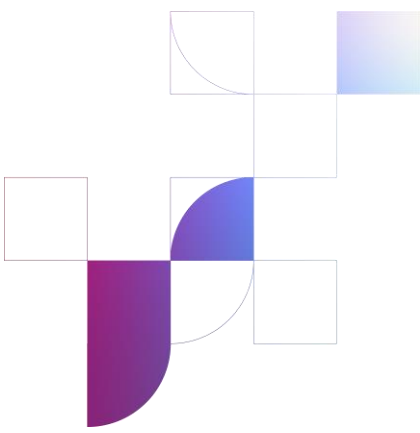


# **BEREC Report on the outcome of the public consultation on the draft BEREC Work Programme 2025**



5 December 2024

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## INTRODUCTION

The Body of European Regulators (BEREC) during its 60th Plenary Meeting (3 October - 4 October 2024) approved for public consultation the draft BEREC Work Programme 2025. The role of the public consultation is to increase transparency and to provide BEREC with valuable feedback from all interested parties. The public consultation on the draft document follows BEREC's initial public call for inputs (CFI) to the Work Programme 2025, which closed in April 2024 and prompted a wide spectrum of stakeholder engagement.

In accordance with BEREC's policy on public consultations, this report is a summary of how stakeholders' views have been considered. In addition, BEREC also publishes all individual contributions on its website, taking into account stakeholders' requests for confidentiality. The public consultation was open until 4 November 2024.

This report summarises the responses received to the public consultation and presents BEREC's position with regard to suggestions and proposals put forward in those responses, as relevant.

Fifteen responses were received. Non-confidential contributions were received from the following organisations: AGC, BEUC, CCIA Europe, Connect Europe, ecta, EENA, FTTH Council Europe, GSMA, GSOA, Liberty Global, MVNO Europe, Samsung, Twilio, Vantage Towers and Vodafone. The submissions are published on BEREC's website; please consult the published documents for the definitive version of stakeholders' views, which are summarised in this report.

BEREC welcomes all contributions and thanks all stakeholders for their submissions.

Generally, the stakeholders support the projects included in BEREC's draft Work Programme 2025. The public consultation marks the penultimate stage of the process in developing the Work Programme, which commenced with BEREC adopting its Outline Work Programme 2025 in January 2024, which was published on the BEREC website and also submitted to the European Parliament, the Council and the European Commission. Following that BEREC issued a call for inputs (CFI) with BEREC Stakeholders on 1 March which was open for over 5 weeks until 9 April 2025. During this period, the Co-Chairs of BEREC's twelve working groups also engaged with stakeholders at the "Meet&Greet" sessions on the morning of the annual BEREC Stakeholder Forum on 26 March 2024.

BEREC notes that many stakeholders are keen to engage further with BEREC through additional consultations beyond those already planned by BEREC in 2025. BEREC will provide opportunities for stakeholder engagement, as appropriate, through BEREC's many formal consultations, calls for inputs, workshops, questionnaires etc., related to the projects set out in the BEREC WP 2025. BEREC appreciates the willingness of its stakeholders to engage on its work in 2025 and considers stakeholders input to be essential to how BEREC operates.



## BACKGROUND

General comments:

BEUC welcomes the opportunity to comment on BEREC's Draft Work Programme for 2025. 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.

ecta welcomes the opportunity to comment on the draft BEREC Work Programme for 2025 and potential BEREC work for 2026 and beyond. ecta supports the contents of most of BEREC's draft work programme, but provides some suggestions and remarks as set out below in this document.

EENA welcomes the opportunity to respond to this public consultation on BEREC's Draft Work Programme for 2025. EENA's comments are limited to elements of the work programme related to promoting the interest of the citizens, most notably those related to emergency communications.

CCIA Europe welcomes the opportunity to participate in the public consultation on the Draft BEREC work programme 2025. CCIA Europe would like to express its full support for the relevant work that the Body of European Telecom Regulators (BEREC) has been conducting in the past years. CCIA Europe is glad to be able to contribute to the work programme for 2025. CCIA Europe commends BEREC for its comprehensive and forward-looking approach, as well as the essential role it continues to play in shaping Europe's digital infrastructure and telecommunications ecosystem. CCIA Europe particularly supports the focus on key areas such as submarine cable connectivity, satellite communications, sustainability and open digital markets.

GSOA appreciates the opportunity to contribute to BEREC's Work Programme for 2025. GSOA advocates for BEREC to safeguard a flexible regulatory environment that honours industrial knowledge, encourages innovation, and promotes sustainable growth without imposing unnecessary limitations. GSOA members very much look forward to contributing to BEREC's activities in 2025 and in 2026.

GSMA thanks BEREC for the opportunity to provide input to the Draft BEREC Work Programme 2025. GSMA supports BEREC's initiative to analyse European telecom markets and welcomes BEREC's focus on submarine cable connectivity, advocating for joint governance guidelines and streamlined permitting processes. GSMA supports infrastructure



sharing to enhance environmental sustainability but cautions against using sustainability indicators to score networks.

Twilio appreciates BEREC's important work to promote full connectivity, foster a healthy and competitive thriving and open digital markets, and the empowerment of end-users (both consumers and businesses and). Twilio welcomes the opportunity to comment on two specific aspects of BEREC's draft Work Programme for 2025.

AGC focused on how it might contribute to BEREC's efforts in terms of connectivity within premises.

Connect Europe expressed concern about a limited focus on fibre roll-out in the draft 2025 Work Programme, and instead sought a stronger overall focus on the importance of creating incentives for fibre infrastructure investments. Connect Europe urge BEREC to take a more forward-looking approach and to consider adjusting relevant projects to truly promote connectivity and fibre roll-out.

Vodafone appreciates the opportunity to comment on this consultation and trusts that their comments are helpful to BEREC and National Regulatory Authorities (NRAs) as well as to other stakeholders.

FTTH Council Europe appreciates the opportunity to comment on the Draft BEREC Work Programme for 2025. In its response to that early call for input, the FTTH Council Europe called for more work on the issue of Copper Switch-Off and the Council is pleased to see that the revised programme contains a public workshop on "Strategic Issues related to copper switch off" in addition to the "Progress Report on Managing copper network switch-off". A critical support element to effecting copper switch-off within the work programme is project 3.2, 'BEREC report on switching and termination of contracts.

Liberty Global appreciates the opportunity to provide input on Draft BEREC Work Programme for 2025 and supports BEREC's commitment to engage with stakeholders and examine relevant topics. BEREC has played a key role in the creation of various Code-related guidelines and a significant portion of BEREC's role in the future will be to monitor how the Code functions and continues to be implemented. Liberty Global supports BEREC's proactive approach and once again urges BEREC to involve stakeholders at all times in these activities.

MVNO Europe expresses its support for the contents of the Draft BEREC Work Programme for 2025 and welcomes the opportunity to provide comments. MVNO Europe calls on BEREC to proactively communicate BEREC's opinions and other docs to the co-legislators.

Vantage Towers thanks BEREC for the opportunity to contribute to the important public consultation on the Draft BEREC Work Programme for 2025.



## BEREC WORK IN 2025

### 1. Strategic priority: Promoting full connectivity

Promoting full connectivity will remain a strategic priority in the coming years for BEREC, in line with the focus on promoting VHCNs within the European regulatory framework. This means prioritising work that improves the general conditions for the expansion and take-up of secure, competitive, and reliable high-capacity networks (both fixed and wireless) across Europe, while ensuring a smooth transition from the legacy infrastructures and access as well as end-users' interests.

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

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.

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.

Connect Europe believe that current thresholds are still fit-for-purpose, and, above all, they are aligned with the digital compass target that refers to 1 Gbps download speed. Departing from current thresholds would negatively impact coherence of regulatory measures. Also, it would be useful for BEREC to analyse application of guidelines by NRAs, in light of forthcoming EECC review.

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.

Liberty Global welcomes the revision of criterion 3 and warns that BEREC should not set a gold standard VHCN with future network performance in mind, but rather define a VHCN that reflects the current market realities (including the current network technologies and performance).

Liberty Global urges BEREC to consult fixed network operators and involve them in every step of the data gathering process.



Vodafone outlines that to meet the Digital Decade Policy Programme target efficiently a technology neutral mix should be considered, and therefore the BEREC Guidelines should retain this deployment incentive. Remaining technology neutral is relevant from a societal, regulatory and state aid perspectives. The guidelines should provide for planning certainty and predictability, Vodafone suggests that BEREC's work would benefit from direct interaction with technology teams of network operators deploying very high-capacity networks.

FTTH Council Europe believes that this is a critical update to affirm the high nature of VHCN and its equivalence. It flags that getting to 100% FTTH rollout could be very costly due to the last small percentage and considers that the cost is separate to setting the appropriate metrics for measuring what constitutes VHCN.

BEREC has carefully considered stakeholders views and commits to completing this review by 31 December 2025 in accordance with Article 82 of the EEC. BEREC agrees with respondents about the importance of a technology-neutral approach and looks forward to considering if relevant performance threshold changes need to be incorporated into the updated Guidelines. Because of the advanced state of the work, BEREC intends to consult on this project during the P1 of 2025 and not P2 of 2025 per the draft Work Programme that was published for public consultation. As a result, please note the final Work Programme has been updated accordingly to reflect the new timelines.

## 1.2. Progress Report on Managing copper network switch-off

Connect Europe concerns about limited focus on fibre roll-out, only a few mentions of 'fibre' or 'FTTP'. References were made mainly on issues related to copper switch-off, PIA and WS on competitive effects of strategic fibre network deployment.

Connect Europe would welcome stronger overall focus on importance of creating incentives for fibre infrastructure investments.

ecta strongly welcomes further BEREC work on copper switch-off but “the lessons learned so far in order to best prepare for the copper switch-off phase” 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. ecta calls for 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.

Vodafone considers that the focus in the progress report should move to how to safeguard competitive dynamics during the switch-off and migration processes to not jeopardise the level of infrastructure competition. Vodafone repeats its proposal that an external workshop should be arranged on copper switch-off before finalising the progress report.





FTTH Council Europe informs BEREC that it has commissioned a study from Cullen International tracking progress with respect to copper switch-off across a series indicators and would be happy to share data, learnings and experience from that work with BEREC.

BEREC appreciates stakeholders' views and has carefully considered them.

In considering the views received, BEREC must highlight that this project is essentially carried over from the current year's work programme (Work Programme 2024) and BEREC is consulting on the draft Progress Report on managing copper switch-off from December 2024 already. At the P2 2025 BEREC intends to make the final report available including with the summary report on the consultation.

Without fettering or prejudging the outcome of this project, BEREC may be in a position to consider appropriate next steps and whether or not additional work is needed in 2026. However, it is also important to note that BEREC experts will also be considering related matters (perhaps internally) during the BEREC workshops set out in project 1.10 in the Work Programme. The ambition and nature of any future work on copper switch-off may consider all the relevant information available to BEREC, and BEREC will be transparent about the possible timelines and content of any such work so that stakeholders have sufficient advanced notice of when they may need to provide views.

### **1.3. BEREC Guidelines on the coordination of civil works according to Art. 5(6) of the Gigabit Infrastructure Act**

Liberty Global urges to address in the guidelines that key priority of BEREC when drafting them should be to create a single and uniform guidance for all local authorities to facilitate the coordination of civil works based on simplified procedures, so that operators can deploy civil infrastructure and/or associated facilities in an efficient manner. Also, costs apportioned should reflect the level of contribution and benefit experienced by the parties.

BEREC has carefully considered the views and believes that there is no need to change the Work Programme. Stakeholders will note BEREC's stated commitment in the Work Programme to call for inputs from stakeholders, and that such a call would be one of the inputs forming the basis for the Guidelines

### **1.4. BEREC Guidelines on access to in-building physical infrastructure according to Article 11(6) of the Gigabit Infrastructure Act**

Liberty Global urges that BEREC guidelines should address how to standardise conditions for access and provide a clear framework which sets out the parties' responsibilities and timescales for access requests to be dealt with, outline how to address ownership in the

inbuilding infrastructure installed by another operator and provide clarity on the powers and responsibilities of local authorities. A centralized information system should also be available to assist the procedure to request access to the inbuilding infrastructure.

BEREC has carefully considered the views and believes that there is no need to change the Work Programme. Stakeholders will note BEREC's stated commitment in the Work Programme to call for inputs from stakeholders, and that such a call would be one of the inputs forming the basis for the Guidelines.

### **1.5. BEREC Input to European Commission's Guidance on Article 3 of the Gigabit Infrastructure Act**

Vantage Towers expresses a need for a more comprehensive investigation into phenomenon of land-or lease aggregation to identify the harmful practices and economic harm as a prerequisite to data collection on contracts between operators and holders of rights to land by NRAs, which is required by GIA's provision.

Vantage Towers also sets out that the GIA's provision requiring data collection on contracts between operators and holders of rights to land by National Regulatory Authorities (NRAs) provides a crucial opportunity to address the issue. It believes the BEREC study will then better enable NRAs to identify practices regarding land access that might jeopardise the sustainable and cost-effective network expansion across Europe that the GIA envisions. Alternatively, the issue of "aggressive lease aggregation" could also be investigated as part of BEREC's fact finding report on the competition indicators and regulatory highlights in different jurisdictions as part of Section 1.9 of the working programme.

FTTH Council Europe sets out that it considers this project important as the Guidance could be a critical resource for parties deploying physical networks.

BEREC thanks respondents for their views on this project, observing that the absence of further details from the European Commission (at this moment) on the scope of factors and issues that it might include when preparing such Guidance, makes it difficult to provide respondents with any additional information about the issues to be considered in BEREC's deliverable.

As a result, BEREC intends to provide expert views on any relevant issues that will serve to satisfy the guidance sought by the EC. The views of respondents are noted, and BEREC offers to reflect on them again over the course of this project. In summary there is no change to the final Work Programme deliverable.



## 1.6. Report on the regulation of physical infrastructure access

Connect Europe welcomes BEREC's plans to explore Physical Infrastructure Access (PIA) imposition noting that any BEREC recommendation accords with the EECC provisions related to PIA.

ecta welcomes with caution this project. ecta expressed concern that the report may "oversell" PIA as a magic bullet and may over-emphasise symmetric access. ecta cautions against invoking PIA regulation (asymmetric or symmetric) as a motivation to de-emphasise SMP-based wholesale obligations relating to access to networks, both passive and active. ecta asks BEREC to be more affirmative, and to actively pursue the explicit identification of best practices in this report.

Liberty Global welcomes BEREC's intention to carry out an in-depth review of regulatory intervention in this area and encourages BEREC to engage with industry stakeholders at an early stage of this review to understand the market view of PIA and regulatory intervention in this area. The quality of PIA is also critical. Liberty urges BEREC to also examine other factors than regulation.

Vodafone supports the exploration of the relationship between PIA imposed asymmetrically and symmetrically. Vodafone suggest that BEREC issue recommendations on - pricing methodologies, along with the remedy scope and the framework for imposition.

FTTH Council Europe looks forward to participating in the public consultation process on this project and also note the upcoming Review of Relevant Markets.

BEREC appreciates and thanks for the support of its work on this project. BEREC notes the interest of stakeholders to be further involved in BEREC's work, however, there is no change to the final Work Programme deliverable.

## 1.7. BEREC Report on the evolution of private and public 5G networks in the Europe

ecta sets out that a case-by-case assessment is needed 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. ecta also considers that 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.

Liberty Global sets out it considers BEREC investigates this and other associated trends, such as satellite communication, small cells, infrastructure, and spectrum sharing and neutral hosting. Also, careful analysis is required to ensure spectrum is allocated in accordance with



maximum efficient use and broad coverage, and to ensure that regulatory frameworks are applied in accordance with the principle of technology and service neutrality.

MVNO Europe sets out that it intends to file a brief response to the relevant consultation, by 29 Nov 2024. A key point is that companies which have invested in the capabilities needed to be a full MVNO/MVNE also have relevant capabilities to bring to bear in the context of the deployment and management of private 5G networks, and their interworking with public mobile networks and public mobile communications services.

BEREC thanks stakeholders for their views and looks forward to carefully considering all inputs received during the consultation on evolution of public and private 5G networks, which is scheduled to be adopted at P1 2025. Therefore there is no change to the final Work Programme deliverable.

## **1.8. BEREC External workshop on the technological advances as security opportunities and challenges for network resilience**

Liberty Global notes that the level of engagement sought by NRAs, to further BEREC's work in this regard, can differ from country to country. The centralisation of consultations and stakeholders at the European level through BEREC instead of indirectly via NRAs, can ensure a more consistent level of stakeholder engagement. Liberty Global urges BEREC to hold public consultation of the workshop summary report, for the workshop held in the fourth quarter of 2024 to ensure full transparency and to enable those stakeholders unable to attend or to participate in the workshop to contribute as well.

BEREC has carefully considered Liberty Global's comments, and in particular the point that BEREC's involvement can assist achieve a consistent approach to security and resilience, and to stakeholder engagement generally.

In relation to the proposal to include a consultation round on the summary report of the workshop, this is not a standard practice on reports from workshops. BEREC does not intend to support a consultation round on this particular summary report either. BEREC will alert interested stakeholders about opportunities to attend the external workshop, and depending on the format, BEREC will determine how parties can express their views during the workshop or afterwards (including even by accepting written views afterwards that can be published, though clearly these cannot not form part of the summary report if they are outside of the workshop itself).

In addition, and in general with regard to the cyber and resilience work in Year, BEREC is mindful of the benefits of seeking stakeholders call for inputs which can help it support relevant works arising from meetings at Nevers (France) 9 March 2022 (See also project 5.2.3 in the Work Programme 2025).

## 1.9. Fact finding report on the competition indicators and regulatory highlights in different jurisdictions

BEUC supports this project.

Vantage Towers strongly recommends that BEREC adopt a holistic perspective on the entire value chain that supports mobile telecommunications infrastructure in this project. Vantage Tower suggest the inclusion UK as an example in the fact-finding exercise.

ecta appreciates the inclusion of this project, and ask for this project 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 EEC and/or for a Digital Networks Act.

GSMA welcomes and supports this project. GSMA consider that the BEREC report should go beyond a 2024 report prepared for DG Competition on 4G. GSMA suggest that BEREC's report could be expanded and identify benefits of in-country consolidation, and of more concentrated market structure compared to network sharing agreements.

Liberty Global shared its views on the challenges in funding investments, as well as the need to increase the scale through consolidation in national markets. It seeks that these be addressed in the report.

MVNO Europe actively supports the preparation of the fact-finding report and calls on BEREC to keep it even if other stakeholders would ask this to be removed.

FTTH Council Europe note that it can be challenging to compare data from different jurisdictions and is willing to share its experience in this regard. FTTH Council Europe looks forward to participating in the public consultation.

BEREC appreciates and thanks for the support of its work on this project. BEREC notes the interest of stakeholders to be kept informed about BEREC's work on this topic. As a result, BEREC does not make any change to the final Work Programme deliverable.

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

BEUC is supportive of these workshops.

Connect Europe considered that there was a limited focus on fibre roll-out in the work programme and would welcome stronger overall focus on the importance of creating incentives for fibre infrastructure investments.



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. 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

Vodafone recommend that for an informed discussion BEREC should go beyond the planned internal workshop and engage actively with network investors facing the negative impact of strategic overbuild (by incumbents). Vodafone recommends that a report not only describing the status quo is undertaken but should also include potential recommendations on how to address strategic overbuild.

FTTH Council Europe consider that the Cullen International study it commissioned is of relevance for these workshops, along with four workshops which will address different aspects of copper switch-off. FTTH Council Europe is willing to share its learnings, knowledge and experience with BEREC in BEREC's workshop preparations.

BEREC appreciates and thanks for the support of its work on this project. BEREC notes the interest of stakeholders to be further involved in BEREC's work.

BEREC considers that these deliverables (even if they are in the form of workshops) do in fact indicate the high importance that fibre roll-out has for BEREC and stakeholders should not assume fibre related projects have less standing in this year's Work Programme. As a result, there is no change to the final Work Programme deliverables.

## 1.11. Submarine cables connectivity in Europe

ecta expects it and its members, who include investors in submarine cables, to be invited to workshops on submarine cable connectivity in Europe to share relevant experience. ecta is on record with BEREC in taking the view that '*if it ain't broke, don't fix it*' in the authorisation context.

GSMA welcomes work on submarine cable connectivity - recommends early engagement with all relevant stakeholders, incl. European Experts Group established earlier this year.



BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

BEREC's draft Work Programme deliverable on this item was deliberately broad in scope to provide for flexibility in how it might best contribute (and observing that the EC only recently launched for the study to support for the implementation of Recommendation (EU) 2024/779 on 'Secure and Resilient Submarine Cable Infrastructures').

BEREC is now in a position to clarify part of the deliverables under this project namely a BEREC Report on the domestic submarine cables in the different Member-States, which will be consulted on at P2 2025. Therefore, the final Work Programme is updated accordingly to include a deliverable as follows:

***Deliverable: BEREC Report on the domestic submarine cables in the different Member-States***

*Public consultation: Yes*

*Adoption of the draft report for public consultation at Plenary 2, 2025*

*Adoption of the final report at Plenary 4, 2024 for publication" (see also final Work Programme 2025, at section 1.11)*

## 1.12. Follow up internal workshop on direct-to-mobile device satellite connectivity

CCIA Europe sets out that supports the focus on key areas such as submarine cable connectivity, satellite communications, sustainability, and open digital markets. CCIA Europe members are dedicated to continuously invest in and develop technologies such as low earth orbit satellites, content delivery networks and subsea cables, all aimed at ensuring that connectivity can reach anyone, in the most efficient and cost-effective way possible.

BEUC sets out that it supports 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, it recommends 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.

GSOA sets out that collaboration between satellite operators, MNOs, and regulatory bodies is indispensable to realise the full potential of satellite D2D connectivity and usher in a new era of ubiquitous and seamless communications. GSOA believes that regulatory frameworks should be done in close cooperation with industry stakeholders to ensure their continued

support and adaptability. GSOA also sets out that technology neutrality within the regulatory framework is critical. Satellite-based D2D services provide unique capabilities that are essential for achieving universal connectivity objectives. BEREC's regulatory approach should support a level playing field for both satellite and terrestrial technologies.

MVNO Europe sets out that it is concerned that satellite operators are entering into exclusive deals with MNOs, notably because some satellite systems need permission to use the relevant MNOs' terrestrial radio spectrum for direct satellite to handset communications. In this context, there is growing concern that MVNOs could be sidelined from adding a satellite component to their services, given that, contrary to MNOs, they have no radio spectrum to bring to the negotiating table. As a result, MVNO Europe has continued interest to this topic.

BEREC thanks stakeholders for their views and looks forward to future discussions and inputs on this topic. BEREC's preference for an internal workshop this year is driven by the fact BEREC has already held two external workshops in the last 2 years and although an internal workshop may seem 'closed', BEREC would note that it may seek invited presentations by external parties to help the dialogue where necessary. However, the immediate intention at this stage is to create capacity for expert-to-expert dialogue and experience sharing between NRAs or OCAs (other competent authorities). As a result, there is no change to the final Work Programme deliverable.

### 1.13. BEREC Report on Virtual Worlds and Web 4.0

BEUC welcomes report. Calls on BEREC to determine tech shift impact on consumers.

BEREC thanks BEUC for its submission, but BEREC sees no need to change the deliverable in the final Work Programme 2025.

### 1.14. Update to BEREC Guidelines on Geographical surveys of network deployments

FTTH Council Europe consider that important questions about how the output of these surveys are used remain (i.e. to what extent designated areas are identified and to what extent these lead to interventions or otherwise). FTTH Council Europe would be happy to participate in a public consultation.





BEREC looks forward to receiving FTTH Council Europe's and all interested stakeholders' inputs on this project in due course. BEREC is well aware of the implications and the various usages of Geographical Surveys, and thus the importance of the Art. 22 GS GLs and any update to them.

BEREC will ensure that stakeholders are made aware significantly in advance of any public consultation. However, at this point it is too early to confirm the deliverable timelines but it will most likely be in the second half of 2025 because BEREC will have access to more information which might inform the update such as the Report on Connectivity Indicators for the Digital Decade Policy Programme (which is one of the final deliverables of Work Programme 2024), progress towards the EC's Methodology on 5G Mobile and Fixed QoS Coverage Mapping, and other relevant information. As a result, BEREC does not change this deliverable in the final Work Programme.

### **1.15. Follow up to BEREC Opinion on the EC's methodology for the mapping of QoS coverage on Connectivity Indicators for the DDPP**

ecta advocates for 5G KPIs which are not related to the use specific frequency bands, in line with the technology and service neutrality principle. ecta urges BEREC to be cautious with regards to this project and not contribute to the "catastrophist" narrative in the 2024 EC White Paper.

BEREC is carefully considering the EC's draft methodology for the mapping of QoS coverage on connectivity indicators for the Digital Decade Policy Programme presently, and to the extent that there might be follow up work in 2025, BEREC would keep stakeholders informed once it is clear what might be entailed. As a result, and as flexibility is needed in order to react to possible future work, there is no change the deliverable in the final Work Programme.

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

BEUC highlight the importance of this project given the proposals in the EC's White Paper. BEUC consider that reducing the list of relevant markets susceptible to ex-ante regulation could lead to a potential negative impact on consumers. BEUC recommends that BEREC hold an external stakeholder workshop to assess the impact of potential changes to this Recommendation.



Connect Europe consider that the review of the Relevant Market Recommendation is of the utmost importance.

ecta consider that given the EC's proposals there may be a significant impact on NRAs, challenger operators, and consumers. In this context ecta suggest that BEREC should organise an external stakeholder workshop on the assessment of the impact of changes.

Liberty Global strongly supports continued deregulation, and provided a number of views in this regard which it urged BEREC to address in this project.

MVNO Europe calls on BEREC to proactively communicate BEREC's opinions and other documents to the co-legislators.

Vodafone recognise that this is an internal BEREC project but is available to provide input to BEREC if sought.

FTTH Council Europe acknowledge that the BEREC input to the EC's review work is an internal matter. Nevertheless, it considers this matter an issue of critical importance for the sector and looks forward to interacting with BEREC and its members on this subject as appropriate.

BEREC observes stakeholders' high levels of interest in this deliverable and believes this will be an important Opinion for the EC, NRAs, stakeholders and their advisors in light of the future of telecoms regulation. As set out in the final Work Programme, BEREC intends to engage with industry in order to inform its Opinion, but the form and scope of such engagements is not defined. In addition, as the timetable from the EC is not yet known, there is no change to the deliverable in the final Work Programme.

## 2. Strategic priority: Thriving sustainable and open digital markets

BEREC will continue to work on topics that relate to the functioning and sustainability of the digital markets. This implies focusing on issues that explore regulatory conditions and address issues for digital service providers and end-users in the digital market.

Furthermore, BEREC will continue to monitor technological innovation, such as AI, AR/VR, 6G or metaverses to identify how these technologies influence electronic communications markets and their potential impact on regulation.

Based on its experience, BEREC will continue to contribute to the implementation of the DMA within the High-Level Group which will remain a priority of the European Commission in 2024. In addition, BEREC will track the evolution of the NRAs competences in the context of the



digital legislative files, such as the DSA, the Data Act, or the AI Act, and collaborate with the EU institutions on relevant digital topics.

BEREC will continue to improve its knowledge on environmental sustainability to contribute its expertise to the twin transition and EU Green Deal's targets.

The open Internet has been considered an important building block in the EU telecommunication rules. Thus, BEREC will continue monitoring this aspect in several work items.

## 2.1. BEREC contribution to the implementation of the Data Act

CCIA Europe is eager to support BEREC's work on Data act

BEUC also welcomes BEREC contributions and are available to engage in further debate

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work. There is no change to the deliverable in the final Work Programme.

## 2.2. Implementation of the Open Internet Regulation and the BEREC Open Internet Guidelines

BEUC welcomes BERECs efforts to step up enforcement.

Liberty Global strongly supports and suggests holding a Public Consultation prior to the adoption of the pan European report.

BEREC appreciates and thanks respondents for the support of this deliverable in the Work Programme. However, as this specific task is, by its nature, a fact sharing Report, BEREC is of the view that a public consultation would not be appropriate or add value to the factual information contained in the Report. As a result, there is no change to the deliverable in the final Work Programme.

## 2.3. Collaboration on internet access service measurement tools

No comments received, but BEREC finds benefit in the ongoing expert-to-expert experience sharing on measurement tools. As a result, BEREC does not change the deliverable in the final Work Programme.



## 2.4. Report on Infrastructure sharing as a lever for ECN/ECS environmental sustainability

BEUC remains at BEREC disposal on this important topic

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 EECC 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.

GSMA supports focus on identified environmental benefits from network-sharing - report could cover risk, barriers, and benefits. However, needs to focus on more than environmental protection - also needs to include benefits for networks (e.g., fair share). Report should cover complexity of decolonization and competitiveness. GSMA view: BEREC should not use report as a tool to target environmental benchmarks, or to mark geographical areas for market development by sustainability indicators. Report should not lead to scoring of networks by sustainable indicators or environmental targets

Liberty Global supports and urges BEREC to ensure that dialogues with stakeholders continue.

MVNO Europe states firmly that competition between MNOs on wholesale markets is crucial for functioning wholesale and retail markets and is formally considered in 4 to 3 MNO merger proceedings. The provision on wholesale access to MVNOs therefore must be an essential dimension for this BEREC project. MVNO asks BEREC to reflect the wholesale dimension in the text of the final WP 2025.

FTTH Council Europe considers that the provisions on infrastructure-sharing foreseen by the EECC could be used to support environmental targets to allow competent authorities to impose the co-location and sharing of fixed and mobile network elements and associated facilities for reducing the environmental footprint of ECN/ECS. FTTH Council Europe believe that this adds further justification for an effective implementation of various measures to facilitate network deployment.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

BEREC is happy to read that also in general positive and affirmative to the sustainability focused deliverables for 2025.



## 2.5. BEREC external workshop on telecom regulators' role in the development and implementation of sustainability indicators in the ICT sector

CCIA Europe eager to contribute to BEREC's work on sustainability

GSMA supports BEREC seeking to continue contributing to EC's a Code of Conduct on sustainability for teleco networks and services, should include list of relevant environmental indicators in this frame. However, aim and role of an open industry database needs to be further clarified. What would be the aim and role for a BEREC database of sustainability indicators? How will this database be used, and who will have access? Need for clarification and identification of which industry players should publish information.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

This project will be concluded in 2024, with the publication of the summary report of the workshop, which was held in Belgrade on 11 September 2024. As such, this deliverable has been removed from the 2025 Work Programme and the deliverables under Pillar 2 of the final Work Programme are renumbered accordingly.

## 2.6. BEREC report on the integration of AI in the telecommunications sector

BEUC welcomes BEREC contributions and are available to engage in further debate.

Twilio, in relation to AI, submitted that broad action to limit AI technologies or overly burdensome regulatory requirements should not be advanced until the impact of AI technologies has been evaluated.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

BEREC notes that responding to specific requests under the DMA HLG subgroup on AI is one line of work, but BEREC intends to develop other lines of work under the AI topic, as set out under project 2.5 in the Work Programme 2025. To better reflect the nature of the proposed work, the title of the deliverable is amended as follows: "*BEREC report on the integration of AI in the telecommunications sector*". BEREC envisages carrying over relevant aspects of this work (such as internet openness and/or environment) into 2026, and this will be reflected in the outline Work Programme 2026 accordingly.



## 2.7. Internal workshop on the consideration of 5G differentiated services and network slicing

BEUC calls on BEREC to change this deliverable to an external workshop.

Connect Europe states that this is a very important topic for industry and suggests opening the Workshop to other stakeholders and also to open any report of the Workshop to public consultation.

ecta asks to be notified well in advance of the date, the agenda, and the identity of the invited experts.

GSMA considers this topic to be very important for Industry and suggests BEREC open the Workshop to other stakeholders and publish the report for Public Consultation.

MVNO Europe previously raised the fact that, to its knowledge, MNOs have not offered 5G network slicing to MVNOs. In addition, care is needed to ensure that the network slicing is positioned as a positive innovation, and not as a way to discriminate between what the MNO self-suppliers, or suppliers to specific end-users, whilst withholding it from MVNOs. This could result in MVNOs not being able to compete for the provision of equivalent services to customers.

BEREC appreciates and thanks respondents for their submissions on this deliverable. BEREC has carefully considered the views to change the deliverable from an internal workshop to an external workshop, or external deliverable with a consultation, but does not find the reasons to do so persuasive. 5G Network Slicing is a topic of much interest to many stakeholders for a variety of different reasons. The focus of this workshop is not on industry views about use cases or commercial strategy issues, but on how NRAs (with the required competence) apply relevant elements of the Open Internet (OI) Regulation (EU) 2015/2120, and any experience they can share specifically in view of 5G Network Slicing. As a result, BEREC would like to have an internal dialogue before having an external touchpoint with stakeholders as this may better inform the scope of any future external engagement/(s).

As a result, BEREC does not change the deliverable in the final Work Programme.

## 2.8. BEREC external workshop on implementation of Equivalence of Inputs (Eoi) by NRAs

ecta considers that it remains important to have an in-depth discussion on the merits of Eoi, given the scheduled evaluation of specific aspects of the EECC. ecta recommend that BEREC have the planned workshop in Q2 2025, and the publication of the workshop summary to Q3 2025 so that it can be a relevant input into the review of the EECC.



BEREC is grateful to ecta for recognising the efforts of BEREC to deal with the important topic of implementation of Eol but given the deadlines for e.g. the WACC parameters report as well as other obligatory and ad hoc deliverables, BEREC will maintain the timetable as outlined in the draft Work Programme. Depending on the experiences shared during the workshop in this deliverable, BEREC may consider further work on Eol implementation in the future.

## 2.9. Internal workshop on the practices of data collections from NI-ICS providers

No comments received. BEREC recognises there could be benefit for experts to share experience on the practices of data collection, such as from NI-ICS providers as there are likely to be efficiencies in harmonised approach to data collection. As a result, BEREC does not change the deliverable in the final Work Programme.

## 2.10. BEREC contribution to the implementation of the Digital Markets Act

CCIA Europe is eager to support BEREC's work, especially in encouraging consistent & cohesive approach to new digital regulations via DMA HLG

BEUC welcomes BEREC contributions and are available to engage in further debate

MVNO Europe expects the initiatives that form part of this BEREC project to result in concrete improvements of those MVNOs which continue to face serious problems. Fact is that, for at least the past decade, Operating System functionalities , notably on IOS devices, are being wilfully withheld by Apple where the service provider has not entered into a commercialisation agreement for Apple devices (so-called 'Carrier Partner Agreement').

Samsung highlighted an issue that arose in the USA and which, it contends, will inevitably arise in Europe with regard to eSim operability and the issue of switching provider/devices. According to Samsung this issue will arise in the development and enforcement of the DMA (Art 6 (7)). Therefore, Samsung submits that BEREC would be well-advised to keep this eSim interoperability issue in mind when speaking to other institutional stakeholders about the future development and enforcement of the DMA. This will avoid consumers being unfairly locked-in to their devices when eSim-only devices become more widespread in the European market.



BEREC welcomes the submissions received in relation to “**BEREC contribution to the implementation of the Digital Markets Act**”.

BEREC will keep monitoring and analysing the developments of digital markets, and the impact and effects of the practices implemented by large online platforms, in line with was suggested by **CCIA**. The BEREC work will continue to take different forms, e.g. contribution to the HLG meetings and the HLG subgroups, opinion on the interoperability reference offer under Article 7 of the DMA, bilateral exchanges with the European Commission and other members of the HLG, and, thus, BEREC welcomes **BEUC**'s willingness to engage in further debate.

In 2024, BEREC published the Report on the entry of large content and application providers into the markets for electronic communications networks and services<sup>1</sup> in which identified that recent technological developments and specific services provided by large CAPs, in particular by OS and some device manufacturers, can sometimes restrict ECN/ECS providers' ability to correctly give access to services or to the network itself. Specific situations were looked closer, like the access to 5G slicing functionalities or other restrictions to the provision of the slices, the potential implications of provider-specific solutions for standardised services (e.g. RCS), as well as the difficulties that some MVNOs and smaller mobile operators seem to face in setting up some functionalities of the devices (e.g. APN-related services, VoLTE, VoWiFi) or in configuring the network profile when eSIMs are used.

Building on the work developed and considering **MVNO Europe** and **Samsung** submissions to the public consultation, further analysis/monitoring exercises may be developed on the issues raised by different stakeholders about potential restrictions imposed by OS providers and/or devices manufacturers (for example, by means of questionnaires, interviews or workshops with MVNOs, OS providers, devices manufacturers and consumer associations).

## 2.11. Stock taking of NRAs application of Article 52(2) for wholesale access obligations

ecta sets out that it looks forward 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. ecta sets out that it represents several late entrant Mobile Network Operators which rely on temporary national roaming imposed by NRAs/competent authorities in application of Article 52(2) EEC. ecta notes that MVNO

<sup>1</sup> BoR (24) 139, 3 October 2024, available at [https://www.berec.europa.eu/system/files/2024-10/BoR%20%2824%29%20139\\_BEREC%20Report%20on%20the%20entry%20of%20large%20CAPs%20in%20ECS-ECN\\_0.pdf](https://www.berec.europa.eu/system/files/2024-10/BoR%20%2824%29%20139_BEREC%20Report%20on%20the%20entry%20of%20large%20CAPs%20in%20ECS-ECN_0.pdf)



access has also been mandated in several Member States on the basis of the same article, as a result the topic is of substantial interest to it.

GSMA sets out that it would question the density of survey, as it appears rather “light” [in its view], and that it has doubts whether this will result in comprehensive information. GSMA believe missed opportunity to not have PC here for industry to input. GSMA also considers that the survey and report is done with the intention to collect information on the basis for set-asides.

Liberty Global urges to ensure that it remains economically viable for operators to deliver the best outcomes to consumers - i.e. not encouraging unnecessary new entrants when competition is deemed sufficient, not artificially driving up spectrum prices, and encouraging infrastructure sharing. Also, the existing attitude to private spectrum trading should be continued allowing the market to move spectrum to those with most value and likelihood of using it and discouraging hoarding.

MVNO Europe offers to delete words 'if any' in the following wording: 'The purpose of this project is to gauge the extent to which NRAs/competent authorities, if any, have utilised the provisions of Article 52(2) if the EECC' (page 32, para 2), because it's potentially worrisome as it may suggest the utilisation so far of the article would be exceptional, perhaps of limited importance, or of less importance going forward.

BEREC thanks stakeholders for their views but would make the point that the proposed deliverable is not borne out of an intention to collect information to advocate for set-asides, as suggested by one stakeholder. In fact, part of the genesis of this deliverable stems from stakeholders' views during the call of inputs after the 12<sup>th</sup> Stakeholders Forum in Brussels (26<sup>th</sup> March) and BEREC's willingness to try and accommodate some of their calls given the limited resources of NRAs.

As BEREC is mindful of the capacity constraints on NRAs, it decided that, on balance, it would be more beneficially to have a “light” benchmarking report included in this Year's work programme than nothing at all on this topic.

If this deliverable would be postponed until another year, there might be other higher priorities projects that could take its place and the opportunity to conduct such an inventory might be further postponed or lost. In addition, given the upcoming review of EECC, BEREC considers that having a factual picture of the operation of this particular Code Article could be useful for other projects. To the question of whether BEREC should consult on this stock taking exercise or not, BEREC must respond that the available resources were such that it only ever intended to generate a benchmark. If more work would be warranted next year, the results of this benchmark could feed into it. For editorial reasons the words “if any” are deleted in the final work programme text.



## 2.12. Advancing towards environmental data collection on ECN/ECS and contributing to future code of conduct on ECN/ECS sustainability

CCIA Europe support focus on sustainability

GSMA are unsure on added value of proposed data collection exercise and questionnaire - already established streams of sustainability reporting and launching yet another questionnaire could lead to more reporting without new substance. Generally, GSMA critical of the sustainability indicators - this would lead to scoring of sustainable networks. GSMA call for harmonised framework for environmental data collection and clear mandate for NRAs to collect such data.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

BEREC is happy to read that also in general positive and affirmative to the SUST projects for 2025.

## 2.13. BEREC external workshop on environmental footprint of satellite constellations

CCIA Europe support focus on satellites and sustainability.

GSOA look forward to contributing to WS on environmental footprint of satellite constellations. GSOA draws attention to efforts made to Space Sustainability Compendium.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

BEREC is happy to read that also in general positive and affirmative to the sustainability focused projects for 2025.

## 2.14. BEREC external study on data centres

ecta asks BEREC to ensure that it and its members receive the relevant questionnaires and are interviewed by the study team.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.



### 3. Strategic priority: Empowering end-users

Engaging end-users in the fast-changing digital ecosystem is becoming more complex. While digital innovation and competition among digital service providers have improved users' empowerment, there is still an important role for regulators to play in ensuring transparency for consumers, increasing and maintaining consumer awareness and further improving digital skills.

The promotion of full connectivity will trigger the demand for high-quality services, provided by VHCNs whose development is a key priority for creating effective interactions for end-users.

BEREC will continue its work in promoting choice of services and empowerment for end-users.

#### 3.1. BEREC Opinion on the review of Universal Services

ecta is not convinced that the universal service regime, which was substantially modified by the EECC, needs 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. Any financial transfers to entities designated to deliver broadband universal service, should be subject to the provisions of the 2023 European Commission State aid guidelines.

Liberty Global urges BEREC to involve network operators in the data collection.

MVNO Europe calls on BEREC to proactively communicate BEREC's opinions and other documents to the co-legislators.

BEREC appreciates and thanks respondents for their submissions and for the support of its work on this aspect of the work programme.

#### 3.2. BEREC report on switching and termination of contracts

Liberty Global supports and urges BEREC to involve stakeholders in the case of holding workshops or touchpoints with NRAs.

FTTH Council Europe considers that BEREC's work under the priority of "empowering end-users" is vital to an effective migration process from copper to fibre and the ultimate switch off of the copper network. FTTH Council Europe notes examples of positive and negative switching processes. FTTH Council Europe outlines how end-user demand side issues may be impacting take-up of deployed networks. FTTH Council Europe considers that BEREC could champion best practice across Europe. FTTH Council Europe notes that its "Open-Access Working Group" is working in this area, it is happy to share data and experience with



BEREC, and this working group will also host a workshop in Spring 2025 in Amsterdam. FTTH Council Europe looks forward to participating in the public consultation process for this item.

BEREC appreciates and thanks respondents for their submissions and the support of its work on this aspect of the work programme.

### **3.3. BEREC external workshop on practical issues preventing number misuse and possible fraudulent activities as a result of impact of new technologies**

Twilio welcomes this external workshop and requested to present at the workshop.

BEREC appreciates and thanks the respondent for the submission and for the support of its work on this aspect of the work programme.

### **3.4. BEREC-BEUC Joint workshop on end-user rights**

EENA notes that according to Article 123(c) EECB BEREC must consider to what extent effective access to emergency services is appreciably threatened by market and technological developments. Given the relevance of this report for public safety, EENA would therefore like to contribute to the proposed workshop scheduled for Q4 2025. EENA considers that its expertise and insights on emergency communications could benefit the workshop discussions.

BEUC welcomes the Joint Workshop to discuss end-user rights; stressing it should not limit the discussion to coverage, QoS, information and marketing practices. BEUC recommends BEREC to retain its independence vis-à-vis policy makers/private stakeholders and to be cognisant of inclusivity and diversity issues. BEUC encourages BEREC to actively involve and engage with relevant consumer organisations.

ecta endorses the practice of including other relevant industry stakeholders, including ecta, in the debate so that they can continue to provide their useful insights.

BEREC appreciates and thanks the respondent for their submission and the support of its work on this aspect of the work programme.

### **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 MNOs & MVNOs have important points to make on this matter.



MVNO Europe has raised this topic repeatedly with BEREC in the past several years, expressing that there is a need for caution in the context of 2G and 3G phaseout, notably including potential disruptions relating the emergency communications, but also noting that this could be a symptom of a wider issue, which could particularly negatively affect MVNOs and their customers.

BEREC thanks stakeholders for their views. BEREC's published report on 2G and 3G mobile technology phaseout was acknowledged by many stakeholders as being a good resource on the status of phaseouts in Europe in 2023. The report set out, amongst other things, that the issue of phaseout of legacy mobile technologies (2G and 3G mobile technologies) is multi-stakeholder and multi-faceted.

One of the purposes of this internal workshop is so that peers can exchange on the challenges (and practices) NRAs encountered in the interim. The fact it is an internal workshop is to create capacity for expert-to-expert dialogue, but it does not mean that some external presentations cannot be included in the workshop agenda to provide context; they can and often do form part of BEREC's internal workshops. As a result, BEREC does not change the deliverable in the final Work Programme.

In addition, stakeholders should be aware that BEREC is open to receive points on any matters at any time, though the most impactful time to have inputs is during a public consultation on a particular matter because then BEREC will be active on a topic whereas at other times it may not have capacity to process inputs because it has limited resources.

### **3.6. BEREC external workshop on digital services' ecodesign for greener networks and ICTs**

CCIA Europe support focus on sustainability.

BEUC similarly supportive.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

BEREC is happy to read that also in general positive and affirmative to the SUST projects for 2025.

### **3.7. BEREC-ECASEC: Guidelines on mitigating smishing**

Twilio appreciates BEREC's collaboration with ECASEC and other stakeholders on important security-related issues. Twilio urges caution in developing overly broad or prescriptive new guidelines and instead urges BEREC to consider efforts already underway to address



smishing and vishing. As Twilio noted in its response to the European Commission's White Paper entitled "How to master Europe's digital infrastructure needs?", full harmonization of Know Your Traffic (KYT) rules and any SenderID requirements across EU Member States would help end the trend of worrying fragmentation along national lines and help ease compliance burdens for companies of all sizes.

Twilio thinks BEREC should consider efforts already underway, including in particular the initiatives taken in Ireland. Following extensive public consultation at national level, Ireland has moved forward with a sensible approach on SenderID that could potentially be replicated in other EU Member States and other European jurisdictions. A national SenderID list, if instituted properly with appropriate industry input, has the potential to streamline compliance for businesses, while promoting competition. By contrast, hastily or restrictively defined SenderID systems entail risks of unduly favouring the country's Mobile Network Operators, to the detriment of competition and the innovative offers that companies such as Twilio offer.

BEREC is grateful for the comments and suggestions received and confirms they will be carefully considered as part of the process to draft the Guidelines<sup>2</sup>. In particular, BEREC supports the view that a preliminary and important step will be benchmarking and screening of the existing practices in the EU Member States (such as those implemented by ComReg, Ireland as noted by a respondent), and even abroad, so that the foundation for the Guidelines can be as relevant as possible.

BEREC looks forward to engaging with all stakeholders on these Guidelines for consultation at P2 2025 and therefore no change to the timelines set out in the draft Work Programme 2025 is foreseen at this point.

## 4. Cooperation with EU institutions and institutional groups

### 4.1. Implementation of BEREC's Medium-Term Strategy for relations with other institutions and international cooperation

No comments received. BEREC does not change the final Work Programme deliverable(s), these are mandatory tasks.

<sup>2</sup> The information available to BEREC when drafting the Draft Work Programme 2025 was that the deliverable would be **Guidelines to prevent smishing** (emphasis added), however if more up to date information is available during 2025 the type of deliverable may be revised accordingly. For example, the current deliverable has been retitled "**mitigating**" as preventing smishing may be an impossible task.

## 5. BEREC's other tasks

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

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 (DSA, DMA, DA) are of course relevant, but do not justify BEREC diminishing its focus on electronic comms. 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.

MVNO Europe reiterates a statement that promoting competition is the most tangible way in which end-users' empowerment can be achieved.

FTTH Council Europe is very interested in the renewal of BEREC strategic priorities - given the regulatory cycle and forthcoming changes. As a general observation, FTTH Council Europe finds the thematic approach in the Medium-Term Strategy, which feeds into the annual BEREC work programme, useful and clear in highlighting BEREC's priorities. FTTH Council Europe looks forward to participating in the public consultation. FTTH Council Europe appreciates the level of engagement with stakeholders through the debriefing session and stakeholder day and note the use of more public workshops as a compromise between consultation and non-consultation.

BEREC appreciates and thanks for the support of its work on this aspect and notes interest of stakeholders to be further involved in BEREC's work.

Regarding feedback from stakeholders, including ecta, BEREC has updated the text regarding this project to clarify that that the strategy covers Article 3 objectives (including the promotion of competition), and the 2030 Action Plan just complement those.

### 5.2. BEREC ad hoc work

#### 5.2.1. Ad hoc input to the EU/NRAs

Twilio appreciates BEREC's intention to convene stakeholders to help build communication and collaboration with industry partners in order to increase the knowledge and seek long-lasting and sustainable solutions. Twilio noted in its response to the European Commission's White Paper entitled "How to master Europe's digital infrastructure needs?", to urge



policymakers (and also national regulatory authorities acting jointly under the umbrella of BEREC) to harmonize and simplify regulatory requirements across the EU. This includes requiring EU Member States to provide for a national number range, which can be used to provide cloud-based communications solutions on an EU-wide basis and permitting number sub-assignment to support a more efficient distribution and management of numbering resources.

However, this should not include any undue restrictions on number sub-assignment. Overly restrictive approaches have unfortunately been adopted on an ad hoc basis in some EU Member States, whilst others have more sensibly chosen to organize sub-assignment in a way that safeguards competition and end-user interests. Greater harmonized and sensible Know Your Customer (KYC) requirements across Member States could also lead to greater benefits. BEREC urging wider adoption of solutions that include Rich Call Data (RCD) could also be useful.

BEREC thanks stakeholder for their views and notes that any review of the current regulatory framework that encompasses the rights of use of numbers is best considered under the review of the EECC, which the European Commission is tasked with completing by December 2025.

BEREC attaches the utmost importance to contributing to this review, which will shape the regulatory environment, in which BEREC and its constituent NRAs operate. BEREC is, therefore, ready to engage in this process and, indeed, any other sectoral legislative initiative that might impact on electronic communications regulation

### 5.2.2. Peer review process and engaging with RSPG

ecta sets out that it 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. BEREC does not mention the competitive dimension. ecta therefore asks BEREC to modify section 5.2.2, to underscore its commitment to competition and to end-user interests.

ecta also sets out that in its view 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.

GSMA acknowledges BEREC's participation in the Peer Review Forum, contributing to objective of promoting full connectivity through discussions with RSPG. However, GSMA believes peer review mechanism is futile if it is intended to improve harmonization of good licensing practices. GSMA suggest BEREC consider a different mechanism in the case of the harmonizing of good licensing practices. GSMA recognize RSPG is responsible for this.





MVNO Europe insists that much more is at stake in spectrum peer reviews, notably in terms of promoting competition and citizens' interests. MVNO asks BEREC to modify the text of section 5.2.2 in such a manner as to confirm they it will in future participate in the spectrum peer reviews considering all objectives contained in Article 3(2) EECC as well as BEREC's own strategic priorities.

BEREC considers that stakeholders' comments on Peer Review are not new and essentially repeat views received during previous Work Programme consultations.

In response to current stakeholder views, BEREC sets out that it continues to hold a different and opposite view concerning the Peer Review process and the effectiveness of Peer Review than stakeholders. BEREC's latest thinking on this topic is also set out in the BEREC response to the Exploratory Consultation and the BEREC Input to the EC public consultation on the White Paper; Documents BoR(23) 131 and BoR(24) 100 respectively.

As a result, BEREC does not change the deliverable in the final Work Programme.

### **5.2.3. Ad hoc work to support reinforcing EU's cybersecurity and resilience capabilities**

ecta agrees that BEREC is likely to be called upon to support the EU institutions in this regard and welcomes its role, but it is important to ensure that there is no overlap and no duplication of burden on operators.

BEREC thanks ecta for its comments. There is no requirement to update the Work Programme 2025, but BEREC highlights here again that it is mindful not to duplicate work on stakeholders. BEREC will therefore be mindful and strategic in making relevant calls for inputs concerning cybersecurity and resilience topics under Work Programme 2025.

## **5.3. Other tasks under EU legislation**

### **5.3.1. BEREC Opinion about the functioning of the Roaming Regulation**

ecta looks forward to BEREC's position on this matter, in particular, with regards to the treatment of Internet of Things (including M2M and permanent roaming).

BEREC appreciates and thanks the respondent for the submission and for the support of its work on this aspect of the work programme.



### 5.3.2. 31<sup>st</sup> International roaming benchmark data and monitoring Report

MVNO Europe expresses satisfaction that the next edition of the Report will be published in Q1 2025. It remains critical for BEREC to continue data collection. This must cover the wholesale international roaming outpayments (balanced and unbalanced traffic), made by MNOs and MVNOs.

BEREC appreciates and thanks the respondent for the submission and for the support of its work on this aspect of the work programme.

### 5.3.3. 6th Intra-EU communications Benchmark Report

GSMA suggests bringing forward the timeframe for data collection to February or early March to avoid falling into Easter holiday period.

BEREC appreciates and thanks the respondent for the submission and for the support of its work on this aspect of the work programme.

BEREC takes note of the comments provided and will re-examine for future data collections the option to amend the schedule for data collection and data reporting. This is not feasible for the WP 2025 due to other parallel work streams for roaming and intra-EEA communications.

### 5.3.4. 5<sup>th</sup> Ukraine monitoring report

GSMA would appreciate clarity on timing for data collection.

In relation to the data collection for EU-Ukraine Joint Statement about roaming, BEREC notes that the data collection starts after March and the report will be ready for publication in June 2025.

### 5.3.5. Update of BEREC Guidelines on Intra-EU communications

ecta states it is in the dark as regards to the imminent EC's IA on fair use, based on typical usage patterns and anti-fraud measures. ecta hopes and trusts that BEREC will be in a position to provide meaningful guidance.

GSMA welcomes the possibility to comment on draft guidelines, but notes that co-legislators did not provide sufficient time for BEREC to work on updated guidelines which can create uncertainty for both consumers and operators.

MVNO Europe regrets that there is currently a dearth of information on the European Commission's expected implementing act on Intra-EU Communications, to be adopted before



the end of 2024 after consulting BEREC. MVNO Europe trusts that BEREC will play a positive role in this dossier, providing regulatory certainty to operators.

BEREC confirms it is ready to contribute deliverables to address changes in regulation of intra-EEA communications.

## 5.4. Monitoring quality, efficiency, and sustainability

### 5.4.1. Article 32/33 Phase II process

ecta request that BEREC should take input from stakeholders for Phase II cases. 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.

BEREC appreciates and thanks the respondent for their submission. BEREC would like to highlight that the EC usually opens a call for third party comments and, therefore, it is not BEREC's task to do so. BEREC is asked to provide its opinion from an expert body's view, which should not be influenced by external submissions.

### 5.4.2. WACC parameters' calculation according to the EC Notice

Connect Europe consider that BEREC's work to calculate WACC parameters leads to the adoption of inappropriate WACC rates impacting operators' remuneration. Connect Europe consider a more flexible and forward-looking method should be adopted.

ecta considers that the report should be 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.



BEREC appreciates and thanks the stakeholders for their submissions on this project.

BEREC considers that Connect Europe's comments relate to the European Commission's WACC Notice rather than BEREC's report, which is applying the methodology set out in the WACC Notice. On the substance BEREC does not agree that the methodology leads to too low or inappropriate WACC levels. On the substance, BEREC does not agree that the methodology leads to too low or inappropriate WACC levels.

Similarly, in relation to ecta's comment, BEREC considers that these are related to the methodology as set out in the WACC Notice and not the results of BEREC's exercise to prepare of a report by applying the WACC Notice's methodology. As this is a report following a state-of-the-art methodology set out in the WACC Notice, it is not appropriate for results to be subject to views gathered in a consultation. BEREC's report transparently sets out the criteria for the eligibility of companies for the peer group.

#### 5.4.3. Report on regulatory accounting in practice

ecta continues to highly appreciate the value of this recurring report and 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.

BEREC appreciates and thanks ecta for this submission and for the support of its work on this aspect of the work programme.

BEREC has no intention to stop monitoring and keeping track of regulatory accounting practices used by NRAs. This year's report is the 20th report since the first report was published in 2005, which shows the emphasis BEREC puts on following up continuously.

## 6. Stakeholder engagement

BEREC remains committed to continuously improving its interaction with all stakeholders to ensure that its output stays relevant. BEREC aims to ensure that its work processes remain transparent and that it reaches the relevant audience. Stakeholders will be involved both at an early stage and later when the work is more advanced. The BEREC Work Programme 2025 includes all the activities for achieving these objectives.

BEREC will reinforce its dialogue with the public and citizens to ensure that legitimate concerns are reflected in regulatory developments and apprehensions are addressed appropriately. BEREC aims to maintain a high level of public trust from citizens and position itself as a trusted third party in stakeholder dialogues and in its engagement with the EU Institutions. This is of particular importance for the work related to digital platforms and sustainability.



## 6.1. Stakeholder Forum

BEUC encourage BEREC to consult as widely as possible and welcome the focus on organising the Stakeholder Forum and strongly encourage BEREC to continue organising such stakeholder events.

ecta appreciates BERECs continued engagement with industry stakeholders and invitations to ecta to speak at workshops, at the Stakeholder Forum and suggests that this should continue in 2025.

MVNO Europe appreciates all of BEREC's stakeholder engagement initiatives such as the Stakeholder Forum and the "Meet&Greet" sessions. MVNO Europe is pleased to contribute to BEREC consultations, calls for input, and bilateral meetings where relevant and timely.

BEREC appreciates and thanks the respondents for their submissions and for the support of its work on this deliverable in the Work Programme.

## 6.2. BEREC Annual Reports

BEREC received no submissions on this deliverable.

## 6.3. BEREC Communications Plan 2025

BEREC received no submissions on this deliverable.

## 6.4. Developing the BEREC Work Programme 2026

CCIA Europe suggests including in BEREC's Work Programme for 2026, a project dedicated to the review of the 2030 Digital Targets. Article 4 of Decision 2022/24814, which establishes the Digital Decade Policy Programme 2030, mandates a review of these targets by June 2026. In light of this, CCIA Europe believes it would be valuable for BEREC to also contribute to this review, focusing on the feasibility and practicality of the targets. While the 2030 digital targets are an important and necessary framework, we think a reassessment would be beneficial. For example, the goal of ensuring fibre connectivity everywhere may not be necessary. Instead, we advocate for a technology-neutral approach that ensures adequate connectivity everywhere, including solutions like satellite technology.

CCIA Europe believes demand-side measures should be integrated into the targets to stimulate connectivity deployment more effectively. By prioritising demand, the natural outcome will be an increase in infrastructure deployment to meet that demand. Furthermore,



a renewed discussion on these targets would benefit the public discourse on connectivity and ensure the achievement of goals that are actually beneficial for the whole community, spanning from consumers to telecom operators, including bigger and smaller content and application providers.

The DDPP targets are set by Member States a policy objective. BEREC can provide input on request or its own initiative but, ultimately, it is for the EU institutions and Member States to set such targets.

## 7. POTENTIAL BEREC WORK FOR 2026 AND BEYOND

Given the number of workstreams selected for the Work Programme 2025 and BEREC priorities, it was not possible to include several proposals. In order not to lose track of these potential workstreams, this section includes items which BEREC may include in the Work Programme 2026 and beyond. The list of items mentioned below is therefore for information purposes only and should not be regarded as final. The input provided by stakeholders on these items during the public consultation in 2024 for the Work Programme 2025 will be considered when adopting a final list. Furthermore, BEREC may consider other new workstreams for 2026, which will be influenced by a new call for inputs from stakeholders.

### 7.1. Facilitating copper network switch-off

BEUC appreciates the continued work on facilitating copper network switch-off to ensure competitive dynamics are maintained during the switch-off and migration process.

ecta agrees with this project being included as potential BEREC work for 2026 or beyond. ecta expects to be able to contribute its expertise to this project.

FTTH Council Europe consider that there appears to be a gap in the work programme surrounding developments and progress in managing switch off and then looking at the competitive effects of copper switch off – industry and stakeholders do need specific guidance to achieve a specific target which highlights issues that can arise, and which proposes solutions. FTTH Council Europe consider that the potential project 7.1, ‘Facilitating copper network switch-off’ should be brought into the actual work programme so as to cover transitional issues that may arise with an identified copper switch-off date.

Vodafone 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 (project 1.2).



BEREC is grateful for the feedback provided on this potential project and appreciates the significance that the migration from copper networks to VHCN has to achieving the DDPP targets. In December 2024 BEREC will publish a Progress Report on managing copper network switch-off for public consultation, which will be finalised in June 2025. This report will gather data that will focus on which rules for the migration and copper switch-off have proven successful so far, which are particularly important and whether, and if so where, there is potential for further optimisation.

The results of this 2025 report will inform any future BEREC work on this topic.

## 7.2. BEREC Report on connected and automated mobility

BEUC welcome this proposal.

ecta agrees with this project being included as potential BEREC work for 2026 or beyond. ecta expects to be able to contribute its expertise to this project. ecta considers that there is a strong case for this project to be included in 2025 given the importance of international mobile roaming for connected and automated mobility and the review of the EU Roaming Regulation.

MVNO Europe strongly welcomes this proposal, and requests bringing it forward to 2025. MVNO Europe suggest organising an external workshop in early Q2 2025 so as to be a relevant input in the context of the 2025 Review of the Roaming Regulation.

BEREC appreciates and thanks respondents for their submissions. BEREC's 2025 Work Programme has been balanced to ensure successful delivery of projects based on available resources and unfortunately advancing this potential project in 2025 is not feasible.

## 7.3. Further work on 5G cybersecurity

ecta agrees with this project being included as potential BEREC work for 2026 or beyond.

BEREC appreciates and thanks ecta for this submission and for the support of this potential project.

## 7.4. Exploration of the concept of Digital Sufficiency

ecta agrees with this project being included as potential BEREC work for 2026 or beyond.

BEREC appreciates and thanks ecta for this submission and for the support of this potential project.



## 7.5. Workshop and Report on practices for ensuring equivalence of access and choice with respect to accessibility

ecta agrees with this project being included as potential BEREC work for 2026 or beyond.

Liberty Global welcomes BEREC's contribution in this matter as it considers that BEREC has a meaningful role to play by monitoring national implementation, application and interpretation of relevant laws transposing the Directive, to ensure that electronic content, electronic communications services and access to audiovisual media services are fully available to persons with disabilities across the European Union.

BEREC appreciates and thanks respondents for their submissions on this potential project.

## 7.6. Call for Inputs (CFI) on interfaces to mobile networks for developers and third-party services

ecta agrees with this project being included as potential BEREC work for 2026 or beyond.

MVNO Europe welcomes this proposed project.

BEREC appreciates and thanks respondents for their submissions on this potential project.

## 7.7. New proposal

Separately, MVNO Europe recalled the consultation preceding the 2024 Work Programme which indicated potentially reviewing the 2016 BEREC Report on IoT/6G. MVNO Europe would like that this work be conducted, because it would be a relevant input in the context of the 2025 Review of the Roaming Regulation.

With regards to the draft 2024 Work Programme outlining potential projects that may be returned to in the future, a potential Report on IoT/6G was one of these. Unfortunately, due to competing priorities and a balancing of available resources, it was not possible to include this project in the final version of the 2024 WP. Project 5.3.1 of the 2025 WP sets out that BEREC will deliver its opinion on the functioning of the Roaming Regulation in March 2025 and, as such, it will not be possible to commence, let alone complete a report on IoT/6G in the intervening period.

During 2024 BEREC concluded a report about M2M and permanent roaming which will inform the preparation of the BEREC Opinion on the Review of the Roaming Regulation.

