

BEREC Input to the CfE on the DNA
BEREC Input to the EC consultation on
the revision of the RRM
BEREC Opinion on the EC review of the
DA setting Union-wide termination rates

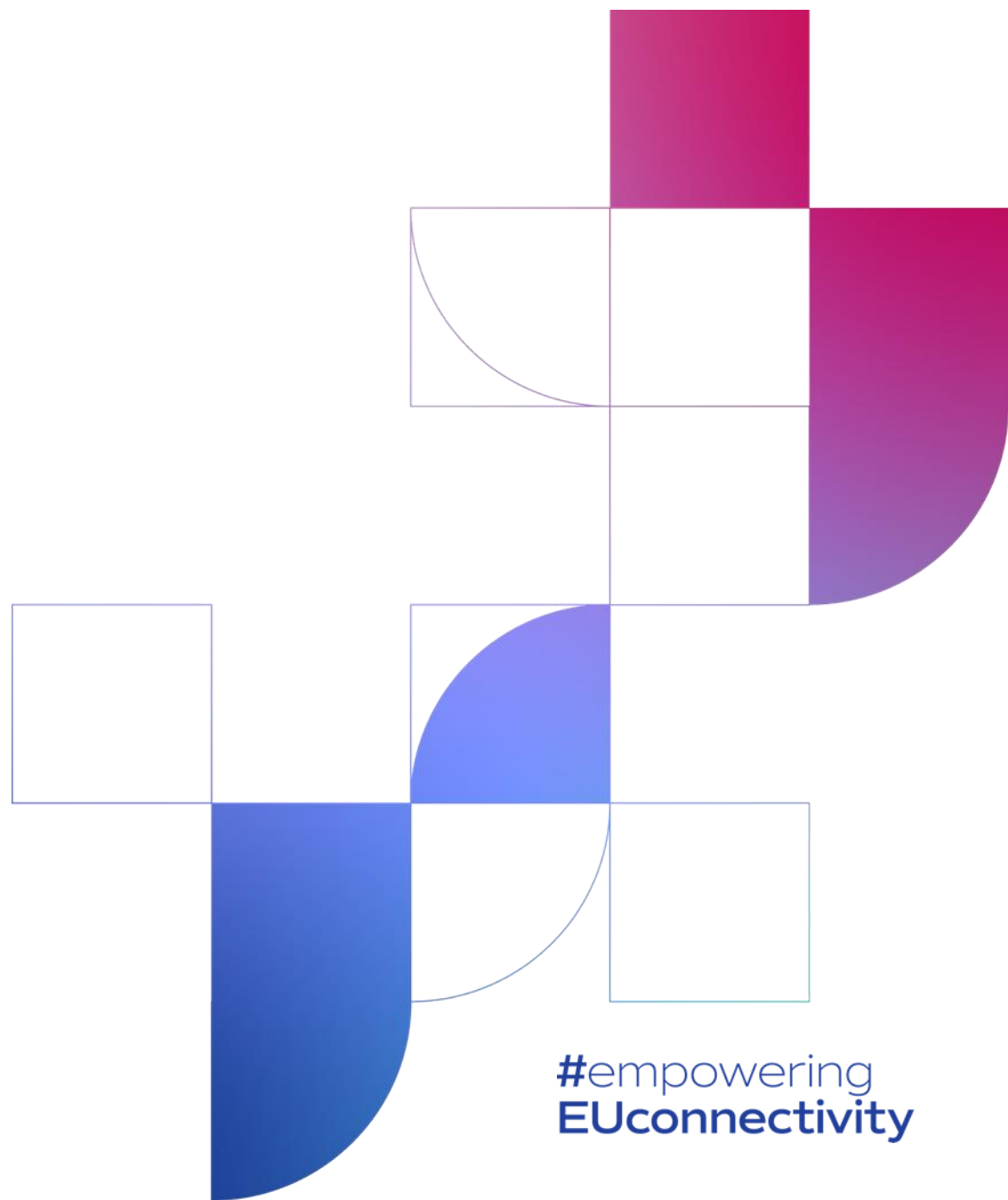
Annegret Groebel

RAMM Co-Chair and BNetzA

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Regulation in the EU and the Eastern partner countries
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BEREC Input to the Call for Evidence (CfE) on the Digital Network Act (replacing the Code) BoR (25) 101 – July 2025



Background

- EC consulted on its White Paper “How to master Europe’s digital infrastructure needs” in February 2024
- BEREC provided its input in June 2024:
 - BoR (24) 100_1 – BEREC Input to the White Paper
 - BoR (24) 100_2 – BEREC High Level Input to the White Paper
- Building on these documents, BEREC provided input to the EC Call for Evidence on the Digital Network Act (DNA) launched on 6th June 2025
- The BEREC input is structured along the CfE:
 - Part A – BEREC’s view on the problems identified and the aims to tackle them
 - Part B – Objectives and policy options:
 - Simplification
 - Spectrum
 - Level-playing field
 - Access regulation
 - Governance

- The BEREC input on Part A:
 - Part A – BEREC’s view on the problems identified and the aims to tackle them:
 - Based on metrics and data collected by BEREC and OECD as well as EC Reports BEREC points out that it sees Europe overall enjoying a good performance:
 - **Fixed VHCN coverage** grew from 50% to **82.5%** (DESI 2020-2025 reports). In terms of **fibre coverage**, EU Member States have a relatively high share of FTTP, **most of them being above the US**. Similarly, the US lags behind the EU in terms of fibre adoption.
 - When it comes to **5G**: **94.3%** of the EU’s population was covered by at least one 5G network in 2024, comparable to the 97% observed in the US and 95% in China (DESI 2025 report).
 - **Prices in Europe are far lower than in the US**, which **contributes to high consumer welfare and to European competitiveness**, as telecom services are an input for all other economic sectors. Aligning European ARPU with that in the US would imply European businesses and citizens having to pay three (3) times as much.
 - BEREC emphasises the importance of the **pro-competitive regulatory framework** to reach these results
 - Softening this approach or competition policy generally would risk to undermine these positive results
 - It is important to ensure the **citizens of the Union** ultimately benefit of digital infrastructures and services offered at competitive prices

- The BEREC input on Part B:
 - Part B – BEREC’s view on the objectives and policy options:
 - **Simplification**
 - BEREC supports the EC’s goal to simplify the European legislative framework for electronic communications and digital networks. However, ‘**simplification**’ should not be confused with ‘**deregulation**’; these are not interchangeable terms.
 - **Spectrum**
 - The subject of spectrum management involves a national sovereign / subsidiarity dimension, as the management of scarce radio frequency resources falls within the Member States’ prerogatives.
 - Spectrum management remains a key public policy tool for Member States and *that* effective spectrum management should address emerging demand and challenges arising from modern wireless network deployments as well as from social and economic issues
 - BEREC remains unconvinced of a longer than 15 years (plus an additional 5 years) license duration

- The BEREC input on Part B:
 - Part B – BEREC's view on the objectives and policy options:
 - **Level-playing field**
 - In BEREC's view the **scope** of the DNA should encompass **all digital network infrastructures**, considering their close relation and complementarity and the ecosystem effects featuring digital services and infrastructures
 - BEREC sees a need to update and complement the service and network definitions and taxonomies of the EECC to deal with the increasing virtualization of networks and the centralization of network management functions
 - BEREC considers that the OIR remains effective and fit for purpose (as is) and BEREC reiterates that network slicing is compatible with the OIR
 - With regard to the **IP interconnection market** BEREC considers that this market is driven by functioning market dynamics/cooperation with only few disputes having arisen so far. BEREC believes that it should be closely monitored through relevant data collection to get an early indication if the Internet ecosystem is not managing to cope with new developments.

- The BEREC input on Part B:
 - Part B – BEREC’s view on the objectives and policy options:
 - **Access regulation**
 - BEREC considers that, in continuity with the current legislative framework, a **pro-competitive approach** should be preserved in the upcoming framework. Such an approach is essential to strengthening the competitiveness of the EU on the global market, by fostering efficiency, innovation and investment. Open, fair, and competitive markets are not only vital to ensuring end-user welfare, but also contribute significantly to the success of European businesses and the EU competitiveness. In particular, the **ex-ante regulation approach** should be maintained, as it enables NRAs to proactively address competition issues by intervening before anticompetitive behaviour can materialise.
 - BEREC considers that symmetric regulation is not sufficient to tackle competition problems and considers it complementary to promote in particular **connectivity** in VHCN.
 - BEREC believes that the current ex ante framework provides at the same time sufficient **predictability** and the necessary **flexibility** to tailor remedies to the specific market and infrastructure situation in MS.
 - In this regard, BEREC also highlights the importance of the **RRM and the 3 criteria test** to identify markets where regulation is still required. BEREC considers that a premature withdrawal of ex ante regulation where it is still required risks a backlash (in the worst case a re-monopolisation)
 - BEREC considers it important that the SMP of the copper network is not leveraged into the fibre markets but that a competitive level playing field is set with appropriate and proportionate remedies

- The BEREC input on Part B:
 - Part B – BEREC’s view on the objectives and policy options:
 - **Governance**
 - BEREC attaches fundamental importance to the **single market goal**, which guides its entire regulatory harmonisation efforts, and is therefore eager to assume new institutional responsibilities that could further strengthen the internal market dimension, including from a broader digital policy perspective.
 - BEREC’s current **two-tier structure** has provided both regulatory effectiveness and institutional stability, enabling it to meet all its statutory goals so far.
 - Looking ahead, given the operational efficiency of this architecture, BEREC is of the view that any new institutional duties could be effectively carried out by **building on its existing structure**, with few carefully designed, proportionate changes. Crucially, any such evolution should safeguard **BEREC’s independence**, that has been fundamental to ensuring impartial, expert-driven regulation. It is equally important that appropriate checks and balances are in place between BEREC, the EC, and other institutional actors, to uphold accountability recognising the diverse but complementary institutional roles.
 - Finally, BEREC recognizes the growing importance for **structured cooperation** with other EU-level regulatory groups/bodies in interrelated areas of digital policy, such as data governance, digital services, cybersecurity and artificial intelligence.

BEREC Input to the EC consultation on the revision of the Recommendation on relevant markets susceptible to ex ante regulation BoR (25) 146 – September 2025



CONTEXT

Context

- Last RRM review: 2020
- Current review process launched by the EC on 17 June 2025 with a targeted consultation that closed on 30 September
- Workshop on access-related topics: 18 September 2025
- Draft Recommendation to be prepared by the EC
 - BEREC will issue an Opinion on the Draft Recommendation
 - The EC must take utmost account of BEREC's Opinion when finalizing the new Recommendation
- This input is an initial step in the process of collaboration with the EC.



MAIN CONCLUSIONS

Conclusions: current status of ex ante regulation in the EU/EEA

- Most EU countries still require ex ante regulation for the WLA and WDC markets to address competition concerns. WLA and WDC markets still meet the three criteria test at EU level, in BEREC's view.
- Other markets (like WCA, broadcasting etc.) are regulated in fewer countries but remain important where competition is limited.
- Duct and poles access is considered essential and often included within these markets, though standalone PIA markets are growing in relevance.
- Defining separate PIA markets may help deregulate (totally or partially) downstream markets.

Conclusions: developments and their impact on the relevant markets

- The switch-off of the copper network (will) result(s) in the elimination of a competitive constraint in the access markets.
- In the foreseeable future, no major changing of the competitive environment for the access markets expected from (i) wireless and satellite services, (ii) the activity of CAPs, (iii) the commercially-negotiated agreements.
- Long-term trends suggest that only **one or two VHCNs will exist in parallel in any given area, with notable exceptions in very densely populated zones** depending on the MS considered. This requires continued asymmetric ex ante regulation to maintain competition.
- **Symmetric regulation** under the EECC or GIA is considered **insufficient** to address such issues on its own. It is regarded as complementary, it should not replace ex ante asymmetric regulation.
- Regulatory strategies must align with national infrastructure realities, with NRAs needing flexibility to enforce competition - especially in **non-competitive oligopolistic scenarios**.

Conclusions: importance of the RRM regulatory tool for the sector

- The RRM remains **a key pillar** of ex ante regulation, especially when it comes to the flexibility to solve sub-national market issues through tailored geographic remedies.
- The 3CT protects against both premature deregulation and overregulation. It is essential to be kept, together with the definition of product and geographical markets.
- **Predictability** and **legal certainty** must be assured.
- Removing the RRM will create **uncertainty, higher regulatory burden, longer timeframe for market reviews and weaker investment signals.**

BEREC Opinion on the EC review of the Delegated Regulation setting Union-wide termination rates

BoR (25) 138 – October 2025

Background

- Review process of Commission Delegated Regulation (EU) 2021/654 setting single maximum Union-wide mobile/fixed voice termination rates within the Union ('Delegated Regulation'/DR)
 - To assess whether the imposition of single maximum Union-wide termination rates remains necessary
 - taking in the utmost account the opinion of BEREC
 - BEREC directly requested by letter of DG Connect General Director
 - Parallel to public consultation
 - Opinion does not answer all questions
 - BEREC collective view based on a survey among the NRAs
 - Outline: five chapters

1) Effects/Contribution of the Eurorates to the objectives of the Code (harmonization, market dynamics, prices, operators, interconnection agreements etc.)

- No major impact in market dynamics and/or competition (pure LRIC models already applied before the DR entered into force)
 - Less disputes
- Eurorates based on one EU cost model reduced the regulatory burden
- Good example of simplification and harmonization
- Decrease of termination revenues due to lower Eurorates (incoming calls)
 - potential problems of cost recovery (for operators in smaller markets)
- Increasing prices in unregulated markets (e.g. external transit prices)?

2) Non-price problems (still requiring national regulation) such as access, one-off fees, cost allocation between termination and transit services etc.

- NRAs shall address non-price competition problems in case of specific (anti-competitive behaviour)
 - regulatory interventions at national level (tools and regulatory powers still needed)
- Possible issues: charging high rates for ancillary services (e.g. collocation)
 - Euro rates include the costs just for interconnection ports/links -> clarifications may help
- NRAs should have the power to adopt symmetric decisions to regulate termination markets (apart from Euro rates) when necessary, and to settle disputes
- Definition of interconnection: the DR should be understood as applied to physical **and** logical of interconnection regardless of the technology
 - Only interconnection providers are eligible to charge termination rates (no OTTs)

3) Calls originating from numbers of non-EU/EEA operators): non-reciprocity, fraud (spoofing) etc.

- Eurorates do not apply to calls originating from numbers of non-EU/EEA operators
 - **asymmetric regime** (exception of two specific cases)
- Termination rates for non-EU/EEA calls are still an issue due to lack of transparency
 - Complexity in negotiating with the non-EU/EEA counterparts
 - When no direct interconnections with non-EU/EEA operators -> international transit carriers -> termination prices + transit rates
 - Without a “breakdown” of the total price EU/EEA operators are generally unable to determine which non-EU/EEA operators apply termination rates \leq the Eurorates.
 - operators of third countries (even transit operators) could spoof CLI, in order to avoid termination rates higher than Eurorates
- BEREC suggests:
 - that the revised DR clearly indicates the country codes to which Eurorates apply
 - the creation of a specific summary sheet - hosted by NRAs or BEREC - to allow operators to include directly voice termination rates
 - to include a provision in the DR stating that operators are not bound to apply Eurorates to termination of calls if the CLI is missing, invalid or fraudulent.

Proposals for improvement

- Technological and service neutrality in the definition (e.g. VOIP / 5G)
- Clear statement of which costs are included in the termination rate
- Addressing fraud related matters in order to assist efforts in combatting such negative impact on Eurorates effort
- Consider SMS termination rates:
 - Amended Regulation (EU) 2015/2120: operators from 1 January 2029 “*shall not apply different retail prices to consumers for domestic communications and intra-EU communications*” and since 1 January 2025 “*may on a voluntary basis comply with the obligation not to apply different retail prices*”
 - Risk of unfair competition at wholesale level due to asymmetry in SMS termination in EU
 - it may be worthwhile to consider either including SMS termination in the Delegated Regulation
or
 - to foresee a comprehensive evaluation addressing the issue

Level of the EU-wide termination rates (and cost modelling results)

- BEREC was not asked specifically to consider the proposed level of the Eurorates being set by the EC following its cost modelling

Nevertheless...

- While the updated cost model foresees clear cost savings for mobile data and voice roaming services after explicitly introducing the more efficient 5G technology, the decrease is less marked for voice termination services
 - It could be justified to **maintain** the current level of the Eurorates



THANK YOU!