

Public debriefing

10 June 2026

Outcomes of the 67th BEREC ordinary plenary meetings

Programme

- Draft Further Guidance on 5G Network Slicing
- BEREC Statement on phaseout of 2G 3G

Q&A session

- BEREC assessment of the Digital Networks Act proposal
- BEREC updates

Q&A session

Draft Further Guidance on 5G Network Slicing

Open Internet Working Group

Christoph Mertens (BNetzA), Amédée von Moltke (BIPT)

Background

- **BEREC's Position**

OIR compatible with 5G network slicing

- **Market Demand**

Call for greater clarity to provide slicing-based services (industry stakeholders and the European Commission)

- *BEREC's Internal Workshop on the Consideration of 5G Differentiated Services and Network Slicing (7 May 2025)*
- *Call for Input (17 December 2025 -13 February 2026): 19 Contributions (14 public, 5 confidential)*

Strategic objectives – main messages

- **Defining the Roadmap:** Establishing clear guidance on how Network slicing can coexist with Net Neutrality Obligations
- **Clarification how to provide IAS and specialised services based on slicing in an OIR-compliant manner**
- **Enabling providers to self-assess compatibility of a new service offer with the OIR**
- Main message: ***“The OIR is not a hindrance to innovation”***

Contents

- **Introduction & Context**
- **Technological aspects of slicing**
- **Assessing compliance with the OIR** [Art. 3(2), 3(3) and 3(5)]
- **Generic examples** (non-exhaustive) making the guidance more practical
- **Overview table** with clarifications provided

Way forward – Timeline

- **Public Consultation**

Period: 5 June - 6 August 2026 17:00 CEST

- **Final Submissions for Adoption**

CN4 / P4

- **Deliverables**

- Final Guidelines
- Report of the outcome of the Public Consultation

BEREC Statement on 2G 3G phaseout

Wireless Network Evolution Working Group
Joe Lynch (ComReg), Sietse van der Gaast (ACM)

Context

- BEREC published a report on possible issues in 2023 and has been following practices and challenges with the phaseout of 2G and 3G for several years
- The combination of 2G and 3G phaseout is challenging in general, but the issue with access to 112 and other emergency numbers is important and urgent
 - For some combinations of 4G/5G devices and some mobile networks, access to emergency numbers fails once both 2G and 3G are not available anymore, while other services such as internet access and regular phone calls are still possible
 - The fallback (Limited Service State aka Emergency Roaming) is not sufficient
- Since December issues with emergency access were shared in BEREC
 - BEREC exchanged descriptions of the problem, concerns, observations, possible solutions
 - Co-chairs engaged with various stakeholders inside and outside BEREC

Challenges and suggested actions

- People expect 112 to work. BEREC expects 112 to work. The EECC framework requires it
 - Our observations are degradation of 112 access may occur, and its root cause is multifaceted, with unknown scale
 - Degradation of 112 access is unacceptable
- The problem of degradation of 112 access reliability can only be solved by a combination of stakeholders in the market
- This short BEREC statement urges all stakeholders to play their role in problem detection and problem mitigation
 - Stakeholders involved in phaseouts should perform risk assessments
- Transparency is needed to increase awareness of all stakeholders of problems and solutions

BEREC assessment of the Digital Networks Act

Regulatory Framework Working Group
Ervin Kajzinger (NMHH), Antonello de Tommaso (AGCOM)

List of BEREC papers published

1. BoR (26) 88_1 BEREC's position on the General Authorisation regime	7. BoR (26) 88_8 BEREC's position on Sustainability	12. BoR (26) 88_13 BEREC's position on Replacing the term "VHCN" with the definition of Gigabit Networks, beyond the DNA (Article 2 (2) DNA)
2. BoR (26) 88_2 BEREC's position on Governance	8 BoR (26) 88_9 BEREC's position on SMP Remedies (incl. Harmonised Access Products)	13. BoR (26) 88_14 BEREC's position on universal service (including subtopics
3. BoR (26) 88_3 BEREC's position on the DNA objectives	9. BoR (26) 88_10 BEREC's position on information requests and geographical surveys of broadband networks	14. BoR (26) 88_15 BEREC's position on end-user rights (including subtopics)
4. BoR (26) 88_5 BEREC's position on scope of the DNA	10. BoR (26) 88_11 BEREC's position on Symmetrical Regulation	15. BoR (26) 88_16 BEREC's position on Network Neutrality
5. BoR (26) 88_6 BEREC's position on Resilience and Preparedness	11. BoR (26) 88_12 BEREC's position on Migration and Copper Switch-off (Articles 53-61 DNA)	16. BoR (26) 88_19 BEREC perspective on HRV phase-out under CSA2 / DNA framework
6. BoR (26) 88_7 BEREC's position on access regulation (market analysis)		

DNA Objectives

- BEREC welcomes that:
 - DNA maintains the regulatory objectives of end-user welfare and Single Market
 - DNA introduces new objectives of promoting competitiveness, resilience and sustainability
- BEREC concerned that DNA downgrades competition from a self-standing regulatory objective to a tool for ensuring “*the provision of high-quality, affordable and publicly available electronic communications services to all end-users*”. Promotion of competition to be reinstated as a self-standing goal, as a primary driver of investment in innovative connectivity solutions
- The “*reinforcement of competitiveness*” to consider the economy at large, instead of focusing on the connectivity sector specifically
- “Efficient investment” to be reinstated among the policy objectives

Scope of the DNA

- DNA reports significant technology and market developments in the digital ecosystem giving rise to new and stronger interdependencies between ECN/S and digital services and infrastructure providers
- The scope of the DNA seems subsequently adjusted to cover new players (e.g. Artt.2 and 9) + dedicated mechanism for “ecosystem cooperation” (Artt.191-193)
- BEREC analytical work asl identifies increasing interaction patterns between ECN/S and digital services and infrastructure providers; although some layers of the digital ecosystem are functioning well so far (e.g., IP interconnection), continued attention is warranted, to identify possible new bottlenecks and competitive issues
- BEREC fully committed to continuously monitoring developments in the digital sector through stakeholder engagement and analytical work
- Definitions impacting on DNA scope require internal consistency and unambiguous delimitation
- “Ecosystem cooperation” to be clarified to allow for a more flexible and less burdensome approach, so to achieve effective and proportionate results
- A definition of “digital networks” is missing; a principle-based definition, strictly based on technology neutrality principle, may help covering future network solutions based on new upcoming technologies

The GA regime

- BEREC welcomes EC's efforts to streamline the GA conditions, by means of:
 - default notification duty on undertakings
 - binding BEREC notification template
 - reduced and further harmonised conditions that can be attached to GA (cf. Article 9(4))
 - BEREC Guidelines to foster the consistent implementation of such conditions
- **The Single Passport raises serious doubts** in terms of jurisdiction (hindering effective supervision and enforcement tasks), bureaucratic burden, uneven distribution of administrative duties among NRAs; risk of forum shopping, legal uncertainty, impact on NRA's financing and independence
- A clear-cut disentanglement between notification processes and enforcement responsibilities should be ensured
- The proposed streamlining of authorisation conditions, combined with a binding notification template, would together be suitable to facilitate market entry
- A single-entry point (e.g., an online notification platform on BEREC's website managed by the ODN) to notify the commencement of activity could be explored, as long as the current attribution of enforcement powers is preserved to the NRAs in the MSs of ECN/S provision

Sustainability in the DNA

- BEREC strongly supports the introduction of environmental sustainability as a regulatory objective
- Concept of “sustainability” to be clearly defined to avoid ambiguity and divergent interpretations
- Reference to "low-carbon" should relate to specific solutions, instead of digital networks (as proposed in in Art.3(1)(g))
- DNA to clearly define the purpose and intended use of environmental data collection to ensure legal certainty regarding the mandate conferred on NRAs and to prevent fragmentation across national methodologies
- References suggesting that OCAs could request or trigger BEREC Guidelines under Article 182 (4) to be removed

Resilience and preparedness in the DNA

- BEREC supports new sectoral focus on resilience and commits to contribute to this aim within its field of expertise
- Interplay among different authorities involved, as well as among different EU legislations to be better defined
- Elaboration of the Preparedness Plan to be assigned to BEREC, with the support of the ODN, considering the expertise and resources required. Timing for the preparation of the Plan to be more flexible, considering the complexity of the matter
- A definition of “critical communications” to be included in the DNA, to ensure legal certainty
- Withdrawing the right to provide networks and services is a last resort structural measure. NRAs’ discretion in relation to the general authorisation must be preserved also in relation to the CSA 2 obligations

HRV phase-out under CSA/DNA

- Link between ECN/S framework and cybersecurity policies in CSA 2 on addressing ICT supply chain risks
- **BEREC Position**
 - Fully supports goal of strengthening network security and resilience
 - Highlights need for balanced, proportionate and evidence-based measures regarding HRV phase-out
- **Key Concerns**
 - Feasibility & Proportionality: forced rapid replacement could slow down investment in NGNs
 - Economic & Societal Impact: specific impact uncertain and asymmetric depending on reliance on HRVs-> possible reduced investment capacity and impact on connectivity goals
 - Market & Supply Chain Risks: possible constraints in manufacturing capacity, longer delivery times, higher prices passed on end-users
 - Strategic & Regulatory Implications: possible delay of fibre, 5G and 6G deployment
 - Enforcement challenges: CSA 2 obligations as market access conditions under GA regime and NRA's assessment constrained
- **BEREC Recommendations**
 - Lifecycle alignment with network investment cycles
 - Phased, risk-based implementation (not rigid deadlines)
 - Safeguards to ensure continuity of service and investment capacity
 - Avoid stranded assets and premature replacement
 - Case-by-case assessment based on actual risk and availability of alternatives
 - Ongoing monitoring and adjustment of timelines
 - Stronger role for NRAs in enforcement and proportionality checks

Governance matters in the DNA

- BEREC welcomes proposal to move towards a more coherent and clearly delineated set of NRA competences. However, the DNA should place a stronger and more explicit emphasis on the practical safeguards underpinning the independence and regulatory capacity of NRAs
- The impact of several DNA provisions (e.g., general authorisation or spectrum) on NRAs' financing capability, essential to ensure their necessary resources and, ultimately, their independence, is identified as a significant risk
- Substantive changes to the BEREC's layout jeopardize the effective functioning of its two-tier structure, transitioning towards a centralized agency, and seriously impacting its independence
- The main changes in this direction include the shifting of BEREC's tasks to the ODN, the involvement of the ODN in BEREC's work beyond a supportive role, the incorporation of non-independent bodies in BEREC working groups and the EC veto powers in staff and financing matters
- BEREC calls for maintaining the current voting quorum, to preserve the existing wel-functioning cooperation dynamics
- The need for EC's Implementing Acts across the DNA should be clearly justified. In particular, when those are to be delivered on top of BEREC's guidelines, these latter shall be duly considered by the EC and BEREC's involvement in the elaboration of the implementing acts should be envisaged

Access Regulation - Market analysis

- BEREC welcomes the preservation of the core SMP framework in the DNA
- BEREC concerned about proposed removal of the obligation to have a Relevant Markets Recommendation as it would increase the regulatory burden and decrease regulatory predictability
- BEREC suggests not to define in the DNA a maximum duration for concluding the market analysis process. Should a maximum duration be confirmed, it should be of 3 years (to be exceptionally extended by one additional year)
- If the 1-year threshold is to be maintained, the period should be counted from the opening of the public consultation on the draft measures to the submission of the notification to the EC. The possibility of extension should still be applicable in this case
- The geographical surveys of network deployments should not be the trigger of a market analysis process

SMP Remedies in the DNA

- BEREC believes that remedies to be designed to address the concerns identified by the market analysis in a proportionate and efficient manner and tailored to the national and, sometimes, local circumstances
- BEREC is concerned that DNA proposal introduces an unjustified shift of powers towards the EC and rigidity in the definition of obligations, in particular:
 - BEREC objects to the proposed extension of Commission's veto powers to NRA decisions on remedies
 - Rigid sequency of remedies in the DNA breaks the links between the obligations and the market analyses and also among the remedies themselves as in many cases those are complementary to each other and require to be jointly imposed
 - BEREC questions the benefits of introducing harmonized wholesale access products, as they re challenging to be defined; costly and lengthy to be applied and potential contribution to the single market would be very limited

Symmetrical Regulation in the DNA

- BEREC overall welcomes symmetrical rules in the DNA proposal. Article 69(5) provides clarity with respect to NRAs intervening on their own initiative
- Suitability to further strengthen and simplify the symmetric regulation framework. In particular, the list of exemptions to symmetric measures should be replaced by a simplified requirement to take into account the principle of proportionality
- Possibility to apply symmetrical regulation in the in-building segment of the network to be independent from the possibility to apply symmetrical regulation beyond the first concentration and distribution point
- The tools of Article 71 should in principle be applicable by NRAs irrespective of the context of copper switch-off to foster FttH roll-out and take-up as well as overall deployment efficiency

Migration and Copper Switch-off

- BEREC welcomes the central role recognized to NRAs and Member States in the CSO process
- BEREC suggests more targeted scope of the CSO rules (application of CSO rules may be disproportionate for countries that are already well advanced)
- DNA proposal may induce competitive and connectivity risks if in-building infrastructure is targeted by the switch-off mandate. BEREC suggests to limit scope of CSO to the network up to the building serving point
- BEREC identifies the risk of unintended downsides of an unconditional switch-off after 2035 and proposes to allow for exceptions if fiber coverage is not reached
- DNA does not foresee a time-slot for the mandated market analysis prior to switch-off. BEREC proposes to explicitly acknowledge the impact of this important exercise for the CSO process
- A clear assessment of the required administrative resources and the proportionality of their use compared to the desired benefit is needed
- End-user information is of utmost importance for a successful CSO process. Therefore information-obligations should be extended to all parties involved, including retail service providers and access seekers

Definitions: VHCN and Gigabit Networks

- BEREC concerned about the impact of replacing the concept of *Very High Capacity Network* (VHCN) by *Gigabit Network* on, among others, the Gigabit Infrastructure Act and the Digital Decade Policy Program, ultimately raising legal predictability concerns
- The definition of *Gigabit Network* seems to be a synonym of FttH, while it is not suitable for mobile networks. BEREC therefore suggests caution when putting the concept of technological neutrality aside without clear justification
- BEREC proposes to maintain the VHCN definition, not to replace it by the *Gigabit Network* definition. Furthermore, the *Gigabit Network* definition needs more clarification

Information requests and geographical surveys of broadband networks

- BEREC strongly supports the goals of simplification and harmonisation of sectoral reporting obligations but, at the same time, highlights the importance of data for effective market monitoring and better regulation
- A rushed broad-brush approach to the simplification and harmonisation of data reporting may risk undermining the effective implementation of regulation, while also leading to increased costs and administrative burden
- As alternative solutions, BEREC commits to develop a simplification roadmap, work on the harmonisation of NRAs' regular market monitoring and explore approaches to increase efficiencies
- The geographical surveys indicators should be reviewed to promote simpler and comparable metrics, in line with the BEREC's Guidelines (BoR (26) 73)

End-User Rights

The DNA proposal foresees sectoral end-user protection, acknowledging that the provisions on end-user rights are mostly still fit for purpose. Notwithstanding, updates and simplification are proposed.

- **Maximum harmonisation:** BEREC is concerned that the DNA proposal, in its current form, may not sufficiently ensure effective national enforcement, legal certainty and continuity of established national well-functioning frameworks, potentially leading to regulatory gaps and inconsistencies in the level of end-user protection across Member States. BEREC therefore considers that supplementing the DNA text with further detail and/or maintaining a clearly defined degree of national flexibility where the DNA does not provide sufficiently detailed and operational rules at the EU level remains crucial to protecting European citizens
- **Categories of end-user:** BEREC is concerned that reducing mandatory protections for certain categories of end-users and expanding waivable rights could weaken legal certainty and protections for end-users with bargaining power comparable to consumers
- **Contractual terms and transparency:** BEREC considers that Member States should retain sufficient powers to specify information, transparency and contract-related requirements, in including contract change notifications, in-contract price indexation clauses, if allowed, and commitment periods, in order to ensure informed consumer choice and legal certainty across the Single Market

End-User Rights

- **Switching and number portability:** BEREC stresses that harmonisation should remain proportionate to the practical cross-border relevance of the services concerned. BEREC also underlines the importance of maintaining NRA competence and clearly distinguishing between switching and number portability procedures
- **Fraudulent activities:** BEREC recommends a more streamlined framework for combating fraudulent activities, ensuring that harmonisation measures do not limit NRAs' ability to take swift and proportionate action against emerging threats while reducing administrative complexity and improving the overall effectiveness of the framework
- **Emergency communications:** BEREC suggests that the DNA should be clarified to ensure legal certainty and a coherent Single Market approach to emergency communications by aligning terminology and provider responsibilities, preserving Member States' powers granting access to emergency communications and public warning systems, and ensuring clear rules on interoperability, transparency and device/network compatibility, also in the context of legacy network switch-off and cross-border functionality

End-User Rights

- **Privacy:** BEREC recommends clarifying the division of enforcement responsibilities between NRAs (or competent authorities, where relevant) and data protection authorities, supported by cooperation mechanisms to avoid overlap and ensure legal certainty, and clarifying the link between privacy provisions and measures against fraudulent activities while considering codification of relevant best practices
- **Dispute resolution:** BEREC recommends clarifying Article explicitly preserving Member States' ability to extend dispute resolution mechanisms to all end-users and a broader (clearer) range of disputes, and extending clear, transparent and efficient complaint-handling obligations to all relevant electronic communications service providers
- **NRAs and BEREC role:** BEREC recommends clearer allocation of responsibilities for end-user protection under the DNA, ensuring that NRAs have effective supervisory and enforcement powers and that end-user rights continue to receive dedicated regulatory focus within the framework

Net neutrality

- BEREC welcomes that net neutrality is confirmed as a fundamental principle of the sectoral framework
- Legal certainty can be improved by integrating OIR recitals into the DNA
- Art. 93.6 grants the EC with the task to adopt Implementing Acts detailing the conditions for the offering of specialised services. BEREC believes that its Open Internet Guidelines already provide strong guidance -> should the EC's power to adopt IA be confirmed, need for EC to take utmost account of BEREC opinion
- BEREC supports the proposal to transform the annual reporting duty of NRAs into a biennial exercise
- BEREC calls that open internet obligations relating to transparency remain fully enforceable to all “end-user” (despite general narrower scope of transparency measures to “consumer”, as proposed in Art. 96 DNA)

Universal Service

BEREC welcomes the DNA proposal foreseeing universal service as a safety net for digital inclusion.

- **Scope** - BEREC welcomes the DNA proposal on maintaining universal service in the regulatory framework; however, it is concerned that the proposed approach to universal service could reduce Member States' flexibility to preserve essential consumer safeguards and create regulatory uncertainty through unclear allocation of roles between the Commission and BEREC in this regard
- **Categories of users** - BEREC supports Member States' choice to extend universal service protections and availability obligations to categories of end-users who are equally as vulnerable as consumers, noting that the DNA proposal could narrow the scope of protection and undermine equal treatment
- **Availability and affordability** - BEREC recommends ensuring certainty in the universal service framework that safeguards the public interest, allows reasonable national affordability measures, and provides clear rules on the availability of universal service obligations across the Single Market
- **Compensation** - BEREC is cautious of the DNA's shift towards horizontal State aid and SGEI-based financing that could undermine effective national universal service funding models; hence, calls for increased legal certainty and explicit possibility of reasonable regulatory measures needed to ensure digital inclusion and the effective functioning of the Single Market

BEREC updates

BEREC Chair
Marko Mismas (AKOS)

BoR adopted documents

- Updated BEREC Guidelines on Geographical surveys of network deployment
- BEREC Retail Roaming Guidelines
- BEREC Wholesale Roaming Guidelines
- BEREC Report on WACC parameters 2026
- BEREC Report on switching and termination of contracts
- Summary Report of responses to the Public Consultation on the draft BEREC Retail Roaming Guidelines & BEREC Wholesale Roaming Guidelines
- Summary Report of responses to the Public Consultation on the draft BEREC Guidelines on Geographical surveys of network deployment
- Summary Report of the BEREC External Workshop on migration and copper switch-off in light of the DNA
- BEREC Report on the outcome of the public consultation on the draft BEREC Report on Switching and termination of contracts

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14th BEREC Stakeholder Forum

Maison de la Poste, Brussels

31 March 2026

- **Meet&Greet sessions with the BEREC Working Group Co-Chairs**

- **CONFERENCE**

Shaping BEREC's 2027 Work Programme

Panel discussion: Crafting Europe's Next Digital Framework

Keynote speeches by EVP Henna Virkkunen and Erzsebet Fitori

Panel discussion: When Networks Sense, Connect and Transcend

Transcript, video recording and presentations available on BEREC website

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BEREC at ITU GSR

Ankara, Türkiye

12-15 May 2026

Regional cooperation is essential for developing effective and future-proof digital regulation



BEREC workshops on digital fraud and accessibility

- **21 May** external workshop on combating digital fraud
- **9 June** external workshop on accessibility of electronic communications services

Do not miss out!

16 September 2026 - workshop on understanding digital sufficiency (hybrid – IRG Secretariat and online)

Q4 2026 - workshop on implementation of Equivalence of Inputs by NRAs

Public consultations

Document title	Deadline
BEREC Roaming Benchmark Data Collection template consultation	3 July 2026
Draft Further Guidance on 5G Network Slicing	6 August 2026
Call for input for BEREC Opinion in the context of the review of the EU Roaming Regulation and the Implementing Regulation on Fair Use Policy and Sustainability	21 August 2026

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