



The Consumer Voice in Europe

BEREC 2025 WORK PROGRAMME CONSULTATION

BEUC response



Contact: Cláudio Teixeira – digital@beuc.eu

BUREAU EUROPÉEN DES UNIONS DE CONSOMMATEURS AISBL | DER EUROPÄISCHE VERBRAUCHERVERBAND

Rue d'Arlon 80, B-1040 Brussels • Tel. +32 (0)2 743 15 90 • www.twitter.com/beuc • www.beuc.eu

EC register for interest representatives: identification number 9505781573-45



Co-funded by the European Union

Ref: BEUC-X-2024-083 - 04/11/2024

Why it matters to consumers

The independence and technical expertise of the Body of European Regulators for Electronic Communications (BEREC) is extremely important to promote competitive electronic communications markets and to protect and empower consumers. The opportunity to comment on BEREC's draft work programme is a key aspect of the willingness of regulators to cooperate with all relevant stakeholders, including consumer organisations. Consumers are rightly concerned with the current push for deregulation and consolidation in the telecoms markets. In this context, the role of BEREC in the coming year will be key to ensure that consumers have access to quality and competitive services.

Summary

BEUC welcomes the opportunity to comment on the Body of European Regulators for Electronic Communications (BEREC)'s draft 2025 work programme.¹

BEUC particularly welcomes the following elements in the work programme:

- *recognition of consumer protection and universal service as essential horizontal principles.*
- *commitment to deliver on full connectivity, and discussions on alternative connectivity solutions.*
- *commitment to bridge the digital divide beyond investments in network infrastructure, placing more emphasis on affordable and accessible connectivity for consumers.*
- *overall work on roaming and intra-EU communications.*
- *overall work on net neutrality and focus on enforcement following the review of the Guidelines on the implementation of the Open Internet Regulation.*
- *commitment to further analysis of sustainability policies.*
- *overall work on ensuring the consistent implementation of the EECC and, in particular, the application of end-users' rights.*
- *organising a joint workshop with BEUC on application of rights of end users.*
- *planned out-of-silos interinstitutional cooperation.*

BEUC recommends BEREC to:

- *extend its activities to protect and empower consumers.*
- *ensure focus on its mandate priorities, especially highly important work streams related to protection and empowerment of consumers, as well as competition.*
- *prioritise the protection of regulatory principles of competition and consumer welfare in any upcoming proposal to review the EU telecoms regulatory framework.*
- *pursue the objective of full connectivity hand-in-hand with the principles of open competition and consumer protection.*
- *guarantee effective regulatory action by National Regulatory Authorities (NRAs) in the context of a possible review of the Recommendation on relevant markets susceptible to ex-ante regulation.*
- *extend the scope of its work on net neutrality, to assess the potential consequences of a possible regulatory intervention on the EU telecoms market.*

¹ Draft BEREC 2025 Work Programme, [available here](#).

- *engage further with stakeholders on the impact of the roll-out and implementation of 5G networks in terms of differentiation of services or network slicing.*
- *improve consultation procedures by extending timeframes and avoiding simultaneous consultations.*

Contents

1. General comments.....	4
2. Comments on strategic priority of “Promoting full connectivity”	4
3. Comments on strategic priority “Thriving sustainable and open digital markets”	6
4. Comments on strategic priority “Empowering end-users”	7
5. Comments on cooperation with EU institutions and institutional groups	8
6. Comments on BEREC’s other tasks	8
7. Comments on BEREC’s stakeholder engagement	9
8. Comments on potential BEREC work for 2026 and beyond	9

1. General comments

BEUC welcomes that BEREC considers “**universal service and consumer protection**” as “important horizontal principles that form an essential part of the high-level priorities”² and recalls that this commitment should be fully reflected in future work programme activities.

BEREC points out that “[g]iven the number of workstreams selected for the Work Programme 2025 and BEREC priorities, it was not possible to include several proposals.”³ BEUC recalls⁴ that the increasing amount of workstreams should not reduce BEREC’s focus on its key tasks, especially those related to consumer protection.

Moreover, BEUC stresses the importance of BEREC fully addressing in this work programme **the expected proposals for a comprehensive review of the EU regulatory framework of the telecoms sector** which are to be presented in 2025. Over the past year, BEUC and its member consumer organisations⁵, together with a varied number of relevant stakeholders of civil society and industry, have repeatedly expressed their concerns regarding the European Commission’s proposals for potential changes to the EU regulatory framework for electronic communications, contained in the **White Paper on ‘How to master Europe’s digital infrastructure needs.’**⁶

Given the upcoming evaluation of specific provisions and potential proposals to review the **European Electronic Communications Code (ECCC)** and the announced intention to propose a future Digital Networks Act in 2025⁷, we urge BEREC to prioritise this workstream across its work programme, including by considering the introduction of a **dedicated chapter**.

2. Comments on strategic priority of “Promoting full connectivity”

BEUC welcomes the continuation of BEREC’s commitment to **full connectivity** as a strategic priority for 2025 and its commitment to prioritising the expansion and take-up of high-capacity networks while ensuring the interests of consumers. We consider that the improvement of network infrastructure is an opportunity to provide accessible and affordable high quality connectivity to all consumers, with a special focus on those who are most vulnerable.

In principle, BEUC supports the commitment to facilitate the roll-out of very high-capacity networks (VHCNs) as a contribution to help addressing the digital divide. However, the deployment of network infrastructure to achieve a better and high-quality **connectivity must go together with the objectives of promoting competition and ensuring consumer protection**. In this regard, we fully agree with BEREC that “[c]losing 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”.⁸

² Draft BEREC 2025 Work Programme, page 6.

³ Ibid, page 48.

⁴ BEUC has pointed out this issue already in 2021. See [BEUC response to BEREC 2022 Work Programme](#), page 2.

⁵ See BEUC response to the public consultation on the European Commission White Paper “How to master Europe’s digital infrastructure needs?”, “[Mind the \(Connectivity\) Gap: Making Digital Infrastructure Work for Consumers](#)”, 29 June 2024.

⁶ White Paper - [How to master Europe’s digital infrastructure needs?](#), 21 February 2024.

⁷ Henna Virkkunen - [Mission letter](#).

⁸ Draft BEREC 2025 Work Programme, page 4.

BEUC would therefore recommend BEREC and the national regulatory authorities (NRAs) remain prudent when it comes to the promotion of network investment towards meeting the 2030 Digital Decade connectivity targets. Any potential regulatory intervention based solely on self-imposed numerical targets, without an objective justification and proven necessity, carries risks for consumers and the market which must be carefully analysed to avoid counterproductive effects. We recall that **connectivity targets are not ends in themselves** and cannot justify going against or trading off the regulatory objectives of promotion of competition and consumers' interests.

We therefore support the intention of **BEREC** to address the specific questions, by means of reports or dedicated workshops, related to European Commission proposals contained in its White Paper on 'How to master Europe's digital infrastructure needs'⁹, the upcoming review of the EECC and the announced intention to propose a future Digital Networks Act to review the regulatory framework of the EU telecoms sector (e.g. BEREC external workshop on the technological advances as security opportunities and challenges for network resilience; Fact finding report on the competition indicators and regulatory highlights in different jurisdictions; Workshops on the competitive effects of strategic fibre networks deployment, including in the context of copper switch-off).

We especially welcome the intention to hold an external workshop with relevant stakeholders on the **competitive effects of fibre network deployments**. We also take note of the intention to organise an internal workshop dedicated to the topic of '**overbuild of fibre networks**' in certain countries and recommend that this is held as an external workshop, calling on BEREC to engage with all relevant stakeholders, including consumer organisations.

BEUC would like to recall that, over the last few years, several of our member organisations have voiced their concerns that telecoms **markets are becoming more consolidated** (in some cases even oligopolistic), a trend reflected in a sharp rise in consumer complaints on unilateral price hikes and deteriorating quality of service. We very much welcome that, since the adoption of the EECC, **several NRAs have positively reacted to this trend by actively proposing additional ex ante regulations** in attempts to introduce more contestability in their markets.

In the two most recent cases, draft measures proposed by the NRAs in the Czech Republic (2023) and in Malta (2024) aimed to specifically introduce **remedies on wholesale infrastructure access to address the considered oligopolistic nature of these telecoms markets**. Unfortunately, the Commission did not accept these measures. We share and reaffirm BEREC's views in its opinion of April 2024 on the Maltese case that the Commission's "*assumption that downstream retail broadband markets would be effectively competitive absent regulation in the presence of just two networks*" is "*particularly unconvincing*."¹⁰

In this context, we highlight the importance of BEREC's opinion on the **review of the Recommendation on relevant markets susceptible to ex-ante regulation**.¹¹ Given the Commission's proposals in the White Paper to reduce the list of relevant markets susceptible to ex ante regulation and the potential impact of such proposals to current national regulatory approaches and the potential negative consequences for consumers, we further recommend **BEREC to hold an external stakeholder workshop** dedicated to assessing the impact of potential changes to this Recommendation, allowing all affected stakeholders to actively participate in this process.

⁹ White Paper - [How to master Europe's digital infrastructure needs?](#), 21 February 2024.

¹⁰ [BEREC Opinion on Phase II investigation pursuant to Article 32 of Directive \(EU\) 2018/1972](#), Case MT/2024/2484 Wholesale physical and virtual infrastructure access market, page 21.

¹¹ Draft BEREC 2025 Work Programme, page 22.

BEUC would also like to recall that **full connectivity does not automatically mean better connectivity**.

The majority of consumer complaints relate not to the absence of connectivity, but to the poor overall quality of service provided. BEUC would therefore like to suggest a broader workshop on **bridging the digital divide, the deployment digital network infrastructure and its effects on consumers**. Such a workshop would fit BEREC's strategic priorities to promote full connectivity, as well as support sustainable and open digital markets and to foster a higher level of consumer protection. This would be an opportunity to bring together regulatory bodies and civil society organisations, especially consumer organisations, to discuss all aspects of the current debate on increasing deployment of digital infrastructure and how such proposals can potentially impact European consumers.

We also welcome **BEREC's planned Report on Virtual Worlds and Web 4.0** and its intention to further build on the BEREC high-level position on artificial intelligence and virtual worlds. We call on BEREC to engage with all relevant stakeholders, including consumer organisations, to determine and anticipate the impacts of this technological shift on consumers.

Finally, we welcome BEREC's intention to continue its work on the role of **satellite technologies in mobile communications**, with a follow up internal workshop on direct-to-mobile device satellite connectivity. Furthermore, we recommend BEREC to consider **holding a new external workshop**, which would allow a continuation of the discussion to determine how this new technology can become an integral part of European connectivity and provide affordable, high-quality connections to consumers in remote locations where terrestrial networks are unable to reach.¹²

3. Comments on strategic priority "Thriving sustainable and open digital markets"

BEUC strongly welcomes BEREC's work on net neutrality and supports its efforts to ensure an **open and non-discriminatory internet for all consumers**. We applaud BEREC in continuing to uphold the open internet as "an important building block in the current EU telecom rules"¹³ and further commits to its continued monitoring.

We welcome **BEREC's commitment to the implementation of the Open Internet Regulation, the BEREC Open Internet Guidelines** and its emphasis on supporting the "NRAs' obligation to 'closely monitor and ensure compliance' with the Open Internet Regulation."¹⁴ BEUC would like to recall that this problem was previously highlighted in the past and welcomes BEREC's efforts to step up enforcement, offering support to NRAs whenever needed.¹⁵ We also welcome the continuation of the **Report on the implementation of the OIR and the BEREC Open Internet Guidelines**, the intention to hold an informal discussion forum, and the continued promotion of activities such as workshops, surveys, and questionnaires.

We would like to highlight the importance of **BEREC's internal workshop on the consideration of 5G differentiated services and network slicing**.¹⁶ Following the BEREC Call for Input on Roaming Regulation of September 2024, and the concerns raised

¹² Ibid, pages 17-18.

¹³ Ibid, page 23.

¹⁴ Draft BEREC 2025 Work Programme, pages 24-25.

¹⁵ [BEREC's Public Consultation on its Draft Updated Net Neutrality Guidelines](#), pages 9-10.

¹⁶ Draft BEREC 2025 Work Programme, page 29.

by several stakeholders regarding compliance with the Open Internet Regulation and the principle of net neutrality, BEUC calls on BEREC to **consider holding this activity as an external workshop**. Moreover, given the possibility of an upcoming regulatory intervention on the telecoms market that challenges the principle of net neutrality, we encourage BEREC to continue the engagement with stakeholders on this topic in 2025.

BEREC's contributions to the implementation of the **Data Act**¹⁷ and of the **Digital Markets Act**¹⁸ to ensure coherence and effective complementarity in the implementation are also welcome. We also support the intention of BEREC to continue its contribution on the impact of **Artificial Intelligence** with a dedicated focus on the **competition dynamics, internet openness and end-users' rights**.¹⁹ We therefore reiterate our availability to engage with BEREC in further discussions on these matters.

BEUC welcomes that BEREC will be further exploring its role in promoting **sustainability policies**, continuing its active engagement on the issues of circular economy, especially in relation to electronic equipment and their impact on energy consumption e.g. Report on Infrastructure-sharing as a lever for ECN/ECS environmental sustainability. Consumer organisations also remain at BEREC's disposal on this important topic.

4. Comments on strategic priority "Empowering end-users"

BEUC welcomes BEREC's consideration of the **strengthening of end user empowerment as a strategic priority** and highlights BEREC's commitment in 2025 to produce reports and hold workshop sessions on key concerns for consumers.

However, BEUC reiterates the importance that BEREC develops a **coherent vision and strategy** to ensure that the electronic communications sector and **a potentially revised regulatory framework work for consumers**. We welcome the recognition that **regulators have an "important role to play"** for consumers. However, this role should not be limited to simply ensuring "transparency for consumers, increasing and maintaining consumer awareness and further improving digital skills."²⁰ The goal of empowering consumers simply cannot be achieved with more transparency and digital skills alone.

BEUC encourages BEREC to strongly support NRAs in their role to **ensure the respect of all consumer rights and related provider obligations** in the electronic communications sector and to continue its work on how to bridge **the digital divide**. We **encourage BEREC to involve relevant stakeholders**, such as consumer organisations and other civil society organisations, and allow them to engage more actively with NRAs on key topics for consumers.

Given the **upcoming evaluation of specific provisions and potential proposals to review the EECC** (Article 122 EECC requires a Commission report by 21 December 2025), we welcome BEREC's activities which contribute input to this process (e.g. BEREC Opinion on the review of Universal Services, BEREC report on switching and termination of contracts, and BEREC-BEUC Joint Workshop on end-user rights).

BEUC strongly supports and welcomes the proposal **for greater collaboration between BEUC and BEREC** with the aim of organising another **joint workshop on rights of end-users**. Following the previous experience of a joint workshop in November 2022, and the successful workshop dedicated to end-users' rights organised by BEREC in April 2024, we

¹⁷ Ibid, page 23.

¹⁸ Ibid, page 31.

¹⁹ Ibid, page 28.

²⁰ Ibid, page 35.

are looking forward to working with BEREC to further discuss key issues for consumers such as, **but not limited to**, quality of service, coverage, information and marketing practices.

From a consumer perspective, one of the main takeaways of the previous workshop in November 2022 was precisely that further discussions would still be needed to **fully assess all issues** related to the implementation and enforcement of the EECC on this important consumer chapter of the EU telecoms regulation. This fact was due to two essential factors: **the very short period of application** and **the transposition delays of the EECC** at the level of Member States. We encourage BEREC to continue its positive engagement with consumer organisations and consumer interests in this way.

BEUC would also reiterate its recommendation from 2023 for BEREC to carry out a **study about the situation for consumer rights in electronic communications markets** and related providers' legal obligations. This can include the number of complaints not only received by NRAs but also consumer organisations per country, the topics subject to most concerns, enforcement actions taken, and potential legislative gaps to be filled.

Lastly, BEUC strongly welcomes the organisation of external workshops on key issues for consumers, such as **fraudulent use** (workshop on practical issues preventing number misuse and possible fraudulent activities as a result of impact of new technologies) and **sustainability** (workshop on telecom regulators' role in the development and implementation of sustainability indicators in the ICT sector and its focus on eco-design of digital services). Consumer organisations remain at BEREC's disposal on these important topics.

5. Comments on cooperation with EU institutions and institutional groups

BEUC welcomes the emphasis on breaking the silos, improving and structuring institutional cooperation by "**joining forces on certain topics in which synergies can be obtained.**"²¹ We particularly appreciate the efforts to further engage with external bodies under its medium-term strategy and the dedicated team to support the BEREC chair and incoming chair in maintaining an active relationship with external bodies.

6. Comments on BEREC's other tasks

BEUC recognises BEREC's continuous interest in **monitoring the national experiences of the implementation of the EECC** and welcomes the intention to compile a list of regulatory areas where the current framework functions well and those which need further improvement.²² We ask that the focus of BEREC's work continues to be the consistent implementation of the EECC, by providing knowledge and sharing of experience and best practices between the NRAs, in order to ensure a better monitoring of the key elements of the functioning of the EECC.

BEUC also supports BEREC's work on **roaming and intra-EU communications**, especially its upcoming **Opinion on the functioning of the Roaming Regulation**, after a respective call for input from stakeholders took place in September 2024.

²¹ Ibid, page 40.

²² Ibid, page 43.

We also welcome BEREC's intention to open a public consultation in early 2025 on the update of the **Guidelines on Intra-EU communications**, following the coming into force of the new EU rules and the upcoming **European Commission implementing act on fair use**, expected by 31 December 2024. BEREC's work will be essential to ensure an adequate interpretation of the EU rules and legal certainty for both consumers and operators. We encourage BEREC to engage with relevant stakeholders on this matter, including consumer organisations.

Lastly, we reiterate **our support and acknowledgement of BEREC's excellent and indispensable benchmark reporting work**. BEREC's essential data collection and detailed analysis provides independent evidence which is instrumental to evaluate the reality of the telecoms sector and an essential tool to achieve a more competitive single market that benefits consumers.

7. Comments on BEREC's stakeholder engagement

BEUC strongly recommends **BEREC to place all its efforts in retaining and asserting its independence vis-à-vis policy makers and private stakeholders**. Following the policy developments in the telecoms sector over the past years and the current push for a potential regulatory intervention in 2025, we encourage BEREC to proceed with its work by making its consultations as inclusive as possible, listening to the greatest possible diversity of stakeholder views.

In this regard, we strongly welcome the commitment of BEREC to reinforce its dialogue with civil society. We welcome the focus on organising the BEREC Stakeholder Forum and we strongly encourage BEREC to continue organising such stakeholder events.

8. Comments on potential BEREC work for 2026 and beyond

Looking ahead towards 2026, BEUC especially appreciates BEREC's continued work on **facilitating copper network switch-off** to ensure competitive dynamics are maintained during the switch-off and migration processes. We also welcome BEREC's **Report on connected and automated mobility**.

Moreover, following the confirmation by the mission letter addressed by European Commission President Ursula von der Leyen to Commissioner-designate Henna Virkkunen that a legislative proposal for a 'Digital Networks Act' be presented²³, BEUC would like to encourage BEREC and the NRAs to actively engage and contribute to this discussion to ensure that the new legislative proposal **does not question the primary objectives of the EU regulatory framework** of "promoting competition, the internal market and the safeguard of end-user interests"²⁴.

Furthermore, we appreciate that BEREC continues its **work on 5G cybersecurity**²⁵ and its commitment to continue to provide support to the European Commission, NIS Cooperation Group and ENISA on this important work stream.

In conclusion, BEUC would like to reiterate our recommendation that **public consultations should take place over longer periods of time**. Unfortunately, a four-

²³ Henna Virkkunen - [Mission letter](#).

²⁴ European Electronic Communications Code, Recital 23.

²⁵ Ibid, page 53.

week period is not enough for an umbrella organisation with limited resources, simultaneously working over a variety of topics, to properly and fully address all issues raised towards producing an added-value contribution. Short deadlines for public consultations on documents of such complexity risk excluding smaller stakeholders with more limited resources from adequately participating, therefore jeopardising the objective of any consultation: balanced, representative feedback from all stakeholders. This is particularly important in the case of consultations that are particularly relevant for consumer protection.

BEUC once again congratulates BEREC for its overall work and hopes these comments can help it further strengthen its work programme.

