



Draft BEREC fact finding report on connectivity, competition and regulatory highlights in different jurisdictions

BoR (26) 36

MVNO Europe response

8 May 2026

MVNO Europe welcomes the preparation of this draft BEREC deliverable, which is of key importance in the context of the co-legislative procedure on the Digital Networks Act.

MVNO Europe asks BEREC to adopt the final report with materially identical conclusions, subject to the inclusion of specific factual references, additions and adjustments.

MVNO Europe¹, the association representing Mobile Virtual Network Operators, has carefully studied each section of the Draft BEREC fact finding report on connectivity, competition and regulatory highlights in different jurisdictions – BoR (26) 36 (hereafter 'draft Report').

The findings of the draft Report present a broadly accurate depiction of the situation in leading EU Member States (noting the large differences between Member States), and of the situation in non-EU jurisdictions.

It is important to underline, and for BEREC to further underscore in the conclusions of the final Report, that many EU Member States are objectively world leaders on all relevant metrics for fixed and mobile markets, whilst delivering superior levels of competition, innovation, wholesale access, end-user benefits, and take-up-friendly retail pricing, which results in positive outcomes for both consumers and business users, including European business competing at the global level. The beneficial outcomes in the jurisdictions applying the EU regulatory framework for electronic communications (EU/EEA/UK/+some accession countries) are unmatched elsewhere.

MVNO Europe would like to see added to BEREC's final Report that Europe-based companies (both MNOs and MVNOs) are delivering world class M2M/IoT/Connected Vehicle connectivity, not only in Europe, but in fact throughout the world. The fact that Europe-based companies are delivering services throughout the internal market, as well as services on a global level, is an important point for BEREC to recognise explicitly.

Fit-for-purpose wholesale mobile access in each EU Member State, strongly reducing wholesale roaming caps in the mid-2027 review of the EU Roaming Regulation, and explicitly permitting/promoting permanent roaming exclusively for M2M/IoT/Connected Vehicle connectivity, are key to further enabling competition, end-user benefits, and the competitiveness of the EU economy on the global stage.

¹ <https://mvnoeurope.eu/members/>

MVNO Europe recommends including a reference to the OECD broadband statistics, last updated 10 July 2025 in the final BEREC Report. These statistics demonstrate the strong performance of many EU Member States and EEA countries applying the EU regulatory framework, in comparison with other jurisdictions: <https://www.oecd.org/en/topics/broadband-statistics.html>

In Section 3.2 on mobile broadband services, MVNO Europe notes the focus on data-only mobile subscriptions. MVNO Europe expresses doubt that data-only consumption baskets are a relevant metric, given that presumably only a very small proportion of users purchase data-only mobile subscriptions (travel eSIMs being a growing category presumably not addressed in Section 3.2). This being stated, the understanding and expectation is that the EU also performs exceptionally well when considering bundled subscriptions encompassing voice/sms/data.

In Section 5.2 on the regulatory framework and market access, as well as in the table in Annex I on service diversity, BEREC provides indications on MVNO market shares in various jurisdictions. BEREC indicates 5-20% MVNO market share for the EU as a whole. Please allow us to comment on this specifically as follows:

- a) There is a concern that BEREC, when presenting 5-20% MVNO market share as a whole for EU Member States, and similar numbers for some non-EU jurisdictions, may inappropriately be conflating genuine MVNO/Service Provider access by companies which are independent of MNOs, and offers which in fact are strategic/branding by MNOs. Specific attention is therefore needed to excluding:
 - MNOs' so-called 'flanker brands': MNOs using separate brands to target specific user segments, and indeed offers and brands aimed explicitly at countering specific competitors (4th MNO, MVNOs) with so-called 'fighting brands/offers' which are explicitly aimed at damaging specific competitors. In MVNO Europe's opinion, immediate NRA and competition authority attention is needed to address MNOs' practices which are aimed explicitly at damaging specific competitors such as MVNOs (see further elements on this topic below).
 - MNOs' distribution deals: MNOs actually being the operator and the contracting party with end-users (as can be seen in the 'fine print' of terms and conditions), but the distributor being a different brand.

MVNO Europe's own assessment (EU-wide) is that MVNOs/Service providers which are genuinely independent from MNOs represent about 10% of EU SIM cards, with huge differences between Member States (ranging from 0% in some Member States, to +/- 20% in just 2 Member States - NL and AT). Therefore, BEREC presenting an assessment of 5-20% for the EU as a whole entails risks of overstating the market share of MVNOs/Service providers which are genuinely independent of MNOs.

- b) Germany's MVNO/Service Provider market share is slightly below 10% (not 20% as indicated in the draft Report), following 1&1 becoming an MNO (so-far remaining heavily reliant on national roaming).
- c) There are several EU Member States where MVNO access remains essentially non-existent, impeding competition for voice/sms/data offers for consumers and businesses at the national level, as well as preventing the achievement of the internal market, especially for M2M/IoT/Connected Vehicle connectivity solutions. MVNO Europe considers this indicative of regulatory failure in specific EU Member States, a failure which it has previously flagged (e.g. comments on Czech Republic Art 32 EECC Phase II cases in 2021 and 2022, responses to Bulgarian and Latvian NRA consultations in 2025 in which mandated wholesale mobile access was put to consultation, but where mandated wholesale mobile access was ultimately not retained in the final NRA decision).

MVNO Europe acknowledges that there are important fluctuations in the market shares of MVNOs/Service Providers which are truly independent of MNOs. These include:

- a) MVNOs climbing the ladder of investment: e.g. 1&1 becoming an MNO in Germany and DIGI becoming an MNO in Spain, in both cases instantly removing +/- 10% MVNO market share, whilst both these companies continue to rely on exceptionally long duration national roaming deals valid for 16-18 years (note: Full MVNO access and national roaming are not technically very different). Previously, MasMóvil in Spain grew from being a small MVNO, then made various acquisitions of other MVNOs, acquired the

fledgling 4th MNO, subsequently shared its network with another MNO, and ultimately merged with another MNO. This represents a notable multi-year market development.

- b) MNOs acquiring successful key consumer-focused MVNOs (and in some cases turning them into 'fighting brands'), e.g. NL KPN acquisition of YouFone; FR acquisition by SFR of EIT and La Poste Mobile, and various other acquisitions of consumer-focused and business-focused MVNOs by MNOs.
- c) Currently, several MVNOs/Service providers are gaining market share, and new combinations of mobile service with other activities, notably financial services, are gaining substantial ground.

In addition, MVNO Europe draws BEREC's attention to the widespread and deeply anticompetitive practice of "targeted selective offers", commonly referred to as "operator attack" or "winback" offers, whereby MNOs make exclusively available to customers of specific competing operators (most frequently challenging MNOs and MVNOs) heavily discounted tariff plans that are often not accessible to the general public and are not part of the operator's standard retail portfolio. These offers are typically distributed below-the-line through SMS, teleselling, and secondary web pages, deliberately limiting their visibility to regulators and the broader market.

This practice is particularly well-documented in Italy, where it has been systematically deployed by major MNOs, including through their second brands (e.g., "ho." by Vodafone, "Kena Mobile" by TIM and "very Mobile" by Wind), explicitly targeting customers porting their number from Iliad and from a large number of MVNOs, while deliberately excluding customers of competing MNOs. Italy's competition authority (AGCM) has publicly acknowledged the distortive and asymmetric nature of this practice, noting that it discriminates between customers on the basis of their operator of origin, exploiting mobile number portability as a predatory tool.

MVNO Europe notes with concern that similar practices are emerging in other EU Member States, where targeted below-the-line offers directed against specific disruptive operators have been reported. This suggests an emerging pan-European pattern rather than an Italy-specific phenomenon.

MVNO Europe respectfully asks BEREC to acknowledge this practice explicitly in the final Report as a form of selective price discrimination with exclusionary effects under Article 102 TFEU, which distorts competition not only at the retail level but also, indirectly, in the wholesale market for MVNO access, as it systematically erodes the customer base of MVNOs and reduces their economic viability as independent competitive players. BEREC's final Report should recommend that NRAs and NCAs give priority attention to this practice, and that it be addressed in the context of the DNA co-legislative procedure as an example of MNO market behaviour warranting reinforced regulatory scrutiny.

In case other stakeholders come forward with responses to this BEREC consultation substantially addressing the status and role of MVNOs, in particular with regard to their role in markets, market-shaping measures in the context of the DNA legislative proposal, etc., MVNO Europe asks BEREC to provide an opportunity to discuss this matter directly with BEREC's working group co-chairs as a matter of urgency.

For reference, MVNO Europe has provided its initial reaction to the DNA legislative proposal on 21 January 2026, specifically addressing the points on the promotion of competition and market-shaping measures².

MVNO Europe Contact Details

Should you require any clarifications or further information on the elements and positions set out by MVNO Europe in this document, please contact:

██████████ Secretariat of MVNO Europe
Tel: +32 2 891 75 57 – ██████████ @mvnoeurope.eu | www.mvnoeurope.eu
Rue de la Loi 38, 1000 Brussels – 5th floor.

² <https://mvnoeurope.eu/mvno-europe-cautions-against-digital-networks-act-provisions-that-risk-weakening-wholesale-access-and-competition-to-the-detriment-of-european-consumers-and-businesses/>