

Dear BEREC members.

Meta wants to make it possible for people to have deep connections and shared experiences with the people who matter to them most — anywhere in the world, and at any time. Investing in foundational infrastructure such as subsea cables is crucial in order to connect billions of people using Meta's family of apps.

We appreciate the opportunity to provide you with our response to the report on the general authorization and related frameworks for international submarine connectivity (the **Report**).

General observations

We commend BEREC for bringing together a wide range of policy and regulatory issues relevant to the development of submarine cable systems in Europe. The Report is a cogent and thorough examination of these issues, draws on wide consultation with regulatory and industry stakeholders, and finds valuable conclusions on this vital element of digital infrastructure.

In particular, we agree with BEREC's scoping of EECC application (i.e. preliminary conclusions in section 3.5) and we appreciate BEREC's clarification of how the EECC framework applies to modern submarine deployment and operation (section 3). We also appreciate how BEREC's survey with national regulators point out potential areas for future clarification or policy development. For example, the Report clarifies that most national regulators do not consider the ECNS national legislation applicable to the mere transit of traffic exclusively within a cable landing station, or transit backhaul services for the purposes of providing capacity to users outside the country (section 3.3. and 3.5). A harmonized national approach to this issue would be beneficial to all stakeholders and reduce complexity and uncertainty associated with submarine cable investment in European coastal countries. Harmonization of national legislation on rights of way and rights to install facilities as it applies to non-public and public ECN (section 3.6.2) would recognize modern deployment models (where public and non-public ECN operators collaborate in joint development). This would reduce complexity, duplication and increase deployment speed for critical digital infrastructure.

Submarine deployment models

However, we wish to make the following comments on some of BEREC's conclusions on ownership and operation structures (section 2.2.3). The Report summarizes traditional and emerging commercial models for submarine cable investments, characterizing them as either single ownership, single ownership with partnerships or multiple ownership. It concludes that recent business trends now result in the predominance of single ownership structures driven by CAPs as major investors. In our experience, the ownership models currently within the market are more comprehensive and/or complex:

- **Single ownership is not the predominant model for submarine systems.** Most EU international connectivity is based on a multiple ownership model, where ownership and use of connectivity infrastructure is shared between CAPs, telcos and other private investors. The multiple ownership model remains active and relevant with some of Europe's newest and most technically advanced systems using this model (eg [Amitie](#), [2Africa](#), [Havfue/AEC2](#)).

- **Even where deployed, single ownership is not necessarily a persistent model, with owners subsequently opening up the system to other networks.** The model is attractive because it allows a single developer to simplify and speed construction and deployment. Consortium formation and shared funding arrangements are not required. Having built the systems, single owners will sell long term ownership interests (i.e. fibre IRUs) in the system to telcos, CAPs and other investors. In practice, the system becomes a multiple ownership model.
- **“CAP-driven” Investment is not the same as single ownership.** BEREC points to the growing scale of CAP investment in submarine infrastructure. BEREC appears to equate “CAP driven” with its concept of single ownership, which we think is mistaken. The majority of CAP investment in submarine cable systems is currently deployed through multi-ownership models. In these shared ownership systems, investment decisions and system governance are decided by multiple owners in proportion to each owner’s investment.

European and National Measures

We also agree with BEREC that, while application of the EECC framework to submarine connectivity infrastructure is generally well balanced and effective, the application of other regulatory frameworks creates uncertainty, inefficiency and delay. BEREC is correct to point out that the regulatory/policy challenges that can inhibit or delay the deployment of submarine cable systems are driven by the need for compliance with “a significant number of national authorisation administrative procedures in fields beyond the ECNS sector, including environmental protection, cultural heritage protection, maritime resources planning and management and urban and territory planning and management, involving a total average duration that can exceed one year” (section 6.5).

We suggest that policy development in this area should focus on initiatives to create a more favorable holistic regulatory environment for submarine system deployment. For example, it would be helpful to have a streamlined and harmonized regulatory and administrative processes, eliminate duplication for systems landing in more than one EU Member State, and modernize processes and create one-stop shops to enhance ease and speed in obtaining rights of ways, permits and authorizations. We are glad to see that BEREC recognises the need in this area for a generalized policy across Europe (section 6.6).

In this regard, we support the recommendations outlined in a policy brief recently published by the [Global Digital Inclusion Partnership on subsea regulatory good practice](#).

We look forward to working with BEREC and other stakeholders to help develop the holistic regulatory and policy framework that will enable more and faster infrastructure investment in Europe’s international connectivity.

We remain available to discuss the points made in our response, at BEREC’s convenience.

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