the workshop indicated by BEREC in the draft Work Programme 2020 should at least include a discussion on the topic of Neutral Hosts.

Finally, we would like to request BEREC for more clarity on the timing of the workshop.

All the aforementioned topics are also among the most relevant developments that will need to be addressed by BEREC as part of its next **mid-term strategy (MTS)**. Such topics can fall within the scope of the overall strategic priorities already set for the current mid-term strategy, which we consider will remain valid for the next three years.