



ecta RESPONSE

**TO THE PUBLIC CONSULTATION BY BEREC
ON THE**

**DRAFT BEREC REPORT ON SUBMARINE CABLES
CONNECTIVITY IN EUROPE**

BOR (25) 85

10 JULY 2025

1. Introduction

1. **ecta**, the **European Competitive Telecommunications Association**,¹ welcomes the opportunity to provide to provide short-form comments on the draft BEREC Report on submarine cables connectivity in Europe, BoR (25) 85.
2. **ecta** represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. **ecta** represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile and fixed wireless access networks that qualify as Very High-Capacity Networks (hereinafter “VHCN”) and who demonstrate unique innovation capabilities.
3. **ecta’s** membership includes an operator of several international submarine cables and cable landing stations in Europe, including open landing stations, which are crucial both for intra-EU connectivity and for Europe’s global connectivity. The connectivity provided supports a wide variety and massive amount of retail and wholesale traffic types. **ecta’s** membership also includes operators requiring fit-for-purpose wholesale access to submarine cables, and which face difficulties (excessive wholesale charges), which are not or insufficiently addressed by regulation. This is discussed in paragraphs 6 and 7 below.

2. Short-form comments on the draft BEREC Report

4. The draft BEREC Report is descriptive in nature. **ecta** and its members genuinely **appreciate its informative content and thank BEREC for providing a data-driven analysis on the number of cables, their locations, lengths, types of companies owning/operating cables, wholesale access, etc.**
5. It addresses the submarine cables operated within in the EU/EEA, including to numerous nearshore islands and peninsulas, as well as overseas territories. It indicates that, in most cases, wholesale connectivity is provided, either through leased lines or dark fibre. It furthermore highlights that nearly 20% of the cables are operated on a wholesale-only basis. The draft Report usefully notes that nearly a fifth of the cables have received public funding, and highlights that many cables will need replacement as the end of their lifecycles is approaching. Many of these cables are on routes (e.g. to remote areas or coastal villages) where investment is not justified based on future revenues, i.e. public funding is likely to be needed also in the future.
6. In terms of regulation, the draft BEREC Report shows that 6 NRAs (Croatia, France, Greece, Iceland, Portugal and Spain) have carried out market analyses, addressing submarine cables either as part of Market 2/2020 (wholesale dedicated capacity) or Market 14/2003 (trunk segments of leased lines). 4 of these NRAs continue to

¹ <https://www.ectaportal.com/about-ecta>

regulate the markets identified, and have noted in their market analysis decisions that there are no prospects for some routes becoming competitive. NRAs found that Market 2/2020 remains characterised by specific competition problems, and that Market 14/2003 continues to pass the three-criteria test, is characterised by Significant Market Power (SMP), and requires the imposition of a full set of regulatory obligations. This **underscores the continued relevance of the SMP regime** as a crucial component of the EU regulatory framework, and illustrates a case where prioritisation or sole application of symmetric regulation (in particular the Gigabit Infrastructure Act) clearly provides no way forward.

7. An [ecta](#) member reports that it is currently facing a situation of **excessive (in fact unviable) wholesale charges for connectivity to small relatively nearshore islands** with low population. The company would install 1 or 2 mobile base stations on particular islands to serve the local population, businesses and tourists, but the wholesale charges (one-off and recurring) for dark fibre or active capacity on the undersea cable make the project unviable. There are therefore **cases where regulation is needed but has not been applied (even where public funding has been used for the cable system), and cases where regulation is inadequate and needs improvement**, first and foremost by way of ensuring the provision of dark fibre at wholesale prices that support rather than defeat competition.
8. [ecta](#) and its members **agree** (Chapter 6 – Potential challenges and future trends) **that it is key to monitor the evolution of effective competition**, noting that it is clear today that many cable routes are not characterised by effective competition. But **more is needed than just monitoring, as is highlighted by the circumstances described in para 7 above**
9. [ecta](#) and its members also agree with the security, reliability and redundancy considerations outlined by BEREC (Chapter 6.1). There is also support for BEREC's finding that the renewal of current submarine cable systems and subsequent transfers of capacity by wholesale clients often will require regulatory analysis (Chapter 6.2) and that public funding will be needed going forward, for new cable systems where future traffic does not allow commercial viability, and to improve security, reliability and resilience (Chapter 6.3).
10. [ecta](#) wishes to reiterate a point made in its response to BOR (23) 214, which is that EU Member States and EEA countries apply, at least since the national transposition of the 2002 EU Directives, what is consensually considered as being best world-wide international practices relating to the authorisation of international submarine connectivity. [ecta](#) urges BEREC to exercise caution in follow-up work with regard to suggesting possible new (national or EU-level) initiatives with regard to the authorisation regime for submarine connectivity, given that such suggestions may unintentionally result in creating uncertainty, or

even complexifying rather than simplifying authorisation procedures, both for existing and new operators of such systems, etc.

* * *

In case of questions or requests for clarification regarding this contribution, BEREC and NRAs are welcome to contact Mr Luc Hindryckx, [ecta](#) Director General or Ms Pinar Serdengeçti, [ecta](#) Regulation and Competition Affairs Director.