

The Facebook logo is displayed in white lowercase letters on a dark blue rectangular background.

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VIA EMAIL (BEREC_Strategy_2021-2025@berec.europa.eu)

Body of European Regulators for Electronic Communications Zigrīda Annas Meierovica
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RE: Public consultation on the BEREC Strategy 2021-2025 and early call for input on the BEREC WP 2021

Facebook is pleased to provide input in response to the consultation of the Body of European Regulators for Electronic Communications (“BEREC”) regarding its updated draft Strategy 2021-2025 and the outline of its Work Programme (WP) 2021. We especially appreciate this relatively early call for inputs on the WP 2021 given the importance of developing a long term view on connectivity, electronic communications and digital markets.

Facebook fully supports the three high-level strategic priorities set by BEREC in the draft Strategy:

- 1: Promoting full connectivity;
- 2: Supporting sustainable and open digital markets;
- 3: Empowering end-users.

Facebook’s mission is closely aligned with these priorities, as we will explain below.

In this submission, Facebook focuses primarily on ‘Promoting connectivity’ and ‘Supporting open digital markets’. In addition, we share some high level comments.

We look forward to engaging with BEREC on each of the specific workstreams outlined in the WP 2021. We will actively contribute to the relevant BEREC consultations.

Strategic priority 1: Promoting full connectivity

Facebook's mission is to give people the power to build community and bring the world closer together. And connecting people is a critical first step in executing this mission. Today, nearly half of the world's population is still not connected to the Internet. Among those that have connectivity, many are under-connected. Connecting these people is a complicated effort that requires not just bringing network infrastructure to more people, but establishing a regulatory environment that fosters innovation and encourages investment.

To help fulfil its connectivity mission centered around overcoming the global connectivity challenges of access, affordability and awareness, Facebook, working with a range of partners, has launched several initiatives focused on connecting the unconnected and under-connected. It will take a mix of technical solutions to bring connectivity to all. As such, Facebook has been investing in research and development efforts in a range of technologies, including for fixed wireless, mobile, satellite and license-exempt operation.

We support BEREC's continued promotion of full connectivity at the heart of its work over the coming five years, as confirmed in its draft Strategy 2021-2025. We also support BEREC's aim of continuing to strive for consistent regulatory application of the EECC. A consistent, harmonized approach is critical to enabling realisation of a Digital Single Market. A harmonized approach is important for ensuring the creation of a "fit-for-purpose" communications ecosystem that will benefit Europe's businesses and citizens. This is especially important during the current unprecedented Covid-19 pandemic and for assisting Europe's businesses and citizens when we emerge from this crisis.

It is essential that BEREC takes a multifaceted and technology neutral approach to achieving its strategic priority of full connectivity by acknowledging that a combination of players and technical solutions are needed to bring coverage and quality of service to everyone. A combination of technological solutions are needed to address demand and coverage challenges efficiently.

There are two specific examples that show that a multifaceted and technology-neutral approach is necessary. First, BEREC should promote a balance of both licensed and license-exempt spectrum approaches. Wi-Fi over license-exempt spectrum is an essential component of connectivity. High-capacity networks and 5G rely on Wi-Fi connectivity within homes and businesses to connect advanced broadband to consumer devices. Securing additional availability of spectrum for Wi-Fi technologies has become increasingly important to meet the ever-increasing consumer demand. The Covid-19 crisis is highlighting the essential relevance of high-throughput Wi-Fi connectivity within the home, for instance to enable remote online education and the transition of economic activities of certain SMEs to online business models.

Second, regarding 5G specifically, new licensing models will allow for more efficient and better coverage. Several EU Member States and the United States have begun developing new licencing regimes aimed at enabling and promoting the sharing of scarce spectrum resources. Spectrum policies that allow new users to access spectrum in local areas will help improve provision of high-speed broadband services in areas that are not effectively covered,

such as underserved rural areas, and deploy specialized local and private networks. Local networks will become critical in the 5G environment as they will enable verticals to deploy dedicated networks tailored to their requirements.

License-exempt spectrum for Wi-Fi and shared spectrum models for 5G should be reflected clearly in the BEREC Strategy 2021-2025 and in WP 2021, as detailed below. This is because these models will both contribute to meeting Gigabit connectivity goals which would require a dedicated effort from BEREC as the body of NRAs, in close cooperation with the other relevant EU institutions and authorities (e.g. RSPG, European Commission).

- **Impact of the license-exempt spectrum on the EU economy and society**

Wireless services leveraging radio spectrum under license-exempt regime (general authorisation, as provided by Article 46 of the EECC), in particular Radio Local Area Networks (RLANs) are critical to promote connectivity throughout Europe.

In the United States, the FCC recently issued a draft order that would secure improved availability of unlicensed spectrum, which is likely to boost connectivity in the United States for the next decade. We urge Europe to also seriously consider the role of license-exempt spectrum in improving connectivity.

Facebook therefore recommends that BEREC recognizes the relevance of advanced license-exempt technologies (such as Wi-Fi) for EU connectivity in the coming years, by clearly including it in its Strategy (for example, within *Section II: market, technological and policy developments* and within *Strategic priority 1: Promoting full connectivity*). We also respectfully suggest that BEREC initiates in 2021 an EU wide economic study to better understand the benefits and expected future role of license-exempt spectrum on the public domain and on Europe's economic competitiveness. We believe BEREC should collaborate with RSPG on future decisions regarding the availability of license-exempt spectrum to ensure this supports the EU's connectivity objectives.

- **5G local networks**

5G is likely to become the cornerstone for digital connectivity and a major driver of economic growth, promoting competition and serving social needs. This is provided it can trigger technical and business innovation involving vertical markets, including agriculture, city management, healthcare, and manufacturing. While some of these services can run over nationwide mobile networks, we believe much more innovation becomes possible when actors of these verticals can deploy dedicated networks that are tailored to their requirements.

To reap the full benefits of 5G and leverage Europe's competitive advantage of advanced manufacturing, it is critical to enable 5G local networks in a harmonised manner. Currently, local licenced networks are enabled under national specific frameworks in a fragmented manner. This prevents the emergence of an European ecosystem and also prevents companies that operate across borders to harmonise solutions across their European sites.

We suggest that BEREC clearly reflects the relevance of local networks for 5G in its Strategy (for example, within *Section II: market, technological and policy developments* and within *Strategic priority 1: Promoting full connectivity*). We also recommend that BEREC start

working in 2021 on a harmonised regulatory framework for 5G local networks and to collaborate with RSPG to ensure that a harmonised spectrum band is available throughout the EU for such applications.

Strategic priority 2: Supporting sustainable and open digital markets

- **Open Internet and COVID-19**

Facebook supports BEREC's position that the open internet is an essential building block under the current EU electronic communications regulatory framework, in particular under the Open Internet Regulation 2015/2120. This Regulation guarantees an open internet for the benefit of end-users throughout the whole of the EU, an essential element in creating a truly Digital Single Market. Facebook also agrees with BEREC's view that the current regulatory framework set out in the Open Internet Regulation generally works well (for Facebook's more detailed position we defer to our earlier contributions to BEREC in this regard).

As we currently see, with the public health crisis, as people shelter-in-place and businesses, schools, and government affairs must be conducted from homes, online services are more critical than ever to ensure the continued functioning of the European economy and more generally, for the well-being of Europeans. It is vital that the consistent availability of these services is maintained alongside traditional telecoms services.

Facebook is pleased to have been able to step in (as did other online services providers) and work alongside the telecoms industry to come together, and quickly identify and advance protective measures to safeguard the functioning of Europe's communications ecosystem. Facebook (and others) voluntarily implemented measures to reduce bitrate of video content on their platforms / services. The purpose of these measures is to address concerns about potential network congestion arising, due to increased numbers of people having to adhere to social distancing / self-isolation practices. It is safe to say that these measures have been welcomed by the telecoms industry and there seems to be broad agreement among the telecoms industry in most EU Member States that networks are holding up well and congestion has not been an issue to-date. Facebook will continue to work closely together with governments and the telecoms industry for the duration of the COVID-19 crisis.

We trust that BEREC's members also see the value in the proactive approach taken by Facebook and others.

Having said this, in order to fully assure the consistent availability of important online services – which are key for Europe during this crisis – we call on BEREC and each of its members to deal with this situation in full respect of the rules in the Open Internet Regulation and accompanying BEREC Guidelines. While we fully understand concerns about potential network congestion, we also believe that the current regulatory framework is well-placed to deal with extraordinary circumstances like this, including rules about what to do in case of actual congestion.

We therefore highly appreciate BEREC's prompt response to the current Covid-19 crisis in this respect and support the consideration that the current regulatory framework is well placed to deal with these extraordinary circumstances, including rules about what NRAs can do in case of actual network congestion.

- **The Digital Economy**

Facebook notes BEREC's description of the *digital economy*, its benefits and the potential risks with companies becoming *dominant* or acting as *bottlenecks*. While Facebook supports and welcomes BEREC's contributions in these discussions, especially given the experience and skills of each of its members, we trust BEREC and its members will closely align with the other relevant EU institutions and authorities to make sure that new policies within the EU will be harmonized. Meanwhile Facebook will be open to engage with BEREC on these subjects and contribute to future consultations about these innovative and dynamic markets.

Strategic priority 3: Empowering end-users

Facebook supports BEREC's priority of empowering end-users. Facebook agrees that promotion of full connectivity should be a key priority towards enabling / fulfilling the demand for high quality services on the part of consumers. In addition to all of the above, and with the EECC coming into effect by the end of this year we would like to make some final comments about the EECC.

Firstly, during the transposition. It is extremely important that there will be a consistent and harmonized implementation of the EECC rules. From definitions right through to obligations, this should all be fully in line with the text of the EECC Directive, and only then will this create a Digital Single Market which will be beneficial for all EU end-users. Secondly, post-transposition. It is equally important that BEREC and its members take a harmonized approach on (potential) enforcement of the EECC rules. Facebook encourages BEREC to work in BEREC WGs (e.g. similar to the WG on the Open Internet Regulation) to coordinate between NRAs in full transparency on how to enforce the new rules.
