



ecta RESPONSE

**TO THE PUBLIC CONSULTATION BY BEREC
ON THE
DRAFT BEREC WORK PROGRAMME 2025**

BOR (24) 148

4 NOVEMBER 2024

1. Introduction

1. **ecta**, the **European Competitive Telecommunications Association**,¹ welcomes the opportunity to comment on the draft BEREC Work Programme, BoR (24) 148, which covers workstreams to be delivered by BEREC in 2025 (hereafter ‘draft WP2025’) and potential BEREC work for 2026 and beyond.
2. **ecta** appreciates that BEREC is offering stakeholders the possibility to contribute to refining the draft WP2025 prior to its final adoption.

2. Expected European Commission proposals resulting in potential change to the EU regulatory framework for electronic communications - ecta requests to BEREC

3. **ecta** was pleased to learn, during the BEREC Debriefing on 9 October 2024 on the outcomes of the 60th BEREC ordinary plenary meetings, that BEREC intends to keep one working group completely free to deal with requests from the European Commission in the context of “*expected European Commission proposals for a new regulatory framework for electronic communications*”.
4. Potential change to the EU regulatory framework for electronic communications is clearly a crucial topic for 2025. Keeping a BEREC working group well resourced, and on high alert, is indeed of essential importance from **ecta**’s perspective. Whilst the creation of a project team is mentioned in *Section 5.2.1: Ad hoc input to the EU/NRAs* of the draft WP2025, **ecta** urges BEREC to put potential changes to the EU regulatory framework for electronic communications at the forefront of its Work Programme for 2025 and beyond. **ecta** calls on BEREC to make this much more prominent in the final text of the Work Programme 2025. This could be achieved, for instance, by **dedicating a separate chapter of the Work Programme to BEREC’s approach to potential change to the EU regulatory framework (scope of Universal Service, the ex-ante regime, the EC Recommendation on Relevant Markets, etc.)**. Such prominence is justified, because the evaluation of specific provisions of the EECC, as provided for by its Article 122², is scheduled for 2025. It has acquired additional importance given that the Mission Letter addressed by European Commission President Ursula von der Leyen to Commissioner-designate Henna Virkkunen³ includes the preparation of a legislative proposal for a Digital Networks Act (*page 7, para 3 of the Mission Letter*).

¹ <https://www.ectaportal.com/about-ecta>

² Article 122 EECC <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972> states, among other provisions: “*Those reviews shall evaluate in particular the market implications of Article 61(3) and Articles 76, 78 and 79 and whether the ex ante and other intervention powers pursuant to this Directive are sufficient to enable national regulatory authorities to address uncompetitive oligopolistic market structures, and to ensure that competition in electronic communications markets continues to thrive to the benefit of end-users.*”

³ https://commission.europa.eu/document/3b537594-9264-4249-a912-5b102b7b49a3_en

5. The European Commission's stated intention to reduce (potentially to zero) the list of relevant markets in the Annex to the EC Recommendation on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation, as expressed in Scenario 4 of the European Commission's White Paper – 'How to master Europe's digital infrastructure needs?'⁴ also requires BEREC's utmost attention. The delivery of a BEREC Opinion to the European Commission is contained in [Section 1.16](#) of the draft WP2025, where it is clarified that this will not be preceded by a BEREC public consultation (as is BEREC's known practice when preparing Opinions on draft EC Recommendations). **Given the outsized impact that any change to the EC Recommendation on Relevant Markets and/or to its Annex could have** on the ability for NRAs to continue to meet the objectives contained in Article 3 of the EECC, on challenger operators which depend on regulated wholesale inputs supplied by SMP operators or are otherwise affected by the behaviour of SMP operators, and potential detrimental consequences for consumers and business users, **ecta asks BEREC to organise an external stakeholder workshop on the assessment of the impact of changes to this EC Recommendation.** For details on the format for stakeholder engagement in this context and beyond, [ecta's](#) views are set out in paragraph 13 below.
6. [ecta](#) expresses its sincere thanks to BEREC for the inclusion of [Section 1.9: Fact finding report on the competition indicators and regulatory highlights in different jurisdictions](#). [ecta's](#) key comment is to ask for this **workstream to be accelerated**, to ensure that the finalised report will be available before, or from the very start of, likely co-legislative procedures on any proposed modifications to the EECC and/or for a Digital Networks Act.
7. In light of BEREC's extensive response to the EC White Paper consultation, which [ecta](#) appreciated for its affirmation of independence, robustness and detail, [ecta](#) urges BEREC to prepare a set of **short briefing notes for co-legislators, based on BEREC's response**.
8. Overall, [ecta](#) expects BEREC and NRAs to continue to focus, in the context of potential changes to the EU regulatory framework, on what is truly important to enable and improve competition at the network and service levels of electronic communications markets for business-to-consumer markets (B2C) and business-to-business markets (B2B), including business-to-business-to-consumer markets (B2B2C) and Internet of Things (IoT).

3. BEREC Strategies 2026-2030: Mid-term strategy, International and Institutional

9. In defining strategies for 2026-2030, [ecta](#) expects BEREC to continue to focus, first and foremost, on its remit, which is set out in Regulation No 1211/2009 (in particular in Article 3 (Objectives of BEREC), points (1) and (2) and in Article 4 (Regulatory Tasks of BEREC), points (1) (e) and (k) thereof). BEREC's and NRAs' newer duties (Digital Services Act, Digital Markets Act, Data Act) are of course relevant, but do not justify BEREC diminishing its focus on electronic communications.

⁴ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14168-White-Paper-How-to-master-Europes-digital-infrastructure-needs? en>

10. Overall, **ecta** expects BEREC to maintain the steady course it has followed since its first Medium-Term Strategy in 2012, updated in 2014, 2017 and 2020. In **ecta**'s view, BEREC should clearly set out its Mid-Term Strategy based on existing legislation, and not await the outcome of a potential and inevitably lengthy co-legislative process, which may be expected to run from late 2025 until late 2026 and more likely into 2027.

4. BEREC engagement with stakeholders

11. **ecta** thanks BEREC for continuing to engage actively with industry stakeholders, including invitations to **ecta** to speak during workshops and at the stakeholder forum, as well as for constructive exchanges with the BEREC chair and mini-board, working group co-chairs, NRA heads and representatives, etc. This should clearly continue in 2025. **ecta** has no comments to formulate as such on Section 6 of the draft WP2025, which addresses stakeholder engagement.
12. **ecta** itself intends to continue taking an active role as a stakeholder with regard to BEREC's work, as well as in the run-up to the evaluation of the EECC and an EC legislative proposal for a Digital Networks Act, etc.
13. With regard to the practical modalities of BEREC's formal stakeholder engagement, **ecta** considers that workshops where participants are allocated a few minutes of speaking time in the form of sequential presentations, and workshops held separately with different categories of stakeholders, do not enable the in-depth substantive discussion of important topics that is necessary, and crucially do not enable genuine exchanges and reply comments, resulting in a lack of contradictory debate on key policies and regulatory approaches. **ecta reiterates its request to BEREC to organise longer workshops, with sufficient time allocated for active substantive discussions among stakeholders**, in particular enabling participants to discuss and react to the statements made by other participants. In the same vein, **ecta** considers that a neutral and experienced moderator with expertise in terms of substance and an understanding of the consequences for the sector is of crucial importance. BEREC refers to holding internal workshops *"which might include inviting external experts, which will assist BEREC members in determining if, indeed, there is an issue that might point towards future work for BEREC"* (page 6, para 3). During the BEREC Debriefing on 9 October 2024, it was announced that BEREC would, in the light of resource commitments, give preference in some cases to holding workshops (including external workshops) rather than producing draft reports. **ecta** can agree with this, on the condition that there is **transparency well in advance on the workshops and their format** (including the topic, date, agenda and identity of the invited experts) and an opportunity for stakeholders to flag and justify why they would consider their participation appropriate.

5. Key comments on the draft WP2025

14. **ecta** expresses its **explicit support for the contents of most of BEREC's draft WP2025**. In this response, **ecta** provides constructive suggestions for improvement of the WP2025, as well as remarks on substance where **ecta** considers that a comment is clearly needed. This being stated, **ecta** refers to the comments made at the outset of this response, which emphasise **ecta's** view that BEREC needs focus work, and dedicate considerable resources in 2025, first and foremost with regard to addressing the European Commission's expected initiatives which are expected to aim at structural changes to the EU regulatory framework for electronic communications.
15. **ecta** urges BEREC, when considering *"to what extent the new electronic communications framework is enabling the achievement of the EECC's objectives and whether the framework's provisions are effective to that end"* (page 3, para 5) to conduct this exercise on a strictly factual basis, but with the knowledge that there are political pressures to change and even to dismantle the existing EU legal and regulatory framework for electronic communications, which in **ecta's** view are not justified.
16. Where BEREC refers to *"In the context of rapid technological change and growing importance of end-to-end connectivity, it is vital that the regulatory practices remain fit for purpose"*, and *"will continue to analyse technological developments and their impact on sustainable competition on telecoms markets"* (page 4, para 2), **ecta explicitly asks BEREC to place the promotion of competition at the centre of its considerations**. The role of BEREC should not be limited to analysing developments; BEREC can and should actively encourage NRAs to take decisive action where competition is placed in peril.
17. Where BEREC states that *"Closing the digital divide entails more than just the roll-out of VHCNs. It also requires providing end-users with the kind of access that matches their needs"* (page 4, para 3), **ecta** wholeheartedly agrees, and asks BEREC to add, in the final text of the WP2025, that this includes affordability of services. **ecta** emphasises that affordability is not solely a matter of special measures for specific groups, and/or potentially a matter in the context of universal service but is mainly achieved by actively promoting competition.
18. **ecta's** experience with many recent BEREC Reports is that these do not necessarily result in tangible guidance or agreed common approaches shared by NRAs. In its responses to the Call for Input (April 2025) and in its comments on the WP2024 consultation (November 2024), **ecta asked BEREC to adopt more Common Positions and issue more Best Practice documents. Unfortunately, this remains mostly elusive in the draft WP2025**. Please allow **ecta** to highlight that BEREC's mandate, as contained in Regulation (EU)2018/1971, concerns actions to be pursued towards the achievement of Article 3 EECC. The BEREC Regulation specifically includes, in Article 4 (1) (k):

“to issue recommendations and common positions, and disseminate regulatory best practices addressed to the NRAs in order to encourage the consistent and better implementation of the regulatory framework for electronic communications;”

Therefore, **ecta reiterates its call for BEREC to be more oriented towards providing Common Positions and Best Practices.**

5.1. Strategic Priority: Promoting full connectivity

19. **ecta** recognises that BEREC’s introductory reference to *“expansion and take-up of secure, competitive, and reliable high-capacity networks (both fixed and wireless) across Europe, while ensuring a smooth transition from legacy infrastructures”* (page 6, last para) is well-intended but asks for it to be boosted for more positive effect, i.e., the **text could usefully be revised to explicitly include also ‘access’ and ‘citizens’ interests’, reflecting the full scope of Article 3 EECC.**
20. Section 1.1. Update of criterion 3 of the BEREC Guidelines on very high capacity networks. **ecta** invites BEREC to initiate not only data collection through a questionnaire NRAs send to selected operators, but to **ensure that all interested operators are able to register with BEREC so that they have the opportunity to contribute, in terms of discussing the methodology to be applied, and in terms of providing data.**
21. Section 1.2. Progress Report on managing copper network switch-off. **ecta strongly welcomes further BEREC work on copper switch-off**, and thanks BEREC for making the draft of the Progress Report subject to public consultation (a request that **ecta** had made). That being stated, **ecta** remains of the view that listing *“the lessons learned so far in order to best prepare for the copper switch-off phase”* (page 8, last para) appears to fall short of providing a best practices document, or indeed a BEREC Common Position on the modalities associated with the shut-down of copper networks and the related transition to VHCN, which is what **ecta** had requested in its responses in November 2024 and April 2025. **ecta therefore calls again on BEREC to convert this envisaged “Progress Report” to a Common Position, containing tangible elements to ensure that no anticompetitive effects result from copper to fibre transition.** This may become all the more important if the European Commission formalises copper shut-down measures and deadlines (the EC White Paper suggests deadlines for shut-down in 2028 and 2030). For detailed suggestions on the substance of the competitive safeguards which in **ecta**’s view are essential, please refer to **ecta**’s January 2022 contribution to the public consultation on the draft BEREC Report on a consistent approach to migration and copper switch-off, BoR (21) 171. Since then, the issue of wholesale pricing for copper-based access during the transition to fibre has become a matter of serious concern in some Member States, with decision-making going in the wrong direction, notably in France, resulting in windfall financial transfers from alternative operators to the SMP operator. Duct access charges in France and Spain are also increasing dramatically. **ecta** also reiterates that it considers it crucial that all types of users’ interests, including business users’ interests, are assessed, and that the role of alternative operators providing B2C and B2B services is fully considered in the copper to fibre transition.

22. Sections 1.3, 1.4 and 1.5. BEREC Guidelines on the coordination of civil works according to Art. 5(6) of the Gigabit Infrastructure Act, BEREC Guidelines on access to in-building physical infrastructure according to Article 11(6) of the Gigabit Infrastructure Act, and BEREC input to EC Guidance on Article 3 of the Gigabit Infrastructure Act. **ecta** looks forward to examining both sets of draft BEREC Guidelines, and the BEREC input to the European Commission, but has no specific comment to make at this time. That being stated, it is imperative for these guidance documents to provide maximum clarity, to improve legal certainty, which is currently too limited on the basis of the text of the Gigabit Infrastructure Act itself.
23. Section 1.6. Report on the regulation of physical infrastructure access. **ecta** has previously welcomed this workstream with caution (responses in November 2024 and April 2025). The description in the draft WP2025 gives rise to further concerns from **ecta**'s perspective. Whilst **ecta** supports BEREC in being attentive and active with regard to ensuring the success of regulated Physical Infrastructure Access (PIA), in particular in application of the SMP regime, and several **ecta** members demand it and use it where they can, **concerns arise that BEREC's forthcoming draft Report may "oversell" PIA as a magic bullet, and may over-emphasise symmetric access**⁵. Experience with PIA regulation rather points towards caution: there are many Member States where SMP-based wholesale access to civil engineering infrastructure is not functional in practice, and even more Member States in which the symmetric regime remains characterised by huge uncertainties and frequent disputes, leading to a plethora of case-by-case situations which are not being streamlined. Overall, complexity seems to have risen rather than declined. **ecta** wishes to explicitly caution against the European Commission, and others, invoking PIA regulation (asymmetric or symmetric) as a motivation to de-emphasise SMP-based wholesale obligations relating to access to networks, both passive (to wires) and active (to transmission capacity). A push toward wholesale access to civil engineering infrastructure as the sole form of wholesale access, needs to be checked against reality. **ecta** notes that it is stated that "*Depending on the conclusions of the exercise, BEREC may conclude with some recommendations*" (page 12, para 3). **ecta asks BEREC to be more affirmative, and to actively pursue the explicit identification of best practices**, both for the scenario in which PIA is defined as a stand-alone market, and for the scenario in which wholesale access to PIA is an SMP remedy. In addition, the consequences of a scenario in which a stand-alone PIA market is defined, and conceivably no other/downstream market is defined, is likely to become worthy of in-depth consideration, notably in terms of its likely impact on competition and end-user interests. In this context, the consequences on both B2C and B2B markets deserve attention.
24. Section 1.7. BEREC Report on the evolution of private and public 5G networks in the Europe. **ecta** takes this opportunity to confirm its position that a case-by-case assessment is needed

⁵ The Bulgarian NRA, CRC, adopted a decision on 30 July 2024, concluding that symmetric access to PIA (BRCD-based) which it had previously deemed to be suitable and as a reason to not apply SMP-based wholesale access, did not produce the expected results, and thus introduced SMP-based wholesale access. The European Commission did not oppose or comment on the notification: Case BG/2024/2521: <https://circabc.europa.eu/ui/group/2328c58f-1fed-4402-a6cc-0f0237699dc3/library/45e8c189-7966-4843-8425-445743d18c3a/details>

of the objective needs of industry, including the geographic locations at which local/vertical spectrum usage is happening and the extent to which industry needs are served by mobile network operators or using spectrum assigned to mobile network operators but made available for specific industrial use. Certainly, reserving >100 MHz for local/vertical use cases across the EU is unnecessary and is unduly wasteful of mid-band spectrum. With regard to the entities that are deemed able to support private 5G, BEREC needs to ensure not to take too restrictive an approach.

25. Section 1.9. Fact finding report on the competition indicators and regulatory highlights in different jurisdictions. Please refer to paragraph 6 above, in which **ecta** strongly welcomes this initiative, but indicates that it imperative to accelerate this workstream.
26. Section 1.10. Workshops on the competitive effects of strategic fibre networks deployment, including in the context of copper switch-off. **ecta** expects it and its members to be invited to these workshops, to share relevant experience, notably on the competition dynamics that challenger operators bring and experience. **ecta** feels compelled to highlight here that, in its experience, it is the first time, at least at EU level, that potential price increases for end users are brought into the discussion of fibre overbuild (*page 16, last para*). In addition, certainly, where the SMP operator has elected not to build, or delay building, fibre networks, there is a discussion to be had about switching customers to the fibre networks that exist. Finally, with regard to the statement by BEREC that “*if no exclusionary effects are identified, overbuild may lead to benefit end-users with a wider fibre coverage and choice as well as enhanced infrastructure competition with less need for regulatory intervention in the future*” (*page 13, para 1*), **ecta** wishes to highlight that the mere presence of two networks has not proven to guarantee a satisfactory market constellation from a competition perspective. The experience in EU Member States with an incumbent copper network and a quasi-ubiquitous HFC-cable network, both being reluctant to offer fit-for-purpose wholesale access, has on the contrary, shown that serious concerns arise, which have led NRAs to intervene on those markets.
27. Section 1.11. Submarine cables connectivity in Europe. **ecta** expects it and its members to be invited to these workshops, to share relevant experience, notably as investors in submarine cables. **ecta** is on record with BEREC in taking the view that ‘*if it ain't broke, don't fix it*’ in the authorisation context. **Stimulating diversity of supply, and supporting and confirming security practices, is preferable to looking for regulatory obligations to impose.**
28. Section 1.15. QoS coverage on Connectivity Indicators for the DDPP. **ecta** is on record with the European Commission in advocating for 5G KPIs which are not related to the use specific frequency bands, in line with the technology and service neutrality principle, and this is what was decided for the DDPP KPIs on 30 June 2023. It appears that the European Commission is enlisting BEREC in ‘updating’ the 5G KPIs. **ecta** urges BEREC to be cautious, and in particular to refrain from contributing to the catastrophist narrative seen in the 2024 EC White Paper. Such catastrophist narrative is unhelpful, and in particular undermines the

much needed trust of all European industries in engaging with the telecom sector for the digitalisation journey we all must undertake.

29. Section 1.16. BEREC Opinion on the review of the European Commission's Recommendation on relevant markets susceptible to ex-ante regulation. Please refer to paragraph 5 above, in which **ecta** asks BEREC to organise an external stakeholder workshop on the assessment of the impact of changes to this EC Recommendation.

5.2. Strategic Priority: Thriving sustainable and open digital markets

30. Section 2.1. BEREC Contribution to the implementation of the Data Act. **ecta** is on record with the European institutions in supporting the Data Act, and notably its provisions on Cloud Switching, as well as the related role for NRAs. **ecta** welcomes BEREC's planned contributions.
31. Sections 2.2, 2.3 and 2.7. Implementation of the Open Internet Regulation, BEREC Open Internet Guidelines and Collaboration on net neutrality measurement tools, and Internal workshop on the consideration of 5G differentiated services and network slicing. **ecta** has no particular comments to make on these workstreams but follows their outputs with interest. As regards the internal workshop planned for Q2 2025, **ecta** asks to be informed well in advance of the date, the agenda, and the identity of the invited experts.
32. Sections 2.4, 2.5 and 2.12. Report on Infrastructure sharing as a lever for ECN/ECS environmental sustainability, BEREC external workshop on telecom regulators' role in the development and implementation of sustainability indicators in the ICT sector, and Advancing toward environmental data collection on ECN/ECS and contributing to the future code of conduct on ECN/ECS sustainability. **ecta** has been engaging actively and constructively with BEREC on these topics, including during BEREC's Workshop held on 24 September 2024, and looks forward to continuing doing so. **ecta** considers that anything needed to promote sustainable network sharing is already in the applicable EU legislation and guidance. Where BEREC states "*Finally, elements for strategic reflections could be raised concerning potential trade-offs that will arise in terms of regulatory objectives and competition, as well as regarding the future of the pooling of networks with regard to environmental targets and market development*" (page 27, para 2), **ecta** wishes to express concern. **ecta** trusts that BEREC will confirm in its final position the sufficiency and appropriateness of the already applicable legislation (the EEC and the Gigabit Infrastructure Act's Recital 13) and will fully commit to any of its deliverables being fully in line with the European Commission's Horizontal Block Exemption Regulations on Research and Development ('R&D') and Specialisation agreements ('HBERs')⁶, accompanied by revised Horizontal Guidelines⁷.
33. Section 2.8. BEREC external workshop on implementation of Equivalence of Inputs (EoI) by NRAs. **ecta** has asked BEREC on numerous occasions to produce a Common Position and/or Best Practices report on the implementation of EoI, and to deliver this well ahead of

⁶ https://competition-policy.ec.europa.eu/document/9693c912-e235-4f0d-93ad-49669ccc9475_en

⁷ https://competition-policy.ec.europa.eu/document/fd641c1e-7415-4e60-ac21-7ab3e72045d2_en

the revision of the 2010 and 2013 EC Recommendations covering the topic. It pains **ecta** to comment that an opportunity has clearly been missed by BEREC, with the European Commission's adoption of what has become Recommendation on the regulatory promotion of Gigabit connectivity (adopted 6 February 2024). **ecta** nevertheless welcomes that BEREC seems to recognise that "*the issue of Equivalence of Inputs gains on relevance to ensure competition by alternative operators*" (page 30, para 1). **ecta** considers that it remains important to have an in-depth discussion on the merits of EoI, also in light of the scheduled evaluation of specific aspects of the EECC, given that the EECC contains the concept of EoI (Annex IV and Recital 185). It is important, in this context, for BEREC to advance the planned workshop to Q2 2025, and the publication of the workshop summary to Q3 2025, for it to constitute a relevant input to the evaluation of specific aspects of the EECC.

34. Section 2.11. Stock taking of NRAs application of Article 52(2) for wholesale access obligations. **ecta** represents several late entrant Mobile Network Operators which rely on temporary national roaming imposed by NRAs/competent authorities in application of Article 52(2) EECC. MVNO access has also been mandated in several Member States on the basis of the same article. This is therefore a topic of substantial interest. **ecta** looks forward to seeing BEREC's report on the planned NRA survey, at plenary 2, 2025. In addition, **ecta** would welcome that this report would be adopted as a draft for public comment, rather than merely for information.
35. Section 2.14. BEREC external study on data centres. **ecta** represents several operators which own important data centres (directly or through subsidiaries), and many **ecta** members provide crucial connectivity to data centres. In fact, some **ecta** members connect to the vast majority, if not all, data centres within several EU Member States. It will therefore be seen that an external study on data centres is of high interest, and **ecta** asks BEREC to ensure that it and its members receive the relevant questionnaires and are interviewed by the study team.

5.3. Strategic Priority: Empowering end-users

36. **ecta** asks BEREC to be systematically mindful, when referring to end-users and their empowerment, to the differences between consumers (B2C markets) and business users (B2B markets – including services provided to public administrations), in particular to: (i) avoid that NRAs impose undue and impracticable obligations on providers that are only serving B2B customers, and (ii) the specific issues faced of operators focused on serving B2B customers are fully taken into account in all relevant regulatory proceedings.
37. Section 3.1. BEREC Opinion on the review of Universal Services. **ecta** wishes to reiterate, as stated in its 2024 response to BEREC's Work Programme consultation, and as well in its response to the EC White Paper consultation, that it is not convinced that the universal service regime, which was substantially modified by the EECC, is in need of review, or that its scope should be changed or redefined. This applies in particular to any potential change to the regime from supporting vulnerable end-users, to funding the wider roll-out of networks. **ecta** encourages BEREC and NRAs to refrain from pushing for the extension of

the regime, unless unequivocally justified. Particular attention is needed to avoiding market distortions. In addition, **ecta** considers that any financial transfers to entities designated to deliver broadband universal service, should be subject to the provisions of the 2023 European Commission State aid guidelines⁸.

38. Section 3.4. BEREC-BEUC Joint workshop on end-user rights. **ecta** appreciates BEREC discussing *“the potential effects of consumer-relevant elements such as quality of service, coverage information, and marketing practices”* (page 37, para 4) and endorses the practice of including other relevant industry stakeholders such as **ecta** in the debate so that they can continue to provide their useful insights.
39. Section 3.5. Internal workshop on aspects of 2G and 3G phaseout. **ecta** considers that BEREC discussing this topic only internally is problematic, as industry stakeholders, notably Mobile Network Operators and MVNOs have important points to make on this matter.
40. Section 3.6. BEREC external workshop on digital services’ eco-design for greener networks and ICTs. **ecta** is pleased to note that it is listed by BEREC among participants that will be invited to share their expertise. **ecta** will gladly participate in the workshop planned for Q1 2025. For reference, **ecta**’s manifesto⁹, published on 5 March 2025, contains a section addressing eco-design (pages 5 and 6).

6. Comments on Chapter 4: Cooperation with EU institutions and institutional groups

41. **ecta** simply wishes to comment that it can be observed that BEREC appears to be seeking to extend its areas of activity well beyond electronic communications, including on the international stage. This may result in unjustified de-prioritisation of the activities that are core to BEREC and NRA mandates under the applicable EU legislation.

7. Comments on Chapter 5: BEREC’s other tasks

42. **ecta** provides selective but important substantial comments and suggestions below.
43. BEREC Strategies 2026-2030. **ecta** Please refer to paragraphs 9 and 10 above.
44. Section 5.2.1. Ad hoc input to the EU institutions/NRAs. **ecta** agrees that BEREC is likely to be called upon to support the EU institutions with regard to important (legislative) proposals. **ecta** relies on BEREC to ensure that the fundamentals of the EU regulatory model, and in particular the promotion of competition (through wholesale access regulation where justified) and the defence of citizens’ interests are not undermined. BEREC is uniquely placed to articulate the continued importance of regulatory

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52023XC0131%2801%29>

⁹ <https://www.ectportal.com/news/ecta-press-releases/1686-ecta-manifesto-a-vision-for-an-innovative-competitive-inclusive-and-greener-europe>

predictability, and the need to be able to apply ex-ante regulation where justified, which is what has led to an EU electronic communications sector which delivers clear benefits to end-users of all types (consumers, businesses and public administrations).

45. Section 5.2.2. Peer review process and engaging with RSPG. The RSPG-led peer review process on radio spectrum assignment has continued to occur only very occasionally, when Member States ask for it. When it did happen, it was in a closed forum. **ecta** takes issue with the statement: *“BEREC’s participation in the Peer Review Forum contributes to the objective of promoting full connectivity through discussions with the RSPG about the market-shaping aspects of spectrum assignment. This activity is therefore aligned with the first strategic priority set out in BEREC’s Strategy 2021-2025” (page 44, para 4).* The fact that BEREC does not mention the competitive dimension, or that it also should be pursuing its Strategic Priority 2 (e.g. by means spectrum assignments that are aimed at promoting competition, for instance by ensuring that all operators can obtain a proper spectrum portfolio, notably including <1 GHz spectrum and equal quantities of mid-band spectrum) is worrisome and should be corrected. **ecta therefore asks BEREC to modify section 5.2.2, to underscore its commitment not only to promoting full connectivity, but also to competition and to end-user interests.**
46. Section 5.2.3. Ad hoc work to support reinforcing EU’s cybersecurity resilience capabilities. **ecta** agrees that BEREC is likely to be called upon to support the EU institutions in this regard and welcomes its role, as well as its engagement with the NIS cooperation group and with ENISA and other bodies, and Member State authorities. This being stated, it is important to ensure that there is no overlap and no duplication of burden on operators.
47. Section 5.3.1: BEREC Opinion about the functioning of the Roaming Regulation. **ecta** keenly looks forward to BEREC’s position on this matter, notably as regards the treatment of Internet of Things (including M2M and permanent roaming).
48. Section 5.3.5. Update of BEREC Guidelines on Intra-EU communications. It is fair to state that **ecta** and its members, and we believe other industry stakeholders as well, are in the dark as regards the imminent European Commission implementing act on fair use, based on typical usage patterns and anti-fraud measures, to be issued by 31 December 2024. **ecta** hopes and trusts that BEREC will be in a position to provide meaningful guidance.
49. Section 5.4.1. Article 32/33 Phase II Process. **ecta** reiterates its request, made in previous contributions to BEREC Work Programme calls for input and consultations, for BEREC to change its approach. Experience has shown that the Phase II process leading to a BEREC Opinion is a black box for stakeholders, with BEREC actively resisting stakeholder input. A moment of self-reflection by BEREC, and taking input from stakeholders, is appropriate. In addition, **ecta** expects that BEREC’s guidelines on how it works on Phase II cases should not be internal and confidential, but instead be public and open to comments from interested stakeholders. An internal BEREC workshop (marked as tentative, if needed, for Q4 2025) may be relevant for self-reflection, but it would be preferable for such a workshop to be preceded by a workshop with industry stakeholders, for stocktaking purposes, and examining potential improvements to how BEREC carries out this duty.

50. Section 5.4.2. WACC parameters' calculation according to the EC Notice. **ecta** considers that it is absolutely imperative that this Report becomes subject to public consultation. This is the case because BEREC will make choices, for instance in the companies eligible for the peer group. Such choices will affect the outcomes of WACC calculations in Member States, and thus should be open to input from industry.
51. Section 5.4.3. Report on Regulatory Accounting in Practice. **ecta** continues to highly appreciate the value of this recurring report. It should definitely continue to be published annually and continue to be improved, whilst maintaining strictly factual content. **ecta** also wishes to express that there should be no reduction of its contents. A particular concern in this regard is that BEREC suggests that *"The 2025 RA report will be based on the EECC list of remedies but will aim for consistency over time"* (page 50, para 1). **ecta** asks BEREC not to abandon monitoring and reporting on topics that have been covered well so far, so as to keep a historical record of the evolution of markets and of applicable regulation.

8. Comments on Chapter 7: Potential work

52. **ecta** agrees with the items listed in Chapter 7 of the draft WP2025 and expects to be able to contribute its members' direct expertise especially on the topics relating to copper network switch-off (7.1) and connected and automated mobility (7.2). Given the importance of international mobile roaming for connected and automated mobility, there is a strong case for BEREC accelerating this workstream for it to be relevant to the 2025 review of the EU Roaming Regulation.

9. Closing observations

53. In closing, **ecta** emphasises that adequate time – at least 6 weeks – is the minimum needed for associations representing multiple stakeholders to respond to BEREC public consultations with solid content. Due account needs to be taken, in addition, of the periods leading up to and including holidays. **ecta** appreciates that BEREC has made an effort, as explained at the Debriefing on 9 October 2025, to spread the planned public consultations throughout the year 2025.
54. **ecta** wishes all the best to the incoming BEREC chair for 2025, Mr. Robert Mourik and his team, to the BEREC troika, to all NRA representatives involved in BEREC's work, and to the BEREC Office.

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In case of questions or requests for clarification regarding this contribution, BEREC and NRAs are welcome to contact Mr Luc Hindryckx, **ecta** Director General or Ms Pinar Serdengecti, **ecta** Regulation and Competition Affairs Director.