



Public consultation on the Draft BEREC Work Programme 2026

Connect Europe welcomes the opportunity to provide input to the draft BEREC Work Programme for 2026. We would like to stress that, in general, BEREC should primarily focus its ongoing tasks on the issues mandated by EU legislation. These include but are not necessarily limited to, the EECC, the BEREC Regulation, the Open Internet Regulation, the Roaming Regulation, Digital Markets Act, as well as any future legislation, such as the Digital Networks Act. In this context, it is crucial that the new work programme stays within the scope of the existing EU legal framework and ensures its consistency and coherence.

1. Strategic priority: Promoting full connectivity and the Digital Single Market

Connect Europe welcomes BEREC's priority of promoting full connectivity and the Work Programmes' focus on fostering predictability for operators. In our view, a strong focus on promoting investment should be maintained, alongside creating the right regulatory environment that provides the appropriate incentives to accomplish the strategic vision and policy objectives set out by the EU Commission. This is especially necessary given the challenges faced by the sector. Although promoting investment is mentioned in the work programme, we believe that BEREC can place a stronger focus on creating the right regulatory environment paired with the appropriate incentives.

Furthermore, in order to achieve a truly integrated EU telecoms single market, it is crucial that BEREC supports measures aimed at harmonization through deregulation and simplification. This will allow to reduce fragmentation and complexity for operators to enter different markets.

The revision to determine the proper functioning of the EECC is scheduled for 2025, along with the upcoming DNA proposal, which will play a central role in the comprehensive roll-out of gigabit infrastructures and achieving the ambitious connectivity targets set in the Commission's Digital Decade Programme. We would encourage BEREC to include stakeholders in this exercise to capture different perspectives from the earliest stage of assessment.

Regarding fibre roll-out, we note that BEREC mentions its goal of supporting NRAs in their work regarding the migration to fibre networks and copper switch-off while balancing the incentives to carry out this migration. In this regard, the work programme should place more explicit focus on creating incentives for investments into fibre infrastructures, and leave operators enough flexibility to phase-out their legacy networks.

On access to existing physical infrastructure under GIA Article 3, we believe that guidance should retain the focus on the Regulation's underlying objective: the faster and broader Very High-Capacity Network (VHCN) deployment through improved, more efficient cost structures. For this reason, bottlenecks such as pricing or refusals/unjustifiably protracted negotiations should be duly addressed.



Regarding the Recommendation on Relevant Markets (RRM), we encourage BEREC to support efforts to eliminate the remaining markets still deemed susceptible to ex ante regulation, in order to better reflect current market conditions and ensure a regulatory framework aligned with today's competitive realities.

2. Strategic priority: Supporting competition driven and open digital ecosystems

We support BEREC's work on improving the functioning of digital markets. Connect Europe is fully invested in ensuring contestable and fair markets in the digital economy. In this context, the EC's upcoming proposal for a Digital Networks Act introduces a unique opportunity to address existing market challenges in the telecoms market. As such, this instrument has the potential to serve as an important enabler for a functioning European single market, outlining the long-term vision of the sector and addressing the currently observed high levels of market fragmentation. Connect Europe would like to encourage BEREC to endorse the forward-looking mindset of the initiative in particular with a view to private investments in digital infrastructure.

We encourage BEREC to go further in supporting a shift away from outdated SMP-based frameworks. There is a need for a fundamentally reformed regulatory framework that only focuses exceptionally on addressing any remaining challenges in an agile and proportionate manner, by supporting investment and the achievement of the digital decade targets. Such an approach should take a forward-looking approach and comprise the following elements, and we encourage BEREC to support this shift effectively:

- Firstly, ex post competition law and the Gigabit Infrastructure Act (GIA) should be the default regime applicable to telecoms.
- Secondly, as a consequence of the above, the EC Recommendation on 'Relevant Markets' should rightly be repealed and SMP regulation abandoned as SMP-based regulation is increasingly unfit-for-purpose.
- Thirdly, in exceptional cases when a 'safety net' is still necessary, a new approach—instead of SMP—should apply symmetrically to all market players addressing local bottlenecks

The current regulatory and bargaining asymmetries in the internet value chain should be corrected and the regulatory intervention introducing a dispute resolution mechanism between ISPs and large CAPs is necessary to ensure a level-playing-field and that large CAPs pay a fair and adequate price to ISPs for a valuable IP data transport services.

Regarding the Digital Markets Act, we believe that it has marked a significant step to foster fair and contestable digital markets. However, while well-intentioned, it has not yet delivered on its full potential. The implementation has been hindered by narrow enforcement of key provisions, limited enforcement capacity, and a lack of responsiveness to emerging technologies. Expanding the list of



core platform services to avoid regulatory blind spots, and addressing the narrow enforcement scope (particularly regarding interoperability requirements), will help the DMA become more impactful.

With regard to the Cloud and AI Development Act (CAIDA), BEREC's support for the Commission's efforts to establish a regulatory framework that promotes European data and cloud sovereignty—by fostering trusted European cloud services for critical use cases—would be instrumental. This will be a crucial enabler for strengthening Europe's cloud and computing infrastructure.

3. Strategic priority: Empowering end-users

We consider it important to recognise that European end-users are already the most well-protected in terms of sector specific regulation that has been layered with new requirements on providers for more than three decades. For BEREC's 2026 Work Programme, we find it necessary for BEREC to provide more clarity on a much-needed examination of sector specific consumer protection rules, including removing obsolete requirements, and general alignment with horizontal consumer protection within the EU, also in line with the European Commission's simplification objectives.

For more than a decade, consumers' uptake of various number-independent services (iMessenger, Snapchat etc.) demonstrates that regulators and consumers have very different observations of what is needed from transparency and information requirement levels. We encourage BEREC to increase on transparency and ensure that their own information level is balanced reflecting relevant parties in their work.

A more future-proof approach on how the OIR will be applied to nascent use cases, is required to create a stable regulatory environment. This will allow the development of concrete use cases based on 5G network slicing, and in the mid-term, the implementation of standardised APIs and the 'Network As A Service' vision further justifying future investments in 5G networks. Regarding 5G network slicing, it is also important to highlight that the enabled services will require further optimisation and specific treatment. Guarantees to the capacity and quality of internet access are essential for safety and mission critical use cases.

In addition, the regulatory asymmetry between ISPs and digital players in the context of the OIR, and more specifically regarding its provisions on traffic management, needs to be addressed to create a level playing field.

4. Strategic priority: Contributing to environmentally sustainable, secure and resilient digital infrastructures

Telecom operators are deeply committed to advancing sustainability across all dimensions, environmental, social, and economic, and are actively implementing strategies and actions to, amongst other things, become net-zero and manage supply chains responsibly. Most of our members have now set net-zero targets for their direct emissions (scope 1 and 2) and also for indirect emission across the value chain (scope 3). Thanks to these initiatives, most of them aim to reach net zero by



2040 at the latest.

We acknowledge that common indicators and measurement approaches are essential to ensure consistent and transparent reporting of environmental impacts to take action and track progress. We stand ready to continue actively contributing to the development of a Code of Conduct for the sustainability of telecommunications networks (CoC) that is practical to implement, and to continue our efforts to measure and reduce the environmental footprint of our sector. As such, the CoC is sufficient and further assessment of the environmental footprint of the ICT sector suggested by BEREC in its WP is not needed. In parallel, telecom operators also disclosed information on their environmental performance within the CSRD reporting through ESRS E1 and E5. Accordingly, we would like to encourage BEREC to avoid expanding the set of sustainability indicators further, as this could increase the burden and complexity for telecommunications operators without providing tangible progress toward sustainability objectives.

Our sector has been a consistent advocate for shared responsibility in ensuring high levels of security across the whole telecom supply chain. Regarding cybersecurity, telecom operators have a special duty to safeguard their customers from cyber threats and are making significant investments in the security and resilience of their networks. Ensuring a secure and resilient infrastructure is imperative for telcos, as they serve as a “cyber shield” for European society.

We would like to underline that the coexistence of different European cyber risk regulations, management and reporting obligations (e.g. GDPR, NIS2, CRA, DORA, EECC, CER), alongside national security requirements and different enforcement authorities, risks hampering legal certainty and consistency. Furthermore, reflecting on the relevance of investment and single market objectives to security and resilience is crucial. The investment conditions and the ability to operate networks across borders have significant implications for operators’ capacity to invest in network security efficiently.

5. Strategic priority: Strengthening BEREC’s capabilities and continuous improvement

We support BEREC’s intention to streamline work processes and enhance transparency. BEREC’s work would greatly benefit from more transparent processes and a more open debate on its internal work, starting from the earliest stages of a legislative initiative, especially during opinion drafting and internal workshops. This would ensure industry insight is captured and enhance policy quality. Additionally, longer and more flexible consultation periods and greater transparency is needed, for instance by explaining why stakeholder contributions were or were not incorporated. It is rather rare to see them taken into consideration via modifications to the proposed draft text. Finally, four annual plenaries limit responsiveness and creates inconsistent dialogue between BEREC and stakeholders. We propose exploring a better planning of plenaries, or a different process allowing for more regular approvals and consultations, which could make a significant difference.

WACC parameters’ calculation according to the EC Notice

We would like to point out that the work carried out each year by BEREC to calculate the WACC parameters, according to the methodology developed by the EC, leads to the adoption of



inappropriate WACC levels. This is a major problem for operators' remuneration, as a correct WACC is necessary to ensure stable return on investment and investment risk coverage. We need to consider a more flexible and forward-looking methodology (especially concerning the risk-free rate calculation), taking into account the inflation effect on the economy as well as the evaluation also produced by investors.