



## Liberty Global response to BEREC's draft Work Programme 2022

### Introduction

Liberty Global welcomes the opportunity to provide input on BEREC's draft Work Programme for 2022 (WP2022). We strongly support BEREC's commitment to engage with stakeholders, with the aim of focussing its work on issues that are relevant to them. We urge BEREC to do so not only as part of a consultation but also in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.

Liberty Global notes that BEREC's upcoming work set out in the draft WP2022 includes a number of carry over items from previous years or is part of its regular activities. In this regard, Liberty Global refers to and repeats its responses to previous work programmes. In the next sections of this response Liberty Global addresses specific initiatives identified in the WP2022, referring to specific paragraphs of the programme. Where Liberty Global does not comment on a specific initiative, we may do so when the specific initiative is consulted upon by BEREC.

### General comments on BEREC's WP 2022 and strategic priorities

In outlining its work streams BEREC is driven by the three high-level priorities contained in the BEREC strategy 2021-2025, i.e. promoting full-connectivity, supporting sustainable and open digital markets, and empowering end-users.

The European Electronic Communications Code (Code) aims to ensure wide-spread high speed connectivity through the promotion of private investment in VHCN and infrastructure-based competition. In this regard, the Code promotes consistency of rules (and their application), regulatory certainty, harmonisation across the EU single market and a level playing field for all players – adhering to the principles of appropriateness and proportionality. A great portion of BEREC's role in the coming years will be to monitor the implementation of the Code and the functioning of the various Code-related guidelines. This includes how BEREC's guidelines work in practice and whether changes are required. Liberty Global supports BEREC's proactive approach and urges BEREC to involve stakeholders in these activities.

With regard to digital markets, new legislative proposals, such as the Digital Services Act and the Digital Markets Act, are currently being discussed at the EU level to address issues related to online harm and anti-competitive behaviours of gatekeepers. Any new policy measures should be appropriate and proportionate to the harm sought to be addressed, built upon existing concepts and consistent and not overlapping with other legislative instruments. Where BEREC provides opinions around legislative proposals and undertakes any work related to this strategic priority, we urge BEREC to stick to its duties and responsibilities as defined in the Code – anything beyond the Code may be outside BEREC's remit.

Finally, we note that end-user rights are an area where there is significant fragmentation across the EU. During the Code transposition phase, we have already identified many instances of divergent approaches to the end-user rights provisions. BEREC will therefore have an instrumental role in promoting regulatory best practice and consistent application of these Code provisions across the EU. We encourage BEREC to consider the collective measures in their entirety (including EU measures



imposed over and above the Code provisions where they are electronic communications services) with a view to simplification. We also encourage BEREC to involve service providers at all stages of the review process.



## About Liberty Global

Liberty Global is a world leader in converged broadband, video and mobile communications services. We deliver next-generation products through advanced fiber and 5G networks that connect over 85 million subscribers across Europe and the United Kingdom. Our businesses operate under some of the best-known consumer brands, including Virgin Media-O2 in the UK, VodafoneZiggo in The Netherlands, Telenet in Belgium, Sunrise UPC in Switzerland, Virgin Media in Ireland and UPC in Eastern Europe. Through our substantial scale and commitment to innovation, we are building Tomorrow's Connections Today, investing in the infrastructure and platforms that empower our customers to make the most of the digital revolution, while deploying the advanced technologies that nations and economies need to thrive. Our consolidated businesses generate annual revenue of more than \$7 billion, while our joint-ventures in the U.K. and the Netherlands generate combined annual revenue of more than \$17 billion.

Liberty Global Ventures, our global investment arm, has a portfolio of more than 50 companies across content, technology and infrastructure, including strategic stakes in companies like Plume, ITV, Lions Gate, Univision and the Formula E racing series. Revenue figures above are provided based upon 2020 results and on a combined Virgin Media and O2 UK basis. For more information, please visit [www.libertyglobal.com](http://www.libertyglobal.com).



### III. BEREC WORK IN 2022

#### 1. Strategic priority 1: Promoting full connectivity

##### 1.2. Report on regulatory treatment for fixed and mobile backhaul (carry-over)

Policies that promote continued private investment in VHCN are crucial for ensuring the availability of backhaul (incl. for 5G). Any policies in this areas should focus on reducing the costs of roll-out and otherwise incentivising investment. We believe that backhaul infrastructure does not represent a bottleneck and that the market will provide for the vast majority of Member States' coverage needs (through privately financed deployment). In this regard, the Code has introduced numerous measures to encourage rollout of VHCN and State Aid rules may also be used to provide backhaul to remote and economically challenging areas where there is no prospect of commercial deployment.

Whilst national circumstances diverge and may merit different approaches, there is still a need for a harmonized application and interpretation of applicable rules, specifically as regards methods of analysis and potential remedies. Liberty Global supports BEREC's proactive approach to monitoring the regulatory treatment for fixed and mobile backhaul in coming years and to draw up a common position on applicable rules in an early stage. Such a position can ensure the coherence of future decision-making on the national level – as well as its adherence to the principles appropriateness, proportionality and of technology neutrality.

We therefore welcome the proposed public consultation and urge BEREC to keep stakeholders involved in its development – particularly in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.

##### 1.3. Report on the 5G Value Chain

Liberty Global supports BEREC taking a proactive approach to undertake a comprehensive review of the 5G Value Chain, through the adoption of two reports (one, due for public consultation by the end of this year, focusing specifically on 5G supply-chain diversification). BEREC should leverage not just the learnings from the latter report, but also those from the Report on the Internet ecosystem, for the final Report on the 5G Value Chain.

As noted in previous responses to BEREC's Work Programmes, the promotion of innovation in network technologies should be broader than mobile only, in line with the principle of technological neutrality (a cornerstone of the Code). This is particularly the case with regards to developments such as software defined networking (SDN) and network function virtualization (NFV). SDN and NFV will play a critical role in the evolution of all next generation networks, not just those in the mobile domain, or exclusively related to 5G.

We support BEREC's continued commitment to engaging and consulting with stakeholders on issues that affect them. It is important to ensure that a broad range of stakeholders are consulted at an early stage, to ensure that any policy decision reflects market reality, and takes into account the cross-sectoral views of all participants in the value chain.



We therefore welcome the proposed public consultation and urge BEREC to keep stakeholders involved in its development – particularly in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.

### **1.5. Workshop on Open RAN**

Liberty Global supports BEREC's hosting of a workshop on Open RAN and encourages BEREC to carefully examine similar nascent technological and market developments. In Liberty Global's view, it is key to ensure a broad attendance of this workshop and to ensure that – particularly in case not all relevant stakeholders may be able to attend said workshop – the report is subject to public consultation prior to its adoption.

### **1.8. BEREC Report on competition amongst multiple operators of NGA networks in the same geographical region**

Under the SMP Guidelines the test to define the geographic market is whether conditions between regions are homogeneous. Generally, markets are considered national across the European Union. An indicator of heterogeneous conditions might be a provider using different business strategies such as price differentiation across their networks.

Liberty Global supports BEREC's continued commitment to engaging and consulting with stakeholders on issues that affect them. We therefore welcome the proposed public consultation and urge BEREC to keep stakeholders involved in its development – particularly in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.

### **1.9. Business services**

#### **1.9.1. BEREC Report on the regulatory treatment of business services**

Liberty Global supports BEREC analysing key issues regarding the competitive dynamics at the retail level. Regulated wholesale products are an important input for a series of wholesale products used by alternative operators to compete with incumbents in the market for large companies, SMEs and all type of public administrations. BEREC's report will focus on key issues regarding the competitive dynamics at the retail level and will analyse the regulatory treatment of these wholesale products, providing a snapshot of the markets in which these services and products are regulated, their geographical scope and the remedies applied.

We therefore welcome the proposed public consultation and urge BEREC to keep stakeholders involved in its development – particularly in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.



## **2. Strategic priority 2: Thriving sustainable and open digital markets**

### **2.1. Report on the Internet ecosystem (carry-over, before named: Report on the Internet Value Chain)**

Liberty Global supports BEREC taking a proactive approach to undertake a comprehensive view of the complete internet ecosystem, beyond the network layers and the electronic communications services supporting internet access. In particular, we consider that it is important to consider how developments have changed the competitive and commercial landscape, including the increasing overlaps between highly regulated, traditional telecoms markets and open, digital markets. This is particularly the case with the rise of OTT service providers. The increasing digitalisation of traditional communications services is a key factor in the trend towards greater competition, and the de-regulation of telecoms markets — paving the way for a more level playing field between providers.

We support BEREC's continued commitment to engaging and consulting with stakeholders on issues that affect them. It is important to ensure that a broad range of stakeholders are consulted at an early stage, to ensure that any policy decision reflects market reality, and takes into account the cross-sectoral views of all participants in the value chain.

We therefore welcome the proposed public consultation and urge BEREC to keep stakeholders involved in its development and we would appreciate the opportunity to participate in the announced workshops and in-depth meetings with relevant actors.

### **2.3. Report on challenges and benefits of Artificial Intelligence (AI) solutions in the telecommunications sector (including use cases)**

Liberty Global supports BEREC's intention to adopt a Report on AI with the aim of informing the current EU procedure to adopt the Artificial Intelligence Act. Europe's digital connectivity providers will play a major role in ensuring a fast and uptake of AI, critical for its democratization.

We therefore welcome the proposed public consultation and urge BEREC to keep stakeholders involved in its development – particularly in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.

### **2.4. Open internet**

#### **2.4.1. Collaboration on the Net Neutrality Measurement tools and evolution of the regulatory assessment methodology (carry-over)**

Liberty Global supports BEREC's work stream aimed at deployment of the Net Neutrality Measurement tool. We encourage BEREC to involve stakeholders in every step of the evolution of the measurement methodology and also to consult ESOs (such as ETSI). In this context, if any changes occur, BEREC should support stakeholders who want to develop their own measurement tools based on the updated methodology and clarify how they can have NRAs certify their tools.

Regulatory policies should be technology-agnostic and capability-based – as recognised under the Code – as a regulation favouring any specific technology is likely to have negative impacts and chill



investments. Only a mixed technology approach is functional to maximize innovation and infrastructure based competition.

Liberty Global supports BEREC's continued commitment to engaging and consulting with stakeholders on issues that affect them. We urge BEREC to involve stakeholders on issues that affect them at all times.

#### **2.4.2. Implementation of Regulation (EU) 2015/2120 and the BEREC Guidelines on the implementation of the Open Internet (OI) Regulation**

Monitoring and reporting on the implementation of the Open Internet Regulation should be one of BEREC's key priorities, in view of the findings in the European Commission's Report on the implementation of the Regulation (EU) 2015/2120 and the underpinning European Commission Study on Open internet, which recognise that further efforts can be made to ensure the harmonized application of the Regulation by the regulators. An adequate reporting on regulatory practices is key to facilitate exchanges at EU-level which can ensure such a harmonized application.

#### **2.4.3. Update to the BEREC Guidelines on the Implementation of the Open Internet Regulation**

Liberty Global welcomes BEREC's updating of the Guidelines on the Implementation of the Open Internet Regulation. In light of the relative silence of the Court in its 2021 rulings on the relationship between Articles 3(2) and 3(3) of the Regulation in these cases, as well as taking into account the fact that the Court possesses the power to annul any provision it finds contrary to Union law – and clearly avoids doing so in respect of Article 3(2) – we urge BEREC to avoid extrapolating a (too) restrictive interpretation of the latter provision on the basis of these latest rulings. Such an interpretation is not merited on the basis of the rulings at hand and particularly inappropriate in light of the Court's Grand Chamber ruling on zero-rating, issued in 2020. The potential amendment of the Guidelines will have to reflect the text and spirit of the Regulation, as well the Court's rulings – both those issued recently and those issued in years past.

### **3. Strategic priority 3: Empowering end-users**



### **3.1. Workshop on the application of rights of end-users in the EECC**

One of the key goals of the Code is to create more consistency in the application of consumer protection legislation across the EU, through modified full harmonisation of the end-user rights provisions. End-user rights are an area where there is significant fragmentation across the EU and BEREC will have an instrumental role in promoting regulatory best practice (incl. evidence-based consumer policy) and consistent application of these Code provisions. BEREC is also required to provide the European Commission with an Opinion on market and technological developments, and their impact on the application of the end-user rights provisions of the Code. This Opinion will serve as input for the European Commission's review of the end-user provisions under Article 123 of the Code.

In this regard, Liberty Global supports BEREC's initiative to host a joint workshop with BEUC, as we consider it is important to involve consumers and consumer organisations when assessing the effectiveness of the Code provisions on end-user rights. Liberty Global also urges BEREC to ensure that service providers and industry associations are given the possibility to participate, at least partly, as the discussion can benefit from their first-hand experience, and to inform them about the outcomes, as well as its intended follow-up on this subject.

We urge BEREC to keep stakeholders involved in the development of the report – particularly in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.

### **3.3. Workshop on the digital divide**

The COVID-19 pandemic has radically changed the role of digitalisation in our societies and economies. The deployment of safe and sustainable digital infrastructures and the acquisition of stronger digital skills and abilities will be crucial in the coming years to eradicate the digital divide between those who have the capabilities to fully benefit from an enriched and secure digital space and those who cannot. We believe that the digital markets are working well and will provide for the vast majority of Member States' coverage needs, especially through privately financed deployment of both fixed and mobile networks. Where there is the risk that this market mechanism would fail to function properly, safeguards are provided under the Code through the Universal Access provisions. Furthermore, having digitally skilled citizens is crucial for Europe to strengthen its competitiveness worldwide and become an inclusive digital society. We believe that access to education allowing the acquisition of basic digital skills should be a right for all EU citizens.

We appreciate the work BEREC has carried out in this sphere during the past year, examining the effect of the pandemic on the telecommunications sector and laying out recommendations to help NRAs in designing the right conditions to improve digital inclusion for all citizens.

In this context, Liberty Global supports BEREC's initiative to host an internal workshop at Heads level but we urge BEREC to extend its scope and invite all relevant stakeholders to participate.

### **3.5. BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service (IAS)**





Liberty Global recognises the role of universal service obligations in supporting social inclusion and welcomes the increased focus in the Code on closing the gap between availability and take-up of broadband internet services. Under Article 84 of the Code, Member States must ensure that all consumers in their territories have access – at an affordable price – to an adequate broadband service. An adequate broadband service is one which is capable of delivering the minimum bandwidth necessary to support certain basic services (specified in the Code) which are necessary for an adequate level of social inclusion and participation by citizens in the digital economy and society. As we have noted on previous occasions, the adequate broadband service is not intended and should not be used to achieve Gigabit-society goals or otherwise mandate investment in VHCN. This is more appropriately achieved through incentivising private investment in network infrastructure and infrastructure-based competition.

We note that BEREC intends to undertake a review of its report on Member State best practices for defining adequate broadband services by the end of 2024, commencing in 2022. Whilst Liberty Global supports BEREC updating the guidelines in order to reflect technological advances and changes in consumer usage patterns, it will be equally as important when conducting the review to ensure that the universal service obligations are being used to ensure an adequate level of social inclusion and not to achieve connectivity goals.

We therefore welcome the proposed public consultation and urge BEREC to keep stakeholders involved in its development – particularly in an early stage pre-notification as input collected in that stage should serve as building blocks for the policy to be consulted on.

#### **4. Cooperation with EU institutions and institutional groups**

Liberty Global supports BEREC's continuous effort to engage with other European institutions in order to strengthen cooperation at the European level. This action is crucial to ensure consistency of the regulatory framework, especially in relation to network security, 5G roll-out and the European Digital Market. We also welcome the increased attention BEREC is giving to international cooperation.

#### **5. BEREC's other tasks**

##### **5.1. BEREC ad hoc work**

##### **5.1.3. BEREC Input to the European Commission regarding the evaluation and potential review of the EU State Aid Guidelines (carry-over)**

Private investment is key to achieve the Commission's Gigabit Society goals. Public funding of broadband deployment should be strictly limited to areas where private investment is not viable. This is reflected in the current Guidelines and Block Exemption Regulation. This approach must be maintained in future Guidelines. State subsidies can have a distortive effect on competition and disincentivise private investment. The current state aid guidelines are appropriate and proportionate. Additionally, the principle of technology neutrality must be preserved.

Under the current guidelines, the concept of 'step change' ensures that the rural /remote areas where private investment is not viable are not left behind in terms of speed capability. The step change approach should be limited to these areas and not applied in areas where private investment is viable.



It should also be noted that other regulatory tools, notably those introduced under the Code, are better suited to encouraging investment in VHCN.

#### **5.1.4. BEREC Opinion on the review of the Access Recommendations (carryover)**

Liberty Global considers that the current guidance provided in the Access Recommendations is sufficient and clear, and that no additional guidance or changes are necessary. More specifically, we believe that the NDCM Recommendation adequately promotes deployment and take-up of VHCN by ensuring regulatory certainty. We note that NRAs can be hesitant to apply the price flexibility approach (including the ERT) in the manner proposed by the Recommendation and consider that BEREC has an important role in encouraging NRAs to apply the framework set out in the Recommendation.

Since this initiative to prepare an opinion impacts stakeholders interests, Liberty Global would appreciate the opportunity to provide its opinion on the topic and urges BEREC to involve stakeholders on issues that affect them at all times.

#### **5.2.2. Delegated act(s) concerning emergency communications**

Liberty Global supports the European Commission's ambition to harmonize access to emergency communications across the EU through the adoption of a delegated act by the end of 2022. Given that the issues the delegated act will seek to address are of technical nature, the Commission should consult all the relevant stakeholder groups to gather technical, operational and commercial expertise.

In this context, BEREC will play a crucial role when providing its opinion to the Commission and, especially with regards to possible obligations concerning mobile operators, should ensure that the delegated act is future-proof, securing flexibility to enable innovative developments, and abiding by the principles of appropriateness, proportionality and technology neutrality.

Since this initiative impacts stakeholders interests, Liberty Global would appreciate the opportunity to provide its opinion on the topic and urges BEREC to involve stakeholders on issues that affect them at all times.

#### **5.2.6. Update of BEREC retail Guidelines on the Roaming Regulation & 5.2.7. Update of BEREC wholesale Guidelines on the Roaming Regulation**

Liberty Global supports BEREC's intention to revise the Guidelines on retail and wholesale roaming in light of the new provisions which are still under discussion within the Commission, Council and Parliament. We strongly support BEREC's intention to engage with stakeholders on the revision of the Guidelines. We agree with the objective of the Regulation to give customers a genuine roam-like-at-home experience in terms of quality of service (QoS) while roaming. Liberty Global's affiliates do not prevent end-users roaming on our networks from accessing the latest technology available, nor do we artificially reduce QoS. Rather, we are investing heavily in high quality mobile (and fixed) networks, and have a strong desire for our customers to experience a similar service quality while roaming. We are concerned that the current proposals may have negative consequences on the flexibility of mobile service providers to enter into roaming agreements with partners of their choice. Mobile network upgrades and investments are occurring constantly, whereas roaming contracts take time to negotiate. Whilst we can agree on certain quality levels with our preferred roaming partners, these will be limited



by the capabilities of their existing networks and any future planned upgrades – which are at their sole discretion. It should be made clear in the BEREC Guidelines that “technical feasibility” also takes into account operational and commercial considerations – they are equally as relevant as technical considerations.

### **5.3.1. Implementation of the EECC and the BEREC Regulation**

A key aspect of BEREC’s Work Programmes between 2021-2025 will be monitoring the implementation and functioning of the Code, to ensure that it is implemented in a consistent, harmonised manner across the EU and that it continues to promote infrastructure-based competition in a technologically-neutral manner. We have experienced first-hand fragmentation in the implementation of the Code by the Member States in our footprint, in terms of both timing and substance. The workshop that BEREC intends to organize will be a great opportunity for stakeholders to share their experiences and approaches in the implementation of the Code, ensuring a common understanding of the new rules on all the areas covered by the Code and throughout the EU.

We notice that in the WP 2022 there is no mention of when the workshop will take place. In this regard, we urge BEREC to inform stakeholders in a timely manner and involve them on issues that affect them at all time. We urge BEREC to invite service providers and industry associations to participate

### **5.3.2. Developing BEREC’s basic knowledge about the different aspects of sustainability in the digital sector (carry-over)**

Liberty Global strongly welcomes the goals of the European Green Deal and achieving a green and digital transition of the economy and we support BEREC’s work on this issue. We have committed to Net Zero by 2030 and have already invested heavily in upgrading our infrastructure to save energy and reduce emissions. We also work to reduce waste through recycling and refurbishment. Assessment of the ICT sector’s environmental impact must account for its varied nature and the multitude of actors within the sector, as outlined below. Liberty Global urges BEREC to maintain a nuanced approach, and continue to abide by the principles of appropriateness, proportionality and technology neutrality when assessing environmental impact, and to continue to involve stakeholders on issues that affect them at all times.

### **5.3.3 Indicators to measure environmental impact of ECNs**

Assessment of the ICT sector’s environmental impact must account for its varied nature and the multitude of actors within the sector. ECN and ECS providers are different from e.g. manufacturers. In addition, there are a wide range of factors which affect the overall sustainability of a project, including manufacturing, deployment, use and end-of-life, types of energy source, and the ability to reuse/refurbish/recycle network elements. All of these factors must be accounted for when assessing environmental impact.

Liberty Global urges BEREC to maintain a nuanced approach, and continue to abide by the principles of appropriateness, proportionality and technology neutrality when assessing environmental impact, and to continue to involve stakeholders on issues that affect them at all times. Environmental reporting is an essential part of Liberty Global’s overall corporate responsibility and sustainability strategy, and as such we follow the GRI (Global Reporting Initiative), an international reporting standard for Liberty Global response to BEREC’s draft Work Programme 2022 – November 2021



disclosure. We believe our reporting is essential for attracting Environmental, Social and Governance (ESG) investments and building relationships with our customers. We note that there are strong existing incentives for ECNs to engage in existing reporting mechanisms around environmental standards.

### **5.3.9. Report on the monitoring of the termination rates for mobile and fixed voice calls**

Liberty Global strongly supports the publication of a report on the information received from NRAs under their reporting obligations contained in Article 75 of the Code. Publication of this report increases transparency and provides a useful tool for stakeholders to assess the implementation of the Delegated Regulation.

## **6. Stakeholder engagement**

BEREC's stakeholder engagement is intended to promote transparent and effective regulation, based on high-quality professional standards and regulatory best practice. Consultation and information sharing by BEREC with a broad range of stakeholders on BEREC initiatives is instrumental for stakeholder engagement. We particularly appreciate BEREC's early calls of input, (virtual) stakeholder workshops, the two-stage process for consultation and its efforts to facilitate direct engagement between Expert Working Groups and individual stakeholders during the Annual Stakeholder Forum.

Therefore, when developing future work programmes, we encourage BEREC to incorporate regular opportunities for stakeholder engagement, including workshops and one-on-one meetings, keeping in mind the need for these opportunities to be truly bi-directional (e.g. through information sharing and open discussion of issues).

## **IV. POTENTIAL BEREC WORK FOR 2023 AND BEYOND**

### **7. Potential work**

#### **7.3. Experience sharing on Implementation of Guidelines**

We acknowledge that BEREC's work with regards to the creation of the various Code-related guidelines has been completed and a key part of BEREC's role in the coming years will be to monitor the implementation and functioning of the Code, including how these guidelines work in practice. Liberty Global supports BEREC's monitoring activities in this area and its intention to create opportunities for NRAs and Competent Authorities to share their experience in the application of the guidelines. This will provide BEREC with useful insights on how its guidelines have been working so far and whether further work in this field is needed throughout 2023.

We have been particularly disappointed by the low level of engagement offered by BEREC with regard to the development of its guidelines and the (often resource-intensive) input provided by stakeholders. The VHCN and Symmetric Access Guidelines are two examples where no opportunities were given to engage with BEREC between the first Call for Input stage and publication of the draft guidelines. Moreover, there appears to be little scope for feedback to be taken into account between publication of the draft and final guidelines. Rather, BEREC appears to have largely focussed on summarising consultation responses and rebutting calls for amendments. Liberty Global has raised serious concerns on numerous occasions with the potential impact of several guidelines and we would sincerely

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appreciate the opportunity to discuss these concerns with BEREC (and its working groups) as they are progressively reviewed.

We are aware that it is often difficult to make substantive changes to draft guidelines or reports once the individual regulatory authorities that make up BEREC's membership have come to an agreement. However, engaging with stakeholders in a meaningful matter will help to ensure that all processes undertaken and decisions made by BEREC also take into account the interests of market participants, promote certainty and in turn contribute to policies that meet the requirements for appropriateness and proportionality. We repeat that BEREC should keep stakeholders involved at all times – particularly seeking input in an early stage pre-notification is instrumental as input collected in that stage should serve as building blocks for the policy to be consulted on.

#### **7.4. BEREC Review of the Guidelines detailing Quality of Service Parameters**

In line with the objectives of the relevant provisions of the Code, which envisage comparability across the EU and the reduction of compliance costs, the harmonized application of a sound set of Quality of Service (QoS) parameters is key. The guidelines should also ensure consistent interpretation of the core QoS terms and concepts, in line with the Open Internet Regulation. BEREC intends to start the review procedure in 2023. We urge BEREC to allow stakeholders to provide adequate input on their views. Maintaining a dialogue with stakeholders is necessary to ensure these guidelines remain up-to-date, in view of the rapid technological developments in this domain.

#### **7.6. Stock-taking on national experiences of the implementation of the EECC**

By the end of 2022, NRAs will have accumulated early experiences with the implementation of the Code at the national level and will be able to share them during the workshop that BEREC intends to organize. The outcome of the workshop will provide BEREC with useful insights on how its guidelines have been working so far and whether further work in this field is needed in the coming years. Therefore, Liberty Global supports BEREC's monitoring activities in this area and urges BEREC to involve stakeholders on issues that affect them at all times.

#### **7.7. Report on best practices for termination of contracts and switching provider**

As mentioned above, end-user rights are an area where there is significant fragmentation across the EU. We have experienced such fragmentation first-hand in our footprint. Especially with regards to the Code provisions about switching, we have noticed that NRAs are adopting different approaches in regulating the switching process at the national level, leading to increased uncertainty and fragmentation. We believe that the work stream that BEREC intends to undertake in this area is particularly relevant, promoting regulatory best practices and consistent application of these Code provisions across the EU. Therefore, Liberty Global supports BEREC's monitoring activities in this regard and urges BEREC to involve stakeholders on issues that affect them at all times.