



Vodafone Group comments to the draft BEREC Work Programme 2025

We appreciate the opportunity to comment on this consultation and trust that our comments are helpful to BEREC and National Regulatory Authorities (NRAs) as well as to other stakeholders. We remain at your disposal to discuss our submission to the draft work programme, or any other aspect relevant in the context of the latter.

To inquire about our response please contact:
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Vodafone is a member of the GSMA and fully endorses the input of their submission to the draft Work Programme. However, we would like to provide further input to a couple of topics not covered in the GSMA submission.

1.1. Update of criterion 3 of the BEREC Guidelines on very high-capacity networks

The digital decade policy programme establishes that all end users at a fixed location are covered by a gigabit network. As fixed technologies continue to evolve, the achievement of this target will be reached more efficiently through a technology mix. It is therefore important that the update of criterion 3 of the BEREC Guidelines on very high-capacity networks keeps the incentives for the deployment of alternative performant networks capable of delivering gigabit speeds. Keeping technology neutrality is not only relevant from a societal perspective but also from a regulatory and state aid point of view.

Against this background it is key that the guidelines provide for planning certainty and predictability. While Vodafone is keen to contribute to the upcoming data collection, we are of the opinion that BEREC's work would benefit from direct interaction with technology teams of network operators deploying very high-capacity networks.

1.2. Progress Report on Managing copper network switch-off

BEREC rightly continues working on copper switch-off. How switch-off and migration from copper to very high capacity networks are managed will be key for safeguarding competition in the markets and also for Europe to achieve the 2030 connectivity targets.

Where the latest work focused more on the rights of end-users, we are of the opinion that, as switch-off of copper network increases in the Union, BEREC should now focus on how to safeguard competitive dynamics during the switch-off and migration processes. This is pivotal in order not to jeopardise the level of infrastructure competition achieved in several geographic areas of the Union to the benefit of incumbents.

While the rules in the EECC are designed to ensure a predictable and efficient switch-off/migration, the implementation of the rules at national level will be key to ensure that access-seekers are not discriminated during the process. We also echo the need to be



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attentive of possible strategic behaviours by the SMP-operator that could risk weakening competition at wholesale or retail level.¹

We understand that BEREC is considering continuing working on the topic to facilitate the switch-off after the submission of the progress report mentioned under work item 1.2 (see work item 7.1). We strongly advise BEREC to - if possible - anticipate the work mentioned under 7.1. and collect best practices, by considering the different experiences by access-seekers, and incorporate these in the form of best practices or recommendations in the progress report. Several NRAs are still preparing the process of switch-off and would clearly benefit from targeted recommendations not only on how to ensure that end-user rights are protected, but also on how to keep competitive dynamics during the copper switch-off process.

Finally, as we have suggested in the call for input for the 2025 Work Programme, given the different progress across the Union on copper switch-off and the different experiences by access-seekers, national regulators and the industry, the topic would very much benefit from an open discussion i.e. an external workshop involving *inter alia* the access-seekers from different Member States and different sizes ahead of the finalization of the progress report.

1.6. Report on the regulation of physical infrastructure access

Vodafone shares BEREC's preliminary assessment that the quality of some SMP physical infrastructure remedies and other access parameters are sometimes low, therefore not fulfilling entirely the purpose for which regulation may have been imposed in the first place.

We believe that pro-competitive SMP regulated PIA can be a driver of very high-capacity networks deployment. However, some Member States seem to unnecessarily complicate the implementation of this regulatory instrument or considered it very late in the deployment process leaving the existing potential unrealised.

We therefore support that the BEREC Report on regulation of physical infrastructure access explores the relationship between physical infrastructure access imposed asymmetrically and symmetrically.

We also encourage BEREC to issue recommendations notably on:

- pricing - e.g. pricing methodology including the distinction between newly build and legacy physical infrastructure
- the remedy scope and framework for imposition - e.g. by having NRAs define a separate market or as a remedy imposed on M1/2020 or M2/2020.

1.10 Workshops on the competitive effects of strategic fibre networks deployment, including in the context of copper switch-off

¹ This concern was also raised by the European Commission in the recently published white paper "How to master Europe's digital infrastructure needs?", p.31-32



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The number of fibre network rollouts across Europe is increasing and as each competing roll-out progresses, there are growing levels of network overbuild (or announcements to do so) in many markets. The economic case for deploying multiple parallel networks depends on several factors, including network deployment costs, revenue potential per customer, market structure, wholesale arrangements and regulatory factors.

Incumbent operators typically have a compelling reason to overbuild a first-mover alternative network operator, namely, to protect their large market share at both the wholesale and retail level. Where alternative network operators are first to reach an area with fibre, incumbents are left with broadly four choices: (i) continue selling retail products over copper-based or wireless networks, despite competition from a superior network technology; (ii) overbuild the alternative network operator with their own FTTP network; (iii) announce to overbuild the alternative network to deter its investors; or (iv) take wholesale services from the alternative network operator (if these are made available).

As some situations of overbuild may be triggered by strategic decisions by SMP operators to hinder the market competitive dynamics, while others may be the consequence of an economically justified roll-out, it would be important for BEREC do carry out an assessment of overbuild of fibre networks in Europe. We believe that in order to have an informed discussion, BEREC should go beyond the planned internal workshop and engage actively with network investors that are facing the negative impact of strategic overbuild.

Finally, NRAs and network operators would benefit from a report that not only describes the *status quo* but also includes potential recommendations to regulators on how to deal with this new phenomenon.

1.16. BEREC Opinion on the review of European Commission's Recommendation on relevant markets susceptible to ex-ante regulation

We understand that BEREC's opinion on the review of the EC recommendation on relevant markets remains a private BEREC exercise. In any case, as a network operator that is active in 8 Member States, we remain at BEREC's disposal for any requests that you may consider of relevance for your opinion (e.g. market data).

General Remarks

Vodafone welcomed the reports BEREC has recently completed on (i) Cloud and Edge Computing Services and (ii) The entry of large content and application providers into the markets for electronic communications networks and services.

However, what is not clear from the Work Programme for 2025, is how these reports, which do an effective job of setting out the evolving digital ecosystem, will feed into BEREC's work programme and updated strategy for the coming year(s).

Separately, we understand that in view of the Commission's report on the EECC review, BEREC is considering to what extent the electronic communications framework is enabling the



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achievement of the EECC's objectives and whether the framework's provisions are effective to achieving that end.

We would like to understand if and how these reports will guide BEREC's input and would urge BEREC to give the opportunity for stakeholders to further collaborate with and provide input to BEREC on these critical areas.