

# 13th Stakeholder Forum

*April 1, 2025*

*Transcript*

## PRESENTATION OF BEREC WORK PROGRAMME

**Marko Mismas:** Good afternoon to everyone. I'm happy to be here with you, all of you today. Unfortunately, due to yesterday's strike, some people were not able to make it. But, on the lighter note, I'm also glad to be here in person I can share with you.

My team was considering sending the hologram instead of me here, and I was very happy that my engineers were too busy to do it. And I hope they will stay as busy also in the future, that we will be able to have this conference in such a great environment year after year, face to face, discussing our challenges and over a good cup of coffee as well. I also want to welcome other participants who couldn't make it into Brussels and are joining us online. It's great that technology allows us to connect and engage.

This year's 13th BEREC Stakeholder Forum is taking place in this modern Congress Center, which in many ways reflects how the new technologies are shaping our digital markets and enabling advanced services for all of us. At the start, let me remind you, let me remind us all why we are here today. To discuss BEREC's work, exchange views and ideas, and strengthen our collaboration. This morning, we held the traditional meet-and-greet meetings with our co-chairs from BEREC's 12 groups with stakeholders. Each year, this part of the event proves more and more how essential and valuable is collaboration and has become for both BEREC and its stakeholders.

By working together, we can achieve our shared goal. An advanced user friendly and ultra fast digital market. The cultures of the BEREC working groups are the engine are the steam of our organization They are putting a lot of work and a lot of efforts into making sure that we deliver on our work program year after year. As the incoming chair, together with my AKOS team, the BEREC co-chairs, BEREC

members, NRAs, the BEREC office, of course, with your valuable inputs, we must prepare a well-balanced and relevant work program.

Over the next few minutes, I will walk you through what we achieved so far and the next steps on the way to finalizing the program by December this year. So, let's start with the presentation. We started with our work program preparation already back in January this year when we sent the outline work program to the EU institutions, to the Parliament, to the Commission, to the Council, and we are expecting their feedback. The four objectives of the European Electronic Communication Code remain the foundation and the guiding force for the BEREC's annual work programme. Considering recent and expected sectoral developments, strategic priorities will adapt to the new mid-term BEREC strategy that will respond to the emerging challenges by focusing on promoting full connectivity, supporting competitive and open digital markets, empowering the end-users and contributing to sustainable, secure and resilient networks and services.

We will strive this year for a bit lighter workload on optional items due to the ad-hoc activities envisaged for 2026. Mandatory tasks that BEREC carries out on an ongoing basis derive mostly from EU legislation, the Code, open internet and roaming regulation. As an example, last week we published the public consultation draft update of the BEREC guidelines on a very high-capacity networks.

BEREC is also part of the high-level group for the DMA, and most recently we provided to the Commission opinion on META's draft reference to facilitate WhatsApp interoperability under the Article 7 of the Digital Market Act. We do the international and institutional cooperation, which is, in this new and fast-changing geopolitical situation, becoming extremely important. For BEREC, just as

important, is to develop and strengthen relations with the regulatory authorities around the globe.

The next category are so-called carryovers. These projects started already or will start this year and will be finalized in the year 2026. In 2026 we have six such PRDs, so we call them, in five BEREC working groups. As I said earlier, we don't start with a blank piece of paper. In the draft outline, we include also a number of recurring projects that we think are helpful. They are not obligatory, but they are contributing to harmonization and better functioning of the European internal market. To mention, for example, the regulatory accounting in practice reports and calculation of FWACC parameters and so on. In addition to the items, I described so far, we have a section of items that will be considered for the Work Programme 26 and beyond as candidates. This list is illustrative and does not intend to be exhaustive or final. We will consider them together with your valuable input provided in the different consultation phases. And the last category of items are those that we know that they will come up, but we don't know exactly how big they will be. The DNA proposal, for instance, will probably require us to comment next year. Same is expected for the revision of the European Electronic Communication Code.

For all these tasks, we need to reserve some time, some space, just as well as for other things that will pop up unexpectedly, and we don't know yet that we will need to deal with. We have a good expression for them. They are unknown unknowns. On this slide, you can see where we are currently in timeline. We are gathering our internal inputs and your contributions. After that, we will start aligning the program with our draft BEREC strategy, which will rise in a parallel. Once we get your comments and suggestions, we will use the three BEREC strategic objectives and priorities to evaluate them. And this is the proposal should promote either full connectivity, or support sustainable and open digital

markets, or empower the end-users. The public consultation will take place in October and the final adoption of the document is planned for December.

At the end, I would like to invite you once again to send your input. When you send your suggestions, please use the format that we have suggested in the BEREC website. Please give us the title, what strategic priority your proposal is linked to, and a short description. You can even suggest the format, be it a workshop or report, or you see the need for guidelines. Your ideas are very important to us. Please send them all in before April 10th. You can help us and understand different positions on the future development. This is very important and equally important; give us suggestions for possible improvements that are very welcome, too. Thank you.

## Q&A WITH BEREC CHAIRS

**Philippe Defraigne:** Thank you very much, Marko. I'm now delighted to welcome on stage Robert Mourik, BEREC Chair and ComReg Commissioner. But now the ball is in your camp, so we expect questions from the room. I know a number of people we know have promised questions. Oh, Ben from Connect Europe. Go ahead, Ben.

**Audience Member:** My question regards the DNA, which will be, I think, the main file on everyone's lips this year, and I would be interested to know what does BEREC see as the three main priorities within the scope of the DNA, which will be necessary to achieve the digital decade targets, also taking into consideration the massive investment needs that are required in order to meet them.

**Marko Mismas:** It depends what Roberto will say. Thank you, thank you very much. A question of general interest, I would say. Thank you, thank you for the question. I think the three main priorities is we need to stimulate the competition. This is, let's say, these are the basics of the BEREC. The change the regulatory

scope to deal with new softwareized networks. We all know that the environment is changing, that the networks are more and more software-defined, are moving to the software-defined space. And we need to have, let's say, efficient tools to, let's say, be able to deal with it. And the third one is effective agile tools also to stimulate the demand side. These I think are the three main, let's say topics needs to be covered. You want to add to that Rob?

**Robert Mourik:** No, you can't, you can't summarize it in three topics, a bit unfair. I think competition, as Marko said, will always remain at the top of our objectives because that is how you achieve so many other things in this world. And it's not as if just because we move ahead in time that the threat of abuse of dominance is going. So the competition remains the top one, we have to adapt to a new framework, to a new technology, we need to rethink our ways because copper is going and we get fiber, we get different products. And then finally, we're building all these beautiful networks. We are seeing fiber everywhere, but the real benefit only happens when users start to use it. So we also need to, I think, pay a bit more attention, although that is not something that we've traditionally done. We have to be able to get users to migrate to fiber in order to actually get the benefits.

**Philippe Defraigne:** After connect Europe Pinar from Ekta. You see how well organized it is here, you know, Thank You Pinar.

**Audience Member:** Incredibly fair. Thank you, Philippe. When we look today at the regulatory measures in place for the fixed networks and services market in Europe, we see that for most of the NRAs, the market one still remains regulated. So only four of them have been totally abstained from regulating the market. And from those, if you look at a bit closer to the recent developments, the Romanian NRA has opened a public consultation whereby they are proposing to re-regulate part of the market. Then we have, if you look at the Bulgarian NRA, they have defined, engaged in defining a physical infrastructure access market.

Then we have the Dutch NRA, that in fact they have accepted binding commitments in lieu of SMP regulations, so it's not a real total deregulation. Then we have the Austrian case, that humbly we said that in our opinion, in Acta Suprema, there were no conditions to deregulate. When we look at the market too, we see that to a lesser extent, but still 16 NRAs are regulating the market. And when we look, the NRA's methods in order to make the market analysis are clearly sophisticated. They are based on evidences and sound data analysis. So, how do you reconcile the Commission's proposal in the White Paper to either cancel all the relevant markets from the recommendation or to foresee only a physical infrastructure access market but with lighter regulatory measures?

**Marko Mismas:** I think the competition itself, I'm afraid, won't be enough just to guarantee for enabling you mentioned access on the wholesale level, especially if I look into, let's say, my country under rural areas. Access regulation and pricing for access will in some way most likely need to be controlled. I'm not saying that the regime we have, SMP regime, is the only way and the only right way to do this. Might be also the other approach is just as efficient and some NRAs, like you mentioned have been innovating. If I may use this term, here already, and testing other solutions. There are still measures if we deregulate some markets. Which in my opinion is very good, especially now where we are entering Preparation phase for a new legislation.

**Robert Mourik:** Yeah, if I can add to that I, I think BEREC is very clear. We want to keep exempt the regulation and we want the SMP regime, but the legislation for the last 25 years may still be needed for a while, but is not the legislation that we probably need for the next 25 years so we're with we're also thinking about how does the regulation and the access regulation need to change and one of the things that I can see is that we would love to deregulate where possible but we then want to have the tools to intervene quickly when certain things go wrong, so,

what the Commission is going to do, you will have to ask the Commission, but I think our wish list is fairly clear Thank you.

**Philippe Defraigne:** Thank you Rob I don't know how you do it, guys, but I could see Matej nodding in answer to your first question, and Pinar is nodding to what you say, so I don't know how you please everybody like that. Dean Bublely.

**Audience Member:** Hi there, thank you. Do we need, in your view, to revisit some of our assumptions about usage of networks and particularly the forecasts for traffic growth both on fixed but especially mobile which seem to underpin a lot of the policy direction on investment, on spectrum, on all sorts of things, because it now looks as if data demand is flattening, particularly in mobile while technology such as AI is actually leading to increased efficiencies, for example, in use of networks of capacity, so we might actually end up in a position of overcapacity. Do we need to be careful in some cases not to create an environment where we end up mandating more overcapacity if that scenario does come to come to pass?

**Robert Mourik:** Thank you, thank you Dean. Capacity comes is quite lumpy and not in the mobile sector, but in fixed, it is quite lumpy in terms of how you how you prepare the network for that. So we are making a step change at the moment from copper to fiber and with that you kind of get a very good upgrade path and whether the traffic growth is a hundred or whether it's 200 the network is capable of dealing with that. On mobile, it's a bit different, but let me say, I hear so many contradicting things about traffic growth. Yes, it is plateauing a little bit at the moment, I think, but I also hear from certain parts of industry that with AI and the use of AI by consumers, that traffic growth can go further up. So it cuts both ways, Dean and we will see. I think with fiber we are investing in a very future proof technology. We would have to go there anyway. And with 5G you can kind of build the capacity as it comes. So we're OK.



**Philippe Defraigne:** Thank you, Dean. Let's go to Yves here on the second row. Lady, a mic here on the second row. And then we'll go to Aurelie. After that, we'll need a mic. Can you just bring a microphone here on the second row? Okay, so go ahead, sir.

**Audience Member:** Yeah, my question is, you people speaking about competition, competition, competition, competition, but the matter is the MNOs in Europe try to kill the MVNOs. In the Netherlands, if you check the last five to ten years, 50% of MVNOs stopped because of the power misuse of the MNOs. MNOs don't give access to the right wholesale price, but the regulatory they can do nothing. they sitting and watching and MNOs close the MVNOs or pushing out the market and in the news, 50% of the Netherlands MVNOs stopped and the rest also going to stop. But now we are under the market coming Chinese mobile in because there's no low budget MVNOs because of fear in the EU regulation. Thank you. No, I think we've got your point, so... OK. Thank you.

**Robert Mourik:** I can't answer specifically to that case. Anne-Marie and the audience may, but as a regulator, how we deal with that is very simple. If an MVNO gets bought by an MNO, you have normal kind of competition analysis, merger analysis, the market is still competitive enough after that merger, and as a regulator therefore you form yourself an opinion about whether the competition after a merger or after a consolidation is still okay. You try to let the market rule itself or deal with itself as much as possible. You're not going to intervene continuously, only when it's a real danger to the market. For example, if you're going to get from three mobile operators to two mobile operators, I think the authorities will intervene. But on the upward trend or in between, I think you will have to make a careful judgment of what the market is doing. No, let's let's leave it like that.

**Philippe Defraigne:** Thank you, so you can continue at the coffee break if you wish. Eve and then we will need a mic on the top floor, you can climb the stairs. Over to you Eve.

**Audience Member:** Thank you. I'm Eve Blondeau of t-rex specialist in telecom regulation. BEREC was founded 15 years ago. You're not seeming to be celebrating that very explicitly. Wait for the drinks. I'd really like to ask you, which are the achievements of BEREC that you're most proud of in your capacity as chairman and incoming chairman? It all happened this year, you know? But maybe to be a bit more precise, I think also as an individual head of an NRA for some years, like what's your perspective on what has BEREC done for you, how has BEREC helped you to achieve certain things, and I'm thinking of course of the subtext of harmonization, best practices, common positions and such elements, so if you could give concrete examples of that, that would be nice. And then perhaps the contributions going forward, like what BEREC can contribute to the framework if it changes to our environment, to our telecom sector, I think we all know that big legislative changes seem to be on the horizon, so what can BEREC do in that light and in the longer future?

**Robert Mourik:** If I were to answer that, I think what I'm quite proud or very proud of is that we've built a very professional organization and group of regulators that is willing to stand up for its principles, despite all the political going-ons, we look at the facts, we, without fear or favor, make decisions, also against each other, if that is necessary. You ask for specific things, Article 7 or Article 32, those processes, I think, give you ample possibilities to see how we how we go about that, and sometimes we vote in favor of the Commission and sometimes we vote in favor of an individual NRA depending on the facts and if we we have not feared to pick a fight with the Commission for example in the case of fair share when we thought that was necessary.

So I think, exerting our right as a independent body is, I think, the thing that I'm most proud of. What you don't see is on a daily basis how BEREC in the background supports, how we support each other. And you may not know this, but we kind of have a network where we ask each other on a daily basis, questions. How do you do this? How do you do that as a regulator? And there is an enormous amount of harmonization going, you know, stemming from that by us just asking our colleagues who have already dealt with a certain topic or who have a certain market situation that is the same as yours, how they dealt with a particular problem. And that a daily form of collegiality that is actually very important I think for the harmonization in Europe that we're about to do just in on a daily basis.

**Philippe Defraigne:** Thank you. Let's go to Aurélie from Vantage Tower then to Anna.

**Audience Member:** Thank you. My question would be about the Gigabit Infrastructure Act. Just to set the context first, there are a lot of progress on connectivity, of course, but there are still a lot of white spots, especially for rural areas and also alongside transport corridors. And as a tower company, One of the bottlenecks that we see is also the the lack of timely and reliable access to energy connection, to grid connection, the delays that can range for lack of priority for mobile communication or lengthy permitting, which are not harmonized at all. And that's precisely the question of permit that I would like to address.

So the GI is now there, there are a lot of progress for the permitting, but the GI doesn't address permitting for energy to have access to the grid. So I'm wondering how BEREC will see its role in ensuring that the progress of the GIA regarding the building permitting are not undermined by the fact that there is a very slow access to energy, and the follow-up question on this would be whether there are some interaction between regulators, BEREC and and the energy regulator.

**Marko Mismas:** Thank you. Thank you, Aurelie. Sounds useful to have energy at the side of a base station. And to share with you, the majority of BEREC's NRA does not have jurisdictions on the energy regulation. This does not mean that we are not dealing with this issue. Some of us already tackled similar, let's say, questions, and are working also with to put both networks together to correlate the, let's say, dependencies between those two networks which is very important for that telecommunication networks is working properly, the energy is the first, the first one needs to be there. We see, as you mentioned, some synergies in contact with ACER, this is the agency for the energy, to discuss the challenge and only by working together I think both sectors could find the effective solution to speed up this.

**Robert Mourik:** Yeah, I think you mentioned something that is very relevant in the sense that we have the energy sector and energy regulation and the energy regulator on the one hand, and we have ourselves and we will have to work more and more closely together that is clear. We had a storm not too long ago, the electricity went out and that is why the telecom networks also suffered and in many cases went out. So, the cooperation between the energy regulators and the energy regulation and that of telecoms will have to deepen and increase. Thank you.

**Philippe Defraigne:** Thank you very much. Anna from Bouygues Telecom, then we'll go to Alessandro. I'll need a mic on the 8th row.

**Audience Member:** Hello everybody. So, my question deals with access regulation and I would like to know, I mean to have your assessment on several points. So in a time of simplification, we keep hearing more and more about symmetric regulation, which recovers several meanings within GIA and which is completely different from the code symmetric meaning in the article 61. So, I

would like to know what is your assessment of symmetric regulation and whether you consider that symmetric and SMP regulation are complementary?

**Robert Mourik:** Couple of things that I want to say. First of all, The thing that we'd like to do most, of course, is that we see market circumstances that are competitive where we don't need any regulation. That is kind of the ideal. And whether we reach that or not is the second thing, either asymmetric or symmetric. But I actually think, given the way the market is developing, we probably see a more increased relevance of symmetric regulation in the future. In the sense that in the past we had one monopolistic network and we tried to make the market competitive, so you had to regulate a single party in most cases to bring that competition about.

What we now see is that that market has changed and we see multiple fiber networks in the country, and ideally, of course, they compete and you don't need regulation, but I do think that given that trend of multiple networks, not everywhere, I'm not saying that it is the same in every country, but I think that that trend of having multiple fiber networks, sometimes overlapping, sometimes not. That that is increasing the need perhaps of symmetric regulation and especially when you also look at how the GIA is working and how the importance of infrastructure access is growing, that is kind of more symmetric in nature as well. So that's how I would answer at a very high level your question. Thank you.

**Philippe Defraigne:** Thank you very much Rob. Alessandro from MVNO Europe.

**Audience Member:** Hi everybody, Robert we are less than three months from the roaming regulation review the first one after 2022. I Hope we will have more information maybe from the Commission later today, as in NVO's, you know very well we advocated for reduction of roaming caps to avert increasingly negative margins and when it comes to IoT, which today is a very important topic, we have asked regulatory clarification in that field to empower this technology. So my

question is, what's BEREC's position on this? What would you like to expect from the Roaming Regulation Review? Thank you.

**Robert Mourik:** Well, you should check your email because yesterday, late yesterday, I signed our BEREC opinion for the roaming regulation. So there is a... we have we have published or we are about to publish our opinion on that and that will reveal everything In far more detail that I can say.

**Philippe Defraigne:** Yeah, Thank you. That's a pointed response. Ah, Maria Teresa. Thank you, time, for one more question. I think that's it. Maria Teresa CCIA.

**Audience Member:** Thank you. So, according to the Commission's white paper, the review of the European Electronic Communications Code could see an extension of its scope to new actors, digital players. Do you see a market failure or a problem in how things work currently that would justify this extension of this scope.

**Robert Mourik:** Is that a response? Is that a response? That is the... a very difficult question to ask because we are telecom regulators and we don't necessarily know all the ins and outs of other markets. So that's first of all something for the Commission to decide. And when the Commission thinks about the extension of scope, they also need to look at all the other legislation that the more horizontal legislation that has come out, like the DMA is there, we have the AI Act, the Data Act, there is a kind of a web or a mismatch of regulation at the moment. And what we have said as BEREC to the Commission is that what we prefer is that the Commission deals with things in horizontal legislation, if there is specific legislation, first, and only puts in the DNA where there is a specific communication sector need for it. I could give you some examples. The one that springs to mind at the moment, which is absolutely not what you have in mind, but is, for example, on the consumer legislation side, the issue of accessibility.

There is a European Accessibility Act and then there are provisions on accessibility in the DNA or in the code. There are lots of examples like that where there is a kind of a special telecom flavor in the code whereas there's also horizontal legislation. And what we have said is put as much in horizontal legislation as possible, and only put something in the code or in the DNA if there is a specific need for it. And with regard to the extension of scope, exactly the same applies. We would not, as BEREC, we would not propose to put something in there that is already taken care of by competition law or by this other specific regulation or directive.

**Philippe Defraigne:** Thank you. That will be the final word. Please join me in thanking Rob and Marko for these answers. Thank you. Thank you. We're very fortunate today to have among us the director general of DG Connect, Roberto Viola. Please, Roberto, join us on stage.

## KEYNOTE SPEECH

**Roberto Viola:** Thank you. Good afternoon everyone. It's really a pleasure to be at the BEREC Stakeholder Forum. I will not tell you how many BEREC Stakeholder Forum I've done, but a number. And I always enjoy the possibility to be here because it's a forum made of professionals, which have a very high level of knowledge of the sector, in general of issues which are around electronic communication. The question and answer showed the level of depth of the discussion, so it's always really a great pleasure.

Now, also my role today is a bit uncomfortable, because you can imagine, I mean, many things are happening, but they are all in the oven, in the cooking, so it's very difficult, I mean, to go in a lot of detail at this point in time. But I will try to make an effort to give you the direction of travel, though. You have seen it from the political programme of the new Commission, which has been spelled out by the President, from the confirmatory hearing of Vice-President Virkkunen, which is entrusted also for electronic communication among many other things, and you have seen it from the first steps, which are mainly policy papers and strategies that the Commission has published.

Clearly, you see the direction which is very marked in terms of competitiveness to make sure that Europe maintains its own strengths, industrial strengths, but also cures its weaknesses. Among those, clearly, we have a lot to do when it comes to the digital ecosystem. You have seen that we have been very assertive in saying Europe needs to be stepping up the capacities to have a better management of internal security and have capacity in defense, which of course cross very much also the whole of the digital ecosystem, the obvious ways, cybersecurity, but also many of the defense security technologies are the same technology used for commercial services. Also, you have seen that for us it remains very important the respect of fundamental rights and rule of law and that crosses all the set of



measures that have been taken in the offline and online world. In this context, looking at again, those priorities. You see how SINCS will unveil and how the sequence of SINCS is organized in the coming weeks and months.

The first thing on the 9th of April, we will publish what we call the AI Continent Action Plan, which is basically trying to understand how we are going to organize ecosystem around artificial intelligence that is conducted to the investment of 200 billion that the European Commission President has announced in Paris, what kind of infrastructure measure we will take, what kind of steps we'll take with all the the various components of the artificial intelligence ecosystem, which is every single industry, every single company, and in which way we would like to organize our work and work together.

Then going into, let's say, what is to be expected in terms of maintaining this stance on competitiveness, clearly we need to look at how to simplify rules. That's why, I mean, towards the end of the year we have a digital simplification package, all the rules will come under scrutiny and see what steps we need to take to simplify horizontally many of the things. We have what we call the data union, so taking all our data rules and again streamlining but also making sure that we have a system which is conducive to have the best datasets available for the best European industries to grow. because Europe is not scarce in terms of talents, Europe is not scarce in terms of data, Europe is not scarce in terms of industrial capacity.

All of this must be conducive to have the best industrial artificial intelligence of the world. The elements that point into also the direction of having an infrastructure that underpins all this vision are of course those of connectivity and cloud and that's why there you will see two plans that coming together. I mean first of all I mean in overall reflection and modernization and simplification of the telecom laws which is dubbed as digital network act, and I mean looking at which

many of the intricacies that make the cloud market not functioning perfectly well in Europe. When you see the density of data centers in Europe is less than what you see in the United States and this is not okay, because a modern economy is based on cloud systems.

So, trying to take all the structural elements of the cloud market, that will be the AI and Cloud Development Act, and modernizing our connectivity rules, looking at convergence as we explained in the white paper, so convergence between computing, cloud and data transport, that is the Digital Network Act. So if I zoom in a little bit into the Digital Network Act, It's, I mean, we have published a white book, you have read the report from Mr. Letta and Mr. Draghi, in chronological order. I think we are ready to embrace quite a bold reflection on what needs to be done. We are at the beginning of this mandate, so we have time, I mean, to stabilize it, to negotiate it with the colleges later well, so nothing should be excluded, if necessary.

Now there may be a very long conversation to be modernized. Maybe this sectorial legislation is totally irrelevant to the big picture that I discussed before, or maybe yes, and of course opinions are very different, and I imagine also in this room. But maybe when you dig in and you discover that Europe is not doing fantastically well when it comes to the adoption by citizens of fiber. Now, you might say, but it's not bad. I mean, we are passing the mark of already past the 50% of fiber penetration. Yeah, but I mean, our benchmark is not the lowest in class. Our benchmark should be the best possible countries of the world. And there, of course, you might conclude, yes, we have three or four countries which are at par, but the rest is not. And Europe is made of 400 million, 450 million citizens. So, Europe needs to be better in fiber. Europe needs to be better in 5G. I mean, native 5G, it's only 20%. It's a shame. And there's no industrial explanation

for this because in Europe we have the best telecom manufacturing companies of the world.

So we have the industrial capacity, we have the possibility through our industrial capacity to supply secure networks and we must do better in 5G and must do better in 6G. We see underinvestment when it comes to telecom companies overall. The explanation of most of these companies that, ah, but the market is very competitive, I mean, we are burning capital, we are not the capacity. Whatever is the explanation, it has an effect, that those companies which are supposed to move into software-defined networks to move into hybrid infrastructure which also have cloud offering and computing offer cannot do that.

So, we miss this kind of dimension of the industrial capacity which has been the pattern 20 years ago because many of the telecom companies in Europe contributed to the digital transformation at that time, the first, if you like, digital revolution. So, the lack of capacity to invest, yes, some of them are investing, but compared to the amount of money which is being announced around the world, it's little money. It's also another issue.

So, to sum up, a performance in fiber, which is okay, but not that okay, a performance in wireless in spite of the industrial capacity of Europe, which is poor. The capacity of investment, which is so and so, we have reasons to think that it is not totally irrelevant that we have a discussion on the telecom regulation and how to do it better. Of course, there are things we want to keep. The competition in the European market is absolutely fierce and companies and citizens benefit from this. We have a very competitive offer, good quality offer, and this is an indicator that, I mean, in that area we have to be very careful because more than fixing we could actually worsen the situation. But at the same time we don't want gold plating of consumer protection because gold plating of consumer protection is not a friend of the internal market, it's not a friend of economies of scale and

scope. The other element we have to be very mindful of is security. I mean we have to do much better, much better when it comes to network security.

All these elements are now sitting in front of us, and I very transparently also told you about all the elements, and they know look for a solution in terms of the digital network act. And, of course, we look at all the existing legislation in telecom, the code, the other regulations that exist. And try to do an operation of simplifying rules as much as we can, making sure, I heard it, the rules are as much horizontal as we can and as much as internal market as we can. And here it comes, I mean, the white book of the solutions that we have kind of offered for discussion, and now we are in discussions with you, the stakeholders, with BEREC, with other industry actors, trying to understand which idea flies, which idea doesn't fly, which parts are missing.

We are absolutely determined to finish the work by the end of the year, so to present the Digital Network Act by the end of this year, and of course in doing so we have still a few months to go, where I think the most important thing is to get the facts right, to get the information right And to have a package which is ambitious but at the same time actionable and negotiable because then if we spend five years in I mean trying to iron out a political deal with a lot of resistance everywhere it will not work.

At the end of the day I wouldn't say ambition has to be leveled off with what is actionable and practical because that is too early to say. But clearly also we will deliver something that makes sense, but in doing that internal market friendliness, same rules, same service, competitiveness, this will be very important pillars that we want to make sure that they are there. Many thanks for your attention. You come back now. Thank you. Thank you, Roberto. I remember when you came to speak to us for the 10th anniversary of BEREC. You spoke about digital autonomy, sovereignty, autonomy. I can't remember the words you used.

And I was a Martian at that time. And at that time I was shocked. I said, what is he talking about, doing our own chips? And when you look back, you were pretty much of a visionary, I would say, when you see the visual. In Italian language means somebody that is a big fool.

**Philippe Defraigne:** I mean, you need a bit of that. You need a bit of that. Thank you so much. Thank you. You're welcome anytime. Thank you. Now, I'd like to. Yes, your secrets. I had already auctioned, I was running an auction for the dossier. Who wants a draft of the DNA, you know?

## PANEL DISCUSSION:

### ROLE OF END USERS IN THE FAST-CHANGING DIGITAL MARKETS

Now let's watch the cartoons together. Are you ready? But pay attention because I'll have a question for you. This is by way of an introduction to the next panel, so watch. Watch this. Carefully.

[video]

**Philippe Defraigne:** Thank you for watching this carefully. Please reach out for your phone. Reach out for you for your phone because you will need it. Take it, switch on the camera. Here is a question. I'm not going to ask you what you think about those comments. Of course, they are talking about countries where you don't operate and it's about other countries, you know.

My question to you is which of the seven consumers that testified on this video, which one was not a real human being? Which one was created by AI? And don't be influenced by the early vote. We need to have a large poll. Please vote. Joe, what do you think? Your money is on whom? Alright? More time? Victoria is coming back. Sarah now. Mia still leading. I mean, you got the point exactly. I mean, most of you got it right. You know, I will now say it, Mia was in fact the character that was created by AI and not really actually interviewed by BEREC Office. So, why do we show you that? By way of introduction to the next panel, which will be on end-user rights. And with AI, the amount of scams that digital consumers are suffering from will only increase, which will be one of the topics that our distinguished panelists will discuss in a minute.

May I ask the panelists to join me on stage? We have been Ben Wreschner from Vodafone, Marina Ljubic Karanovic from the co-chair of the BEREC working group on end-users Johan Keetelaar from OXERA and Claudio Teixeira from BEUC the

European Union of Consumers well-known and the panel will be moderated by Bostjan Okorn from the Slovenian Consumer Protection Organization. from the Consumer Organization, Bostjan, this is where you are receiving questions.

**Bostjan Okorn:** Okay, and I have my questions here too, so thank you. First, I'm not from the Consumer Protection Authorization but from the Association, which is different because we are the NGOs. So, hello to everyone here in the audience and of course you, the panelists. It was interesting to see those AI and non-AI generated videos and I'm really glad that we are here live because we are real people, we are not generated by someone in the cloud.

Maybe I'll try to introduce myself because I've been working in telecommunication for quite a long time, first as a journalist. I remember when the GSM came out, and it was quite a big achievement. We could walk and talk, then we could walk and talk throughout the world, throughout Europe, now we can play, we can watch videos, whatever, throughout the world, throughout Europe, unless it's not too expensive, of course. And since 2006 I'm part of the team of Slovene Consumer Association also part of the BEUC team, the digital team and working also on some other topics like the comparative testing and we've just done the comparative testing of information that consumers are given when they actually close the contract in the shop of operators and we realized that they are never really informed what they were signing which is really last day's news so to say and of course we were really concerned because I think that users who didn't think about the mobile telephone in 20-25 years ago, now they are coming into much different space and when they're signing the contract they're not really aware of what is happening to them, what will happen to them, which cost do they have to bear, and so on.

This contract, when they sign, if they don't see it, if they don't see even the short resume of this contract, it's really, really, I would say doubtful if it's a really nice

thing for consumers. But we will talk this a little bit more broadly and I'm glad that I have here my colleague from Belk Consumer Association. We have the analytic, we have the BEREC, and we have the operator. And maybe I'll just start with a lady. Of course, it's a BEREC's event, so I think it's also from this perspective good. and go around in the first round with very general questions.

So, how do you see the telecommunication market in the EU compared to the other markets or to the other world? Especially from the consumer or end-user point of view. I'm really sorry because I'm from Consumer Association and I realize that there are also some other end-users, but at the end, someday, at some time, we are all consumers. Please.

**Marina Ljubic Karanovic:** Thank you, thank you, Bostjan, and I'm real, I'm not artificial intelligence generated. So, before I start, we really have to pay attention that we are all consumers. So, everything that we do and everything that we say, we are doing for us. And what can I say as a BEREC member is that we achieved a very high-level end user protection. And always, regarding what technologies will arrive, there are some key points that will always be in the focus of regulation and BEREC, of course, and all the NRAs, and that is transparency.

Everything should be clear for end-users, their rights and their obligations. Safety, we heard it before, so safety from the build shocks, safety for some unexpected circumstances, especially fraudulent activities and scams. Because consumers have to have faith in digital interaction and also have faith in new technologies. Because only a well-informed end-user who knows and understands how to use new technologies will use it and will benefit from it. Then, we need simplicity. Simplicity in resolving disputes, simplicity in resolving some issues and asking questions from the operators. Other what is important is digital inclusion.

We have to focus on to have digital inclusion of all end-users. And we all have to work together to achieve that. We also heard it before in the cartoon. And, of



course, end-users have the right to choose between different offers from the operators. If they have one operator and only a few offers, what can they choose? So, there has to be a diversity for the end-users to be able to have informed choice. And, at the end, of course, we need affordability and accessibility key goals. Thank you.

**Bostjan Okorn:** Claudio, you agree that BEREC is doing a good, great job here in Europe? Thanks.

**Claudio Teixeira:** Thank you for that. Yes, I very much agree. Music to my ears. First of all, just allow me to say thank you to you, thank you to BEREC for the invitation, for the European Consumer Organization to be here today to discussing this very important topic which, you know, in this whole narrative has taken us over, this aspect hasn't been exactly, been much on focus, which is the end-user rights.

And for us, this is by far the most important aspect to which to come out of the code negotiations a while ago, not so long ago, and which for us is fundamental to provide this, what we call the consumer safety net. Which is when everything falters and everything fails, the last resort that we have to make sure that the market ensures a very basic level playing field to all competitors, but most importantly, a very much baseline for protection of consumers is precisely these rules. And these are fundamentally important to implement. Sadly to say, though, even though we do have these rules, they haven't really seen full development, full maturity yet. We are all very much aware of how late and delayed the implementation of the code has been and from our side, we think that there's still much more to do to ensure that these rules are indeed translated into reality in member states into more clear enforceable rules to protect consumers because even though we do have these rules, the fact remains that.

And as Philippe was saying, in other countries, you know, I wish it was just in other countries. So it's too close to home still, and there's still a lot of work to do. And our consumer service, our consumer complaints that our members get every day show that, that is still, even though the rules are a reality, this implementation on the ground is still, we're still a far cry from getting there. But I'm sure we're going to have more opportunity to talk about that.

**Bostjan Okorn:** Okay, thank you. Let's go to the operator, Mr. Wreschner. What is your view of the market? So, from your point of view, is it well developed? Is there something that you should take care more of? What are the challenges? What are the positive things?

**Ben Wreschner:** Thank you. Thank you everyone for being here. Thank you Philippe for hosting as well. Look, I think answering this question I'd like to look back, look at the here and now and maybe look forward a little bit. If we look back And Eve, thank you for reminding us this is the 15th anniversary of BEREC.

I did a little bit of research 15 years ago, there was an Irish chair of BEREC. Robert, you're not the second Irish chair, you're the third Irish chair of BEREC. Maybe the competition authority needs to look at that, but I'll leave that to someone else. But if we look back 15 years ago, and we think about where we were in the world, I remember not long before 2010, having that experience of, it was actually on an iPhone, of seeing the internet on a phone, the real internet. I'm not talking about WAP, for those that remember WAP. I'm talking about real internet, a website that I would look at on my PC. Suddenly, it appeared in full color on my phone. And I was amazed. I remember, I'll get the numbers wrong, but someone will correct me later, no doubt. But at home, getting my 2 megabit per second broadband connection, I think in those days, I had been on Wannadoo, for those who remember Wannadoo. I think I'd moved to Orange by that time. Became BT and then now I'm a Vodafone for obvious reasons, you know the two meg per second

and then we all talk about, well, will we ever need six meg per second on the home connection? And you know, just 4G actually is it necessary? Will we ever have the use cases?

So, your challenge on growth in depth demand, yes, but we've been saying that for a very very long time and it's always continued to grow, but my serious point here is that, we can move a step away from end-user rights in the here and now. The biggest protection of end-user rights is... can we continue the technological progress that we've had for the last 15, 20 years? Because it is technological progress which determines our everyday experience. If we compare now to 15 years ago, we have our entire lives in a pocket, or connected to a cloud somewhere, who knows where. And we take it for granted, our photo album, our entire music library, our connectivity with everyone, whoever they are, wherever they are in the world. It's something we could not have imagined 15 years ago, and that's what we have today, and that is what's going to protect our end users the most of all in 15 years time, it's not whether we worry about contract terms decisions, I'll come to that in a moment, but it's can we make sure that we have the technological progress to keep these wonderful innovations live for our customers.

And I'm sure we will get the technological progress, but here as well Europe needs to really have a wake-up call and Roberto mentioned it earlier We need to make sure that Europe doesn't fall further behind because in 15 years ago we were at the forefront of technology, we had all of it, it wasn't just about two equipment manufacturers, we were leading the world and we're not in that space now and we need to really look hard at the regulatory regime to ensure that European technology and European connectivity companies can return to the forefront of innovation and technology. Then let's go to the here and now and I think there's

just one point on the say the contractual terms and conditions and the transparency.

So we fully support transparency, it's a necessity. We put our customers in for one-year contracts two-year contracts Whatever it might be and they need to have the certainty and that's something we fully support. There needs to be an understanding of what they're signing up for. The only thing I would caution, I think Robert did refer to it earlier is where we have a risk of overlapping obligations and I think the best case in point we recently had in the UK.

We spent the best part of, I'd say, 18 months, two years with Ofcom working out exactly how we need to communicate mid-contract price rises to our customers and the form those mid-contract price rises could take. We had issues around, were we allowed to have inflation-linked prices? That was decided to be not allowed. The price rises had to be an exact amount in pounds and pence, and we work with that. But the point is, we got to a conclusion on what we're allowed to do.

At the same time, we have very strict obligations from the Advertising Standards Agency in terms of what are we allowed to communicate publicly about what our prices are. And then at the end of last year, the CMA, the Competition Authority, became the third regulator to decide it's going to look at how we communicate our prices and our 24-month contract, bringing this into the topic of drip pricing, which is a completely separate topic, which more relates to when you go online and you buy an airline ticket for six pounds or six euros and you find that when you go to the basket, it's 25. So that was a drip pricing initiative, which then ended up bringing 24-month contracts into the discussion. And so we're all in favor of transparency.

It's a necessity where we have long-term contracts for our customers. But please regulate us once. There's enough horizontal regulation. It makes life easier for

ourselves, but it also makes life easier for our customers if they are clear in understanding what rules we have to comply with and what they can expect to see. And the third point I'll make. Can I just make one point looking forward?

**Bostjan Okorn:** Oh, yeah we ran out of time. So I have further questions then after so it's maybe for the beginning. It's okay. I'll go to the Mr. Keetelaar now What is your view from above so to say? What is the role or position of consumers in the telecommunication market in Europe?

**Johan Keetelaar:** First of all, thank you for having me here, and I'm at OXERA, and OXERA, works for a lot of clients, and just to make sure that I'm not representing any of the clients here. I'm also an adjudicator in Ireland, I'm not speaking in that capacity either, I'm more speaking as a sort of experienced specialist or as an end user myself, so I will try to contribute a little bit to what has been said already. from my own experience as a regulator, as having worked in big tech, but also having worked in a startup.

I go back just as long ago as Ben did. I know all the examples that you refer to, sadly enough, and even more so. I come from a time where the networks were really slow. I worked in a startup in the Netherlands, actually, when we built the first mobile app, which was really slow. It was quite cool, but very slow. So I think we've come a long way. And I think in general, where the end users are in this market. I think they're in a pretty good place, generally. I had to go to Berlin a couple of weeks ago, and I wanted to go by train from Amsterdam. It took me ages to find out first what the connection would be, and then it was not a real alternative for flying. So I think that's another example where there's a lot of room of improvement for Europe to work on better systems.

And at the same time, in telecom markets, we take all those kind of things for granted. So I think it's a very good moment, like Roberto just said, to take a bit of a pause, look at where we are right now, also embrace all the benefits, but also

take a critical look at some of the things that we have created ourselves or that have evolved in a particular way, especially in the times that we are living right now. And I think the end user perspective is sometimes also a little bit overlooked.

We take it for granted or we look more at wholesale markets, whereas I think it's very important, like Claudio just said, to take that perspective as well, business users, as well as like individual users. I think if you then look at the whole digital ecosystem, which I think you should do, and understand, of course, given the mandate of BEREC and also the mandate of Roberto, that he takes the DNA as a sort of vehicle to do this assessment.

I think you should look even a little bit broader because the issues that were mentioned, like security, geopolitical tensions, refer to other pieces of legislation which are not necessarily within the BEREC mandate, but are equally important to sort of harmonize or streamline or make more coherent. Because I think we all know that we ended up with this sort of patchwork of regulations, which in itself is nobody to blame for, but it's just the reality of today. And a lot of enforcing authorities also who need to work more together than ever. And I think there's a lot of gain to be won still in that space to make it a little bit more streamlined. If you do so, then I think you will also see as BEREC and as enforcers of telecom rules and of digital laws, that some of the regulations can be easier, simplified. like I said, not just like in the telco space, but also like law enforcement.

When I was like working in big tech, we had like many discussions in each of the jurisdictions about very specific issues which could easily be more harmonized. It's just one example, but I think there are also within the telco framework a lot of examples where you can have more simplified rules. I think also, not just the EECC, but if you look at open internet regulation, this is me speaking as an economist, and I think that the UK, with Ofcom, has taken this approach already. There should be a bit more flexibility for innovation, and I think we are now, in the EU at least,

like stuck a little bit into a legal reality, given the ECJ, hearing judgments. And I think there should be a little bit of opening up to accommodate people like Ben and Vodafone together with content providers to work on use cases that could be beneficial for consumers ultimately.

I think we need to step over that shadow and try to face the discussion also with political people who might be more fundamental in that space, but with evidence you can show that there's a bit more space there, and then in digital markets, right? There's a lot of discussion between telcos and digital markets and mostly they are complementary of course and there's a lot of conversation about same service same rules that in itself is true, I would say, but quite often the services are not completely the same, and you should really dive into the dynamics of each of those services to see what's needed. I think transparency, it's been mentioned already. I think on the telco side, there's a lot of transparency already. I think on the digital side, there's a lot to be gained still.

Me, as a consumer, would like to know more about the way algorithms work, the way content is moderated. Again, this is, to some extent, maybe outside BERECs mandate or some of the NRAs mandate. It's maybe covered by the DSA. We don't know exactly where the boundaries are. But I think if you do a sort of like overall reassessment of all the digital and telco rules, don't forget include all the other subjects, and if needed, and I think the BEREC can play a role here, because I think the BEREC brand is very credible. To me, it comes across, of course, I'm biased, I was part of that family, but I think it's still very independent and like evidence-based, and I think that BEREC should also include like other authorities into that debate to come to more harmonized rules.

**Bostjan Okorn:** Telecommunication market is really becoming very broad, and it's covering, like you said, not only the telecommunication operators but everything that is working on it. So, what we heard is that people are obviously

not using the telecommunication services enough to fill up the network bandwidth that is available.

On the other side, we know that some people can't use this network, This services because they don't have enough of bandwidth. So, Claudio, do you see any risk of digital exclusion due to this difference in broadband or even the changes in the whole society that people will start to really gather in centers where this broadband is available and not live where it isn't? And maybe the other question, what measures should the regulators make, not only on the telecommunication sector, but also the other sectors. So, how to complement these measures that consumers will be protected all the way from A to B, so to say?

**Claudio Teixeira:** Yeah, thank you for the question. I mean, I wouldn't say there is a risk of, I would say this is already happening now. And it's been happening for quite a long time, which is the fact that, whether you like it or not, the heart of the matter is, the majority of consumers, even those you would think of are pretty much enjoying their services right now, they're not doing it in a vacuum. They're doing it in a context in which there is a context of high inflation and there is a cost of living crisis.

And within this context, what we're seeing is that the majority of families right now are having to make very, very hard decisions on how to make sure they have food on the table for them and their kids. And when they're charged with triple-digit figures for basic connectivity to ensure their kid can go to school, this hits home. And this is a major problem we're having now. And we, from our side, we're very much concerned of how this debate has been shaping up over the past years, I guess now, and somehow it seems to be the case that consumers most likely are to blame for pretty much everything. From their rules apparently have been hindering innovation.



I was in a conference on AI the other day, apparently consumer rules apparently are the cause of Europe's delay and lagging behind since 1945, apparently, on pretty much every single sector. Who knew poor consumers could do this, right? Where we hear the story of how the demand is so little, you know, the infrastructure is there and how can consumers not take it up?

You know, as in, it's the consumer's fault that they don't see the benefit. They haven't saw the light of why they shouldn't have fiber in their homes. It's a no-brainer. If you cannot afford it, you will not take it. But most importantly, if you do not see a clear benefit, an added value that justifies to pay sometimes the disproportionate exponential prices they charge from going from coaxial to fiber when your connection still pretty much goes pretty much okay for the majority of your services you know maybe I don't need 5G if 4G is great for my streaming teleworking for my kids home school, maybe the overwhelming majority of consumers, I'm sorry to break it to you they don't need that super ultra duper fiber they've been marketed because the cheaper, affordable option is somehow managing quite well.

We need to figure a way in how we have to bring these sites together in which we do have a necessity to innovate and to pursue investment infrastructure and to lead the world as they say. But we do have to realize one thing that at the end of the day. These are services for consumers and when consumers are telling you, thank you for this but I cannot afford it and thank you for this ultra service, but I'm very much fine my offer so far, this is a sign that should reach out to you. And when we are talking about reform of these rules, we've said this from the beginning.

There's plenty of complaints from consumers here, Telecommunications across the board are leading the consumer complaints for at least the last five years, the majority of our members. They still do. And if you ask them, what are their main

issues or why they're complaining about, it concerns end user rights. It concerns difficulty of switching. It concerns the issue of portability. It concerns unilateral price hikes without information or asking for consent. And then hardships to ensure that they can cease the contract. High penalty fees, breakdown of connection, lack of customer support, unresponsiveness from the operator, lack of coverage or simple offers which have been advertised in a misleading way. These are what they keep on complaining about. And when we start having this discussion that we are having right now, and again, we see the end-user focus simply put aside as in, it's not an issue, what we have to say is, look, I mean, there's still a problem here. There are still rules that are out there that haven't been implemented.

If you really want to have a discussion on how these rules must be changed, let's make sure that we start with the problems that the users are talking to us about. Because if you really want innovation, then there is no innovation if we don't break through to offer service that people want. You need to make things that people actually want. That's the real innovation. Innovation for the sake of innovation still doesn't cut it. You need to have something that serves consumers. And if you pursue innovation in a way in which is against consumer interest, that is based on, we're talking about AI, for instance, if it's based on the simple collection, exploitation of personal data without a user's consent, that is not for us innovation to benefit of consumers, no matter how much interesting the Mia avatar over there might be and how well it may speak. You're still harnessing my personal data without my consent. You're still breaching my fundamental rights.

So, this is the fundamental issue we have to deal with as we go forward. As in, if we really want to have a debate on the holder of these rules, we have plenty of suggestions to go around on things we should tweak. We suggest to start there. Then we can start thinking about how to make sure that we have, we can reach

all the other objectives together, but, for us, the bottom line is that when it comes to end-user rights, this is the bottom line.

This is the last line of the defense that keeps our consumers safe, but ensures a level playing field in a market that forces all the competitors to offer something, which is in the consumer's interest. It's a way of keeping them honest and ensure that we have business practices which are fair. and by rules that everyone must respect. So that is for us the key message that we want to give if we're really serious about going forward with some kind of review. So, I'm ambitious of the rules.

**Bostjan Okorn:** Thank you very much. We could conclude here, I think, but I remember years ago when the 3G started there was a need for killer applications so that people will start to exploit the bandwidth that 3G gave to the mobile network, but nowadays we see that people are using different applications, more or less everyone is having his own basin, but, Mr. Wreschner, we heard on a recent event in Barcelona that operators are actually calling now for more restrictive open Internet rules, which would actually mean that people will not be able to access all the content equally, which will, of course, also not really make them use them, use this content.

We know that in some cases networks are maybe overwhelmed with the data, so you were also calling for minimizing the wasteful practices, so be more sustainable with the use of the networks, which probably we all can agree, but how about this open internet thing? Why do you think it should be more restrictive? We thought it should be more open.

**Ben Wreschner:** So just to avoid any confusion, we don't want the open internet to be changed in a way that makes the internet more restrictive. We want the open internet rules, to the extent there are any, to be reflective of the modern networks that we have, which are smart networks which are managing different

streams of traffic in real time every second of the day. And the open internet rules which were set up, approximately 10 years ago.

By the way, in the absence of a competition failure, they were just imposed on every operator in the industry despite a proper competition analysis. They have not kept up with the times. So the idea that every megabyte of traffic that we convey on our networks should be treated absolutely equally, it makes no sense in a world where we want to have smart networks managing business-critical data at the same time it's managing broad consumer applications. And so our call is not to get rid of the open internet and make the internet more restrictive. It's to keep up with the times and understand that we need a principles-based approach to how end users experience the internet. And that ensures that there's no discrimination, that there's no undue self-preferencing, whatever it might be. But the concept that we'd have an open internet which says every megabyte of data which is conveyed on our networks needs to be treated in exactly the same way.

And you can't do sensible traffic management to ensure that we have the right approach to the different types of services. That is anachronistic, and it needs to be changed immediately. Because that is holding the industry back in terms of developing the different types of use cases that, at the same time, we can have a network which supports, as we're seeing increasingly, we go to the traffic question, we see broadcast content increasingly moving onto our networks from dedicated terrestrial satellite broadcast networks onto our networks. If we want our customers to experience real-time sport events where you don't want to have one household watching the game and hearing the cheering from a household down the street because everything's gone out of sync. At the same time, we want to have our businesses running their critical applications, automated factories, whatever it might be. At the same time, we want to have the general level of internet usage, browsing, you know email access.

We have to be able to manage this in real time. And the open internet doesn't work in that regard. And even with the flexibility that the likes of Ofcom have tried to introduce through an indication that they'll be more flexible in their interpretation of the rules, that gets us so far. But in the end of the day, law is law. And we've seen it in the case of the European Court of Justice, where we have an understanding of what we think the law might be, but the Court of Justice has a very different interpretation. In the end, the consumer offers that we put into the market had to be taken away from the market. which were designed specifically to help low-income households manage their consumption in a way where they couldn't afford full unlimited data offers but at least we could make some of the data which they valued more highly unlimited to them. This was deemed to be unacceptable according to the European Court of Justice despite it being specifically targeted for those that couldn't afford full unlimited data packages.

So, our point on the open Internet is not that we should make the Internet more restrictive, on the contrary it needs to be open, but it needs to be done in a way which keeps up to date with the times we live in and the smart networks which will be critical for the economic growth and competitiveness that we all aspire to.

**Bostjan Okorn:** Okay, thank you. Mr. Keetelaar, maybe a sentence of your opinion on that and then in general from the white paper and also some other talks that we heard. How do mergers and acquisitions actually affect the competition for the end-users?

**Johan Keetelaar:** Okay, first maybe I said something about the open Internet already in my first intervention. And I think the problem with discussions about open Internet and maybe also some other subjects which are a little bit more like political sensitive is always to sort of like disentangle the different goals, right?

I think that the case that Ben is making also that I was alluding to in my first interruption is to allow for more flexibility because I believe that there are like use

cases and I think that Ben is trying to explain that where I think that telcos, end users and content providers will benefit from innovative approaches.

And like I said, you know, Ofcom made an effort already, although the law in the UK also has some restrictions, but I think within that law, they try to be as innovative, friendly, without losing sight on the fundamental rights, as innovative, friendly as possible. I think that's a good step that also should happen in the EU at the minimum. Your other subject about mergers and acquisitions. Yeah, it's a completely different discussion, which ultimately potentially also affects end-users of course and I think that the different reports that Roberto Fiora was also referring to, especially the Draghi report, has quite some substance on that. I also know that there's a bit of criticism by some other economists and I think there is a very sensible paper by Serre and I think that Richard Feasey is speaking on the next panel about that.

I think I am in that camp a little bit as an economist, that consolidation as such shouldn't be a goal. I think sometimes it can help of course to create benefits for the merging parties as well as for end users if the economic efficiencies are passed through in terms of prices and that's exactly what you need to assess in a particular merger. I think we all know in this room that like cross-border mergers are not prohibited per definition, but apparently for some reason beyond simply merger regulation, I would say, they're not happening that often, right? So, might be worth investigating why. I think some people have done it already, but I don't think it's an easy problem to solve. Within country mergers, of course, it's a different discussion. We know the UK with the CMA mobile merger, I think Robert Mourik said something about it also just a little bit earlier. You need to assess that on the merits of that particular case, but I don't think that, like, allowing all kind of mergers very easily will solve the investment problem, right? I don't think that relationship is that direct and easy.

**Bostjan Okorn:** Thank you. Marina, I'll stop with you, as I began with you. So, maybe short because it's not a lot of time, we talk too much, is regulation hindering or actually accelerating the market from the user point of view? I mean, let's say we have a very good example of roaming, we saw what happened now that we can travel around and really use the phone for various purposes that we would not do at home, but in general what do you think the regulation is doing I mean, from the BEREC point of view, probably.

**Marina Ljubic Karanovic:** I should say now, this is a very interesting question for the BEREC, of course. Well, maybe it's popular among the society to say, well, we don't need regulation anymore, everything is well, and so on. But we all know that we need it. And something that is important is when we are regulating, we have to find a balance. It is always the balance, if we are thinking from the consumer point of view, balance between end-users protection and obligations that we input towards operators.

I don't mean in cases when operators say to us as NRAs, oh, it's too expensive, we can do it, we don't understand, and so on. truly to understand how things work in practice. That's why NRAs, and of course BEREC, through all the NRAs and sharing practice, have to work together with stakeholders, with BEUC and other consumer associations, to find the best possible way to set some standards. For example, we have new technologies, we have artificial intelligence, and imagine if we say, ok, let's see what happens, because everything seems great. But you know, if we don't have some legal, some ethical, some quality standards, for example, for artificial intelligence, who knows what happens? So we have to have some standards, and we have to have some balance.

Also, what I wanted to say is that regulators of electronic communications are not islands. We are not isolated because we know now and see that there are many other digital services that have impact on users of electronic communications. So

we have to work together to understand that new digital service and know how to regulate and set boundaries for the market and for the competition.

Also, what is important is that, I think also Claudio mentioned, we have sometimes everything great on the paper, but we have to move forward to end users to make them understand what they have, what they can use to understand their role of regulators, role of operators and consumer associations. That we can achieve in different ways. For example, we can cooperate with consumer association. We can, as regulators, go towards end users and try to explain them in an easy way their rights and their obligations. For example, I can say, not as a BEREC, but maybe from the national point of view, Hakom, we are trying to be not as just distant regulator, we are going towards the media, end-user shows and the radio, TV shows to try to explain end-users in the simple way what is there and what are the maybe, possible threats in using digital services. Because...

We are all talking about digital inclusion, but this is very important to address and to highlight. Digital inclusion, not only if we are talking about universal service and people who are on the verge of poverty, who live in distant areas, on islands, and they don't have connectivity. It is for everybody, because digital services are becoming a necessity in everyday life. For functioning, for activities. In the future, you will not exist if you don't have access to digital service. So it is very important to have that, but have some kind of balance. And of course, end users also, we are expecting that they have some level of awareness, where they can find information and where they can find the answers to their questions. On the other one hand, this is the regulator and maybe his role of resolving disputes. And on the other hand, operators should have a strong consumer protection and consumer system to address problems immediately. Not to say, OK, we will call you and contact you in, I don't know, one month. So, they have to explain in easy way, OK, I'm looking at him, but he's there. In the easy way, how to resolve



problems and how to make this a digital environment friendly for them, enabled to use and understand and to benefit from it.

**Bostjan Okorn:** Yes, thank you very much. I'm sorry that we looked at the red time so long. So, let me wrap up also in the way that operators without consumers would not exist and vice versa I think so we have to find a proper way to cooperate and of course we are also doing a lot of things to educate consumer how to use and how to become a digital so to say member of society and I hope that in next years we will still gather together like this not everything will be digital which will also maybe influence your operators networks in very good ways, so that they are not that busy as they would be if we were all at home. I'm sorry that I didn't give the word to anyone else here in the public, but I hope that we rounded up a little bit this topic, and that you ?? from my perspective, I think they were excellent answers, and I think I can only thank you for those. Thank you very much.

**Philippe Defraigne:** Now it's time for the coffee break, but you need to promise me to be back to start the next session at 4:15.

[...]

## PANEL DISCUSSION:

### FUTURE OF MARKET POWER REGULATION

**Philippe Defraigne:** Welcome back, thank you for keeping the coffee break short. We're now getting to the last lecture of this day with the much-awaited panel on the future of market regulation. For that, I will invite my fellow panelists to join me on stage. So, we've got Ingrid Malfait-Guilbaud from Iliad, Richard Feasey from CERRE, Vesna from Slovenia Telecom and Carla Amoroso from ANACOM. The panel will be moderated by Matej Podbevsek. Thank you. Thank you all.

**Moderator (Matej Podbevsek):** Thank you very much, Philippe, and while we give our panelists a few minutes to gather their thoughts for their opening statements, if you could put up the visual that I wanted to quickly explain. Yes, so, here, to follow up a little bit on the situation that Pinar mentioned before, there's two tables showing the state of regulated markets in Europe. You will see 27 member states plus the UK, and at the top, you have the three most important markets: wholesale local access market, market one of the current relevant market recommendation, wholesale central access, and wholesale dedicated capacity market, market two.

The two pictures show the situation on the left from about three and a half years ago, from November 2021, and on the right, it's very recent from March this year. The message that jumps out just from the different proportions of colors is that deregulation is happening. On market one, wholesale local access market in 2021, we only had six member states which fully or partly deregulated the markets, now we have 16 already. The situation is even more pronounced on the bitstream market, market 3B, but of course that one was removed from the relevant market regulation. Whereas the situation on market 2, the list line market, is progressing

a bit slower. We had 14 member states three and a half years ago that at least partly deregulated the market, and now we're up to 17.

So, when I saw this picture, the question that came to my mind was: Do we need a paradigm shift in approach to ex-ante regulation in Europe or do the current rules, the code, the current relevant market recommendation, give the appropriate level of flexibility to the regulators to deregulate the markets where efficient competition has developed, but to also continue regulating the market where the situation demands it? And conversely, of course, here on the right, you will see physical infrastructure access market, which was never in the Commission recommendation, but is despite that regulated in six member states and the UK.

So, to help me answer that question, we have our panelists today, and I suggest that Vesna from Telecom Slovenia starts. To give you just a little bit of context, Telecom Slovenia is the regulated incumbent, fixed-mobile incumbent that is still regulated in both market one and two, so it's the access giver in Slovenia. Whereas Iliad is the challenger operator and I think operates in eight member states, where, in addition to building out its own fiber network, it relies on wholesale regulated inputs to provide services at the retail level. And ANACOM, I felt, was a good regulator to include in the panel because it seems that their light-touch approach to regulating fiber in combination with effective SMP-based regulatory physical infrastructure access has contributed to very high fiber coverage in Portugal, where they are at almost 95% of households. So please, Vesna, when you're ready.

**Vesna Prodnik:** Thank you, Matej. Yeah, very good starting point, actually. If you are looking at these pictures, we can see that actually things are going the right way, but not all over Europe, if I may say. We are in the time of very ambitious goals. The European Union has, we would like to be a Gigabit Society by 2030, we would like to sunset copper networks till 2030. We are facing, as operators, really

challenging times. Our competitors, if I may say, are not anymore only operators, but also cloud providers, over the top, and so on. And actually, I think that these times are requiring a new approach to the regulation.

Current principles, I think it's... Some say, how to say, maybe sunseting and the ideas of relaxing the regulation, I think, is the right one. Because the times of ex-monopolists are gone. I don't think that on any of the markets in the European Union we are really monopolists anymore, especially the way our approach is taken to regulate the national markets. It's definitely not the right one. We have, on each market, three to four operators, converged operators, so if we would like to address the challenges that Europe has in the future, we need also to adapt the approach a regulator will have it.

So, if we go maybe more into details, today the requirement for deregulation is to have three parallel networks. This is definitely not something that encourages operators to invest because, for instance, I'm CTO, I have a limited budget, and then I need to decide where to invest. Do I invest in cloud-based networks of the future, invest in cybersecurity, a resilient network, or, on the other side, invest into a third parallel network? It's actually not logical. If you have one network with a live connection which has end customers, and then you have two additional with no customers, then this investment is not something that encourages operators.

So, I think that the future statements of the Commission and consequently, probably also from the regulator side, should be clear: do we need to have two parallel networks? Is this enough, or would we like to have three? I think two are enough because we have so many services running on the top of operators' networks that there we have competition. On the other side, we know that every country had some bottlenecks. How to address this? I think that current regulation doesn't fit anymore. So, if we would like to boost the sunset of copper and go with

fiber networks, and especially with this 5G network, we always forget that for running a real 5G network, we will need also fiber to every base station.

If we are thinking this way, I think that we should think about symmetric regulation because usually, we have some part of the country where it's one operator, the other, and so on. And if we would like to build resilient networks, sovereign and so on, we need to have access to the passive infrastructure, all passive infrastructure available, to boost investments into fiber networks. So, I think that the time is right, and I think that also what we heard from the Commission is the right path with the Digital Network Act, to simplify it. The current framework is a good idea. I don't want again to be stuck with regulation for the next 20 years. I just remember or recall when the current chair of BEREC said we will not keep with the regulation for the next 20 years. At the beginning of my career, in 2002-2003, the Commission said that now is the last ex-ante regulation, after that came ex-post regulation. We are still here, you know, so we will see what happens, but I think it's time for changes. Change approaches to really boost investments, boost research, and make Europe a serious player in this landscape.

**Matej Podbevsek:** Ingrid, do you agree?

**Ingrid Malfait Guilbaud:** Not entirely. First of all, good afternoon, everyone. Let me just thank BEREC for inviting me today. It's a real pleasure to be here. Iliad is indeed present today in eight countries. We are mostly a challenger, but also incumbent in one country under the nice supervision of Robert in Ireland. We started as a small new entrant player in France and today, we are the fifth telecom operator in Europe in terms of number of subscribers.

I just want to share today what our takeaways have been after these 10 years of European expansion. The EU regulatory model functions well. It has fostered competitive markets, investment, innovation. It has enabled new players to enter the market. Today, if you look at the figures, 55% of EU homes passed with FTTH

have been deployed by alternative operators, while 40% are covered by incumbents. Access regulation to fixed networks is key. Fixed access to fixed networks is of course key when you enter a market as a mobile operator, as we did in Poland. If you don't have access to fixed networks, you cannot build a convergent offering, and you cannot compete on the market.

We see that the concrete application of the model is different from one country to another. France has adopted a mix of symmetric and asymmetric models. Italy relies more on asymmetric. Poland has deregulated most of the market, except in some areas where there are regulations under SMP. There are some differences, but overall, the regulatory model is flexible enough to adapt to those market circumstances. And so, we think, even despite some differences, maybe inconsistencies, as you said, the model is flexible enough, and there is no need to put everything into question.

Because telecom markets are characterised by long-term investment cycles, and for that, you need regulatory stability and predictability. This is absolutely crucial. So, we need public policy that doesn't change every five years with totally different rules that we don't know. So today, we are in a situation where we understand, I mean Roberto Viola didn't say much about that, but we hear that the Commission is considering major changes to the model, eliminating the markets from the recommendation. This is a short-term measure. In the longer term, questioning even the SMP regime and also the symmetric regime that exists in France.

Just a few details about each of those. Deleting the markets from the recommendation, we don't really understand the justification. I mean, is it to save NRA resources? Maybe save 5% of human resources from the NRAs, not to have to review every five years? For me, I think it's not a big deal for NRAs to monitor the markets they are in charge of, so I don't think it's a reason of efficiency. Even with the two markets, we see very clearly that deregulation is already on the way.

By the way, the shift from regulation to competition law is already clearly written in the code, so you have all the tools to shift to competition law.

I'm not saying that, of course, we need to regulate forever these two markets because they won't become competitive, that's not my point, and we see in some countries that it's already deregulated for many years. With one exception, access to civil engineering, on which I'm quite convinced that we will need a regulation, maybe for forever, SNP-extended regulation on access to civil engineering for a very long time, maybe we will come back on this.

Second point, SMP regulation by itself, I understand the concept is also questioned by the Commission, I think this SMP model has the advantage of being rooted in competition law. I mean the concept of SMP is in fact the same as dominant position and this has a good advantage that it gives predictability to the actors. You know more or less, if you get bigger, then you are in a dominant position, or close to being in a dominant position, and so you can be regulated, and the same for access security. Everybody knows this concept. There are lots of fraudulent products, so I fear that...

Inventing new concepts without any such case law, without any principle to rely on, can be very risky in fact. So that is for the SMP regulation and just one word on symmetric regulation in France because maybe we won't, I don't know if we will come back in the discussion but so I'm French, as you can hear, and it's close to my heart. I mean, France is a success story on fiber. I mean, the figures are very clear, 91 % of coverage. Today, in more than, I think, 92 % of lines, users have the choice between four operators. So, the figures are clear. This is based on the model of symmetric regulation, Article 61.3, and still the Commission apparently is questioning today this model, and we really fail to understand why. And again, the pretext of simplification is apparently the reason. I think it should be understood. the Commission should be very careful not to, in fact, create more

complexity under this pretext of simplification, because if you delete a framework, I wonder on what principle the NRA will be able to take further decision, that is, decision on the symmetric framework or dispute resolution decision. I mean, this will open up something very unpredictable and still predictability is important as I said.

And just to conclude, we think the framework is flexible enough, it gives the NRAs some tools, a toolbox that has worked well, they don't need to use the tools if the competition is there, that they can use it if it's not there. And we have been discussing, we have here panels, we have read economic studies, and I think none of this has been able to put an alternative that is credible on the table. So why not changing things that are working already?

**Matej Podbevsek:** Okay, thank you. Carla. Where are you leaning? Towards Vesna? Towards Ingrid? Or do you have a completely different opinion?

**Carla Amoroso:** Thank you, Matej. First, I would like to thank BEREC for inviting me to be here to discuss this very relevant issue. I would start with the question, do we still need the ex-ante regulation? In my view, yes, we still need this type of ex-ante interventions. It's very relevant to enhance and promote competition in telecom markets. In countries such as Portugal, for example, we have a physical infrastructure network of the incumbent operator that is ubiquitous, it's everywhere, and so investments, it's not feasible to replicate investments in this kind of infrastructure. And the ex-ante regulation has been responsible throughout the years for allowing alternative operators to make their own choices, to invest in rolling out their networks, and so they choose to invest in very high-capacity networks.

And the ex-ante regulation has been responsible for promoting competition, for reinforcing connectivity, and also for ensuring that end-users have access to a diversified variety of offers. Of course, the physical infrastructure market is not



the only one that still needs this kind of regulation. We have a small amount of markets that also present some failures and still need this regulation, if not at the national level, at a more regional or local level. You identified this as a kind of light regulation. We've never used that approach, but it can be said like that. For example, access to fiber, the incumbent operator has obligations, like, for example, on price, but it's obliged to practice fair and reasonable prices, not cost-oriented prices.

But looking at the present and to the future, markets are evolving, business too, and telcos too, and so we have to see if this ex-ante regulation, the way it is applied currently, is still enough to deal with the markets and the current developments. We are currently witnessing a profound shift in the telecom markets. It's not anymore only about networks and infrastructures. In some countries, of course, this continues to be very relevant, but in others we are seeing the divestment of these kinds of infrastructures. But businesses are shifting towards another kind of services, it's more about information, about data, about content, so businesses have evolved and operators have evolved. Telcos have started to diversify their offers, their portfolios, and with these new services, they've started to provide end-to-end service, entering new markets, new kinds of services.

With this, they strengthen their market position. These complex developments impact the way classic limitation of markets is designed, and also new ways of exercising market power are being identified and are being exercised, for example, by controlling access. It's not only controlling access to essential inputs, by those essential inputs, I'm referring to, of course, access to networks, access to infrastructures, but also access to content, access to information, and this is a new way of exercising market power. And in some markets that tend to more concentrated structures, these risks are exercised jointly or in a coordinated way.

So the challenge is to have national regulators that maintain ex-ante regulation as this kind of regulation is still very important for more traditional markets, but who have a holistic approach, a holistic perspective of the markets and, of course, of the regulation. And to have flexibility and to have the proper tools and instruments to deal with these new ways of exercising market power. It's to have an articulated view with other regulators, such as regulators from the media, for example, and that will allow the emerging market failures affecting end-users to be dealt with. The challenge is also to combine this more traditional ex-ante regulation with a focus on the supply side of the market with an intervention on the demand side of the market. Intervention towards end-users, towards consumers, by empowering them to give them the tools to understand this complex ecosystem and for them also to be an important instrument in dealing with these new situations and new ways of exercising market power.

**Matej Podbevsek:** So Richard, what do you think? Should we have an alternative and do we have an idea about an alternative or should we continue as we did it for the last 20 plus years.

**Richard Feasey:** So, first of all, thank you for inviting me, BEREC, and these are my own personal views, not those of Sarah or anybody else. I mean, my starting point is that, although sometimes you could be mistaken for thinking so, we are not in a fundamental regulatory crisis here. We are not in a banking crisis where there's been a failure of the regulatory regime. I don't think we're in a financial crisis in the telecoms industry or that there's been fundamental regulatory failure, which is not to say that we can't always think about improving things.

To the extent there are problems in the industry at the moment in Europe, to some extent they reside on the mobile side of the industry, where the SMP framework by and large has been remarkably absent over the last 20 years. There, some of the issues are demand-side problems that I don't see having any obvious

relationship to the SMP framework, and I think the story actually on the fixed side of the industry, where the SMP framework is much more prevalent and influential, has been pretty positive in Europe and in some respects more positive than elsewhere in the world.

So, I wanted to start by saying I just don't accept this, I think slightly confected crisis that the fundamental changes or radical changes to the SMP framework are sometimes proposed as being a response to. My view is that it's actually been remarkably successful as a framework, for a number of reasons, and I think anything that would replace it would need to, in my view, meet these conditions. So one is I think it's been very adaptive to changes in technology over time, and that's really important and not straightforward to achieve in designing these kinds of regulations. It's been pretty adaptive and flexible in addressing very different market and competitive conditions in different member states around Europe, which we all know are very different. And again, I would be wary of anything that sought to abstract from that or ignore these differences in competitive circumstances.

And thirdly, it has had a very disciplinary effect on the scope of regulation, and to some extent my bigger worry than the SMP framework is the displacement effect that it's had in leading to things like the roaming regulation and other forms of intervention through spectrum licenses and so on. These reflect the disciplinary effect and mean that regulators have then sought to go outside of the SMP framework in order to intervene.

I also take Ingrid's point completely that the costs of change and a prolonged period of uncertainty about how any replacement regulatory framework would operate at a time of peak or just past peak investment in the industry is a very significant issue that shouldn't be ignored. And so any alternative would need to

have, I think, very considerable and obvious advantages over the existing framework to be worth contemplating.

Having said that, very quickly, there are three things that I think people worry about in the context of the existing framework. One is this whole issue about the list of relevant markets and should it be there and so on, which I think is really just a debate about who has the power in implementing the framework, and that's a fair debate. My own view is if the Commission is going to have the power in terms of exercising vetoes, then the Commission's decisions ought to be capable of being appealed. It seems to me that should be an obvious feature. The regime is not there at the moment but should be.

The second issue is geographic differences, so the complexity as competitive conditions change nationally within member states in different parts. My answer there is just yes, the world is complicated and national regulators need to apply the framework diligently in a way that properly reflects those complexities. I don't see a good argument for simplifying regulation in a way that abstracts from the complexities of the world for the sake of it.

The last issue is this sort of oligopoly problem of, and I think it was alluded to, does the SMP framework mean you deregulate when there are two or three, or whatever number you prefer. My view there is, I think one of the great advantages of this framework, although not often used in this way so far, is that you can withdraw from markets and observe actual market behavior, and then go back in as a regulator if you observe problematic outcomes.

I don't know, in a world of excess capacity and low marginal costs, which we have in telecoms, what prices are going to do in the long run in two-player fiber markets. But the SMP framework allows regulators to see and then to come back in if those look problematic, and for the participants in the market to know that if outcomes are problematic, the regulator will come back in.

## Q&A SESSION WITH PANELISTS

**Matej Podbevsek:** Thank you very much. I think the opening statements were a great starting point for the debate. We have some time for questions from the room. Now, contrary to Philippe, I do not know every last one of you. So, if you have a question, please raise your hand, state your name, affiliation, and if it's a question for a specific panelist, also who it is for. Yes?

**Audience Member:** The regulation, what is now happening in the mobile, what I'm speaking, the most of regulation profit is not used by European people, but the third world of American, that companies using more and they have more access in European countries to use. Do you understand what I mean? Yes, but do you have a question for us panelists? Okay, this is happening, but why don't we get in locally and national regulation not done? Why nobody focus it, why European Commission not focusing the national roaming? Because now the time in the European countries most of countries have a maximum of average three MNOs, but if three MNOs work together and they keep the price up and third world country MNOs they use the regulation deal, one of the European countries, and come in via under the market, come up. My question is, how going to solve this problem?

**Matej Podbevsek:** So, if I understand your question correctly, you're asking, should wholesale mobile access, so Market 15, be re-regulated in Europe? Do you want to go, Carla?

**Carla Amoroso;** Yes, I can. I wasn't expecting that question, but it's relevant because it was a market that was already in the list, and at that time we felt, and Portugal was one country or one regulator that didn't regulate that market. Many years have passed and I'm not completely sure that I can make this statement but of course we, at the time, several years ago, we were dealing with that market and we studied that market, we analysed the market, and it was very difficult to

achieve a conclusion on the market, because there was a kind of structure or behaviour where the operators were very aligned in the strategies they had towards the market. So, providing access to their mobile networks was not, and in a certain sense is still not, common in Portugal.

So, these markets, as well as other markets where there can be a dynamic at a certain point of coordination, deserve to be studied and of course, throughout the years, we used other instruments to try to overcome the problem of not regulating directly market 15. For example, we used spectrum options where it was needed, where we concluded that there were competition problems, by, for example, reserving parts of the spectrum to allow new entrants in the market as they didn't get access to mobile networks. This was done in Portugal and, for example, very recently a new entrant entered the market by using this kind of instrument. This is a market that deserves to be discussed, and the mobile market is not always so competitive as it is presented, because it was born as a competitive market, contrary to what happened with fixed markets. But currently, that competitive situation in certain countries, in certain structures, it's not so competitive as it was before. So, it's important to discuss also these markets and to have the tools to be able to intervene where it is necessary.

**Matej Podbevsek:** I saw that both Richard and Vesna want to respond to this quickly.

**Vesna Prodnik:** Market 15, years ago regulated, the aim of the regulation was that the majority of MVNOs was seeking access to have cheaper calls and SMS. This market today is more or less that. The calls are disappearing, the SMS are disappearing, and in my opinion, every regulation needs to ask what we would like to achieve. Today, everything, as we said, is over the top. Over-the-top providers, they are using our networks. There is no regulation, and it's hard to do this, honestly. And it's the same question with the whole regulation. What is the

aim? What would we like to achieve? How, with the regulation, if we regulate just one of them, will we reach the goals we have at the end of the day? I think that this is the basic thinking or rethinking we need to do. Just to regulate something, just to put some SMPs, what is the final goal? We have, actually, as we said, in every country, three to four converged operators. What would we like to reach if we regulate just one of them? Maybe some goals we would like to see, but at the moment I don't see really the answer to what we would like to see.

**Matej Podbevsek:** There's the road of joint dominance as well, right? But the Czechs tried it recently and it didn't sit well with the Commission. Richard, you wanted to respond?

**Richard Feasey:** My very quick point would be, although I don't think there's a financial crisis or indeed a regulatory catastrophe, I don't think excess profits are obviously the problem either. If you're going to find joint SMP in mobile markets, the first thing you would look at is evidence of excessive profits. It doesn't seem to me to be the place that regulators should be spending their time, based on my understanding, although they should be spending a bit more time better understanding the profitability of different parts of the industry.

**Matej Podbevsek:** Almost out of time, but I think we have time for a quick question. Pinar, please.

**Audience Member:** Thank you so much. What do you think the consequences of the Commission's proposal of reducing or dismantling ex-ante regulation would be on the countries that are in the queue to enter the European Union? Because we are now talking about member states and we have an idea, all of us more or less, but what about the ones that now maybe they don't have the same deployment rates and take-up rates in terms of digital decade objectives, and maybe some of them don't have the same developed regulatory framework. What would you think the consequences of the Commission's proposal? Thank you.

**Carla Amoroso:** Any of your groups present in any of the candidate countries that you would have a view on this? No, I think, I mean, I'm not a specialist of their market situations, but I would say why not offering them the same regulatory tools that we implemented in Europe and that have been successful? Indeed, if we regulate everything and they start by deregulating or not regulating, then there are going to be probably some problems. I'm maintaining a kind of ex-ante access regulation in Europe is also, I think, useful for candidate countries indeed.

**Matej Podbevsek:** Okay, thank you very much. I don't want to keep you from the cocktail promised by Philippe. I know on the agenda we have some closing remarks, so I think it's time for that.



## CLOSING REMARKS

**Philippe Defraigne:** One more important housekeeping matter for me. BEREC very much values your opinion. So, two ways of giving you feedback on today's event. In a few days, you will get into your mailbox an invitation, a survey. Please take a few minutes to fill it in. If you've got an urgency to give your opinion, you can scan the code bars on any of the screens outside and give your opinion immediately. That's all from me. I'm now delighted to hand back over to Marko Mismas for some concluding remarks.

**Marko Mismas:** So, before we move on to the final and less formal part of today's forum, a few well-deserved thank yous are in order. First, I would like to thank all of you for being here with us today. As we can see from the slide, not yet, we have gathered participants from all around the globe, almost 50 countries. That's quite a number. The number of countries participating is increasing every year. And this is a positive sign that we must be doing something right.

A special thank you goes also to our moderators, Philippe, Matej, and Bostjan, for their excellent moderation. And, of course, to each and every panelist. Your expertise and insights contributed to an important and meaningful discussion, opening new perspectives and, I'm quite sure, giving us all some food for thought. Therefore, I would like to invite you all back to the stage to make another memory together with an audience. Maybe it's better to go here in front. Come on. We can... Please. Let's make a photo.

Okay, I have a few more words. A special thank you goes also to our BEREC co-chairs who hosted over 300 stakeholders during this morning's meet and greet sessions.

Before I truly wrap up, 2025 is BEREC's 15th anniversary, a milestone that shows our dedication and expertise in supporting Europe's telecom and digital markets,

always with end-users in mind. As we look ahead, we are more committed than ever to using our knowledge and innovation to make a real difference across the region.

And if we are talking about innovation, here is the video created by BEREC office together with AI. Let me remind you once again to submit your proposals to the BEREC Work Programme 2026 by April 10th. They are very important for us.

And now, at the end, I would like to extend my gratitude to my AKOS team, and the BEREC office for preparing this excellent conference, for all the hard work needed that everything ran smoothly today. Thank you.

As the afternoon turns into the evening, and after such an intensive day, I warmly invite you to join us outside for some informal networking and conversations. Let's continue to discuss our topics in a more relaxing setting. Thank you once again, and enjoy the rest of the evening.