

# Business services PC

Fields marked with \* are mandatory.

## General information

---

During the 53rd BEREC plenary meeting (8 December 2022), the Board of Regulators has approved the draft BEREC Report on the regulatory treatment of business services for public consultation.

This report provides a snapshot of the regulatory treatment of business services by BEREC members and observers, based on a comprehensive questionnaire responded in June 2022 by all BEREC members and six observers (33 NRAs). It focuses on wholesale regulation for M2/2020, M1/2020 and M3b/2014, the upstream markets for business services, including when relevant information on passive infrastructure access and symmetric regulation in the context of business services. Aspects as geographical scope and the remedies applied in the context of business services, as well as of the challenges on data collection and references to good practices by NRAs are also addressed.

You are hereby invited to participate in the below public consultation on the draft report.

## Your details

---

\* Language of your contribution

English

\* First name

Veronica

\* Surname

Zaboia

\* Email

██████████@mvnoeurope.eu

Organisation name (in case you are replying on behalf of your organisation)

MVNO Europe

\* Country of origin

Belgium

I agree with the [personal data protection provisions](#).

## Practical details of the public consultation

---

Stakeholders are invited to comment and provide their views on the different chapters of the draft report following its structure:

Executive summary

Chapter 1 - Introduction and objectives

Chapter 2 - General overview of regulated markets used as an input for retail business services

Chapter 3 - Retail business products and related wholesale markets

Chapter 4 - M2/2020

Chapter 5 - M1/2020 in the context of business services

Chapter 6 - M3b/2014 in the context of business services

Chapter 7 - Relevance of passive infrastructure access for business services

Chapter 8 - Symmetric regulation in the context of business services

Chapter 9 - Data collection, reports, and good practices by NRAs

Chapter 10 - Conclusions

Chapter 11 - Future work

Annex I: Questionnaire sent to NRAs

Annex II: NRAs responding to the questionnaire

Stakeholders may also upload a document as a part of their contribution, see below.

In order to facilitate the processing of the responses, the comments provided should clearly refer to certain sections/subsections/paragraphs of the draft report.

Contributions should preferably be sent in English.

Stakeholder may submit their contributions **by 3 February 2022 close of business**.

In accordance with the BEREC policy on public consultations, BEREC will publish all contributions and a summary of the contributions, respecting confidentiality requests. Any such requests should clearly indicate which information is considered confidential, see the respective section at the very end below.

## Public consultation

---

Please indicate comments on the Executive summary and Chapter 1 - Introduction and Objectives

*5000 character(s) maximum*

Please indicate comments on Chapter 2 - General overview of regulated markets used as an input for retail business services

*5000 character(s) maximum*

Please indicate comments on Chapter 3 - Retail business products and related wholesale markets

*5000 character(s) maximum*

Please indicate comments on Chapter 4 - M2/2020

*5000 character(s) maximum*

Please indicate comments on Chapter 5 - M1/2020 in the context of business services

*5000 character(s) maximum*

Please indicate comments on Chapter 6 - M3b/2014 in the context of business services

*5000 character(s) maximum*

Please indicate comments on Chapter 7 - Relevance of passive infrastructure access for business services

*5000 character(s) maximum*

Please indicate comments on Chapter 8 - Symmetric regulation in the context of business services

*5000 character(s) maximum*

Please indicate comments on Chapter 9 - Data collection, reports, and good practices by NRAs

*5000 character(s) maximum*

Please indicate comments on Chapter 10 - Conclusions and Chapter 11 - Future work

*5000 character(s) maximum*

MVNO Europe highlights that BEREC should not only focus on the regulation of fixed business connectivity markets, but also investigate the market situation with regard to business services in the context of the mobile and Internet of Things markets.

MVNO Europe wishes to highlight that retail business-to-business communications services are increasingly commercialized as part of fixed-mobile convergence bundles. A large proportion of business and public administration employees are frequently working outside the traditional workplace environment, and need to be able to do so efficiently and securely. Specialized providers, including MVNOs, aim specifically to address business customers' full spectrum of needs, including the mobility dimension. This applies to enterprises and public administrations of any size, ranging from a small local company or municipality, to a national or multinational business having multiple sites, including in multiple countries.

Some MVNOs/MVNEs face problems in some EU Member States in obtaining fit-for-purpose wholesale mobile access. Restrictions on the ability to use their own systems/interconnections, discriminatory situations on wholesale QoS (e.g. 4G and 5G being withheld or subject to speed restrictions), undue restrictions on the use of wholesale roaming (resale) access, margin-squeeze situations, etc. prevent them from competing head-on with Mobile Network Operators.

The European Commission and BEREC have not always been as supportive as expected when National Regulatory Authorities sought to address extreme wholesale mobile access restrictions through regulatory intervention. At present, a notification by the Czech NRA, seeking to regulate wholesale mobile access given the serious lack of competition and extremely high wholesale and retail prices in the Czech Republic, is under Second Phase examination (Case CZ/2022/2421). BEREC is called upon to issue an Opinion on this case. MVNO Europe hopes and trusts that BEREC will actively support its member CTU in this context. This point is made because, in MVNO Europe's opinion, BEREC has not sufficiently done so in its previous Opinion, relating to Case CZ/2021/2351 issued on 24 January 2022, enabling the European Commission to veto the previous CTU notification.

MVNO Europe represents, among other types of MVNOs/MVNEs, companies which are active on Machine-to-Machine (M2M) and Internet of Things (IoT) markets, and which typically provide services throughout the European Union, and indeed globally. These companies have been successful in winning contracts with business/industrial companies, in particular for connected mobility (automotive sector), connected devices (incl. laptops and tablets, but also industrial devices), etc. These companies have been successful, notably on account of their willingness and ability to truly tailor their services to the business customers' needs, integrating mobile connectivity with IT solutions, providing a genuinely pan-European/global service rather than a collection of different national services, etc. Whilst enjoying considerable success (they can be considered 'European champions of IoT'), these companies remain small in size (certainly in comparison with Mobile Network Operators that are part of groups active in multiple EU Member States) and dependent on wholesale access from Mobile Network Operators. The companies face regulatory hurdles and restrictive practices engaged in by Mobile Network Operators, some of which differ inexplicably between EU Member States. For instance, BEREC has had to be called upon to provide an Opinion on numbering-related matters (use of ITU 901 country code) in the context of wholesale roaming restrictions in Germany.

MVNO Europe advocates that BEREC's future work on business services should go beyond fixed networks and services, and explicitly cover the integration of fixed and mobile communications (Unified Communications as a Service - UCaaS). The mobile dimension, and any regulatory issues related thereto, including as it concerns wholesale mobile access for the provision of services to businesses and public administrations should be covered. Machine-to-Machine (M2M) and Internet of Things (IoT) services are increasingly relevant to many businesses, large and small, and very often are of cross-border, EU-wide, and indeed global nature. Business customers require a single service proposition, without undue differences between the countries in which IoT is delivered.

The mobile dimension, M2M and IoT should therefore explicitly be included in the future work that will form part of the BEREC workstream on business services (not only the forthcoming study on wholesale mobile access).

Please indicated your comments on the Annexes

*5000 character(s) maximum*

Please upload your file, if any.

**6cb04f54-efe3-449c-b6d5-80463b85812e**

**/MVNO\_Europe\_Response\_to\_Draft\_BEREC\_Report\_on\_regulatory\_treatment\_of\_business\_services\_-\_3\_February\_2023.pdf**

\* Please specify which part of your contribution should be treated as confidential, if any.

No

Thank you for your participation in this public consultation.

## Contact

pm@berec.europa.eu



## **MVNO Europe Response to public consultation on the draft BEREC Report on the regulatory treatment of business services - (BoR (22) 185)**

MVNO Europe welcomes the draft BEREC Report on the regulatory treatment of business services (hereafter 'draft Report'). Given the importance of the document in providing direction for future BEREC actions, MVNO Europe provides this brief response to the public consultation on the draft Report, with a focus on future BEREC work (referring to Chapter 11 of the draft Report).

In particular, MVNO Europe highlights that BEREC should not only focus on the regulation of fixed business connectivity markets, but also **investigate the market situation with regard to business services in the context of the mobile and Internet of Things markets.**

1. MVNO Europe wishes to highlight that retail business-to-business communications services are increasingly commercialized as part of *fixed-mobile convergence bundles*. A large proportion of business and public administration employees are frequently working outside the traditional workplace environment, and need to be able to do so efficiently and securely. Specialized providers, including MVNOs, aim specifically to address business customers' full spectrum of needs, including *the mobility dimension*. This applies to enterprises and public administrations of any size, ranging from a small local company or municipality, to a national or multinational business having multiple sites, including in multiple countries.
2. Some MVNOs/MVNEs face problems in some EU Member States in obtaining fit-for-purpose wholesale mobile access. Restrictions on the ability to use their own systems/interconnections, discriminatory situations on wholesale QoS (e.g. 4G and 5G being withheld or subject to speed restrictions), undue restrictions on the use of wholesale roaming (resale) access, margin-squeeze situations, etc. prevent them from competing head-on with Mobile Network Operators. Whilst BEREC's retail and wholesale roaming Guidelines are undoubtedly helpful, and MVNO Europe thanks BEREC for including points made during the public consultations preceding the

issuance of BEREC Guidelines, attempts by NRAs to address genuine problems relating to domestic wholesale mobile access have been few and far between, and often limited. The European Commission and BEREC have not always been as supportive as expected when National Regulatory Authorities sought to address extreme wholesale mobile access restrictions through regulatory intervention. At present, a notification by the Czech NRA, seeking to regulate wholesale mobile access given the serious lack of competition and extremely high wholesale and retail prices in the Czech Republic, is under Second Phase examination (Case CZ/2022/2421). BEREC is called upon to issue an Opinion on this case. MVNO Europe hopes and trusts that BEREC will actively support its member CTU in this context. This point is made because, in MVNO Europe's opinion, BEREC has not sufficiently done so in its previous Opinion, relating to Case CZ/2021/2351<sup>1</sup> issued on 24 January 2022, enabling the European Commission to veto<sup>2</sup> the previous CTU notification.

3. MVNO Europe represents, among other types of MVNOs/MVNEs, companies which are active on Machine-to-Machine (M2M) and Internet of Things (IoT) markets, and which typically provide services throughout the European Union, and indeed globally. These companies have been successful in winning contracts with business/industrial companies, in particular for connected mobility (automotive sector), connected devices (incl. laptops and tablets, but also industrial devices), etc. These companies have been successful, notably on account of their willingness and ability to truly tailor their services to the business customers' needs, integrating mobile connectivity with IT solutions, providing a genuinely pan-European/global service rather than a collection of different national services, etc. Whilst enjoying considerable success (they can be considered 'European champions of IoT'), these companies remain small in size (certainly in comparison with Mobile Network Operators that are part of groups active in multiple EU Member States) and dependent on wholesale access from Mobile Network Operators. The companies face regulatory hurdles and restrictive practices engaged in by Mobile Network Operators, some of which differ inexplicably between EU Member States. For instance, BEREC has had to be called upon to provide an Opinion<sup>3</sup> on numbering-related

---

<sup>1</sup> BoR (22) 06

[https://www.berec.europa.eu/sites/default/files/files/document\\_register\\_store/2022/1/BoR\\_%2822%29\\_06\\_BEREC\\_Opinion\\_CZ\\_2021\\_2351.pdf](https://www.berec.europa.eu/sites/default/files/files/document_register_store/2022/1/BoR_%2822%29_06_BEREC_Opinion_CZ_2021_2351.pdf)

<sup>2</sup> Commission closes its in-depth investigation on the proposed Czech regulation on mobile access market: <https://digital-strategy.ec.europa.eu/en/news/commission-closes-its-depth-investigation-proposed-czech-regulation-mobile-access-market>

<sup>3</sup> BoR (18) 98

matters (use of ITU 901 country code) in the context of wholesale roaming restrictions in Germany.

4. MVNO Europe explicitly thanks BEREC for the Opinion on the numbering aspects mentioned above, and for the M2M and IoT related aspects of its Guidelines on wholesale roaming access<sup>4</sup>, even though improvements on the EU regime for M2M and IoT roaming (and domestic wholesale mobile access) remain highly necessary.
5. Based on the brief elements provided above, MVNO Europe advocates that BEREC's **future work** on business services should **go beyond fixed networks and services, and** explicitly cover the integration of fixed and mobile communications (Unified Communications as a Service - UCaaS). The mobile dimension, and any regulatory issues related thereto, including as it concerns wholesale mobile access for the provision of services to businesses and public administrations should be covered. Machine-to-Machine (M2M) and Internet of Things (IoT) services are increasingly relevant to many businesses, large and small, and very often are of cross-border, EU-wide, and indeed global nature. Business customers require a single service proposition, without undue differences between the countries in which IoT is delivered.
- 6. The mobile dimension, M2M and IoT should therefore explicitly be included in the future work that will form part of the BEREC workstream on business services (not only the forthcoming study on wholesale mobile access).**
7. For further information, please also refer to MVNO Europe responses to the BEREC Calls for Inputs on its Work Programmes, for example our responses to BoR (22) 03 (April 2022), and BoR (21) 01 (April 2021) as well as our response to the consultation on the BEREC Strategy 2021-2025 – BoR (20) 43.

## About MVNO Europe

8. MVNO Europe represents various types of Mobile Virtual Network Operators (MVNOs), with different business models, addressing consumers, business users (including start-ups/scale-

---

<https://www.berec.europa.eu/en/document-categories/berec/opinions/berec-opinion-on-bnetza-request-on-providing-wholesale-roaming-access>

<sup>4</sup> BoR (22) 147

<https://www.berec.europa.eu/en/document-categories/berec/regulatory-best-practices/guidelines/berec-guidelines-on-the-application-of-article-3-of-regulation-eu-2022612-of-6-april-2022-on-roaming-on-public-communications-networks-within-the-union-wholesale-roaming-guidelines>



ups)/medium/large businesses, the public sector, ICT service/systems integrators, and Internet of Things (hereafter 'IoT') markets, etc. <http://www.mvnoeurope.eu/members>

9. MVNOs currently represent +/- 10% of SIM cards in the European Union.
10. The term "virtual" refers to the fact that MVNOs do not control radio frequencies and related mobile physical infrastructure (antennas, base stations etc.). However, MVNOs do control the necessary hardware/software/resources to provide wireless/mobile services and may own other telecom infrastructures depending on the extent of their business model.
11. Our members provide mobile-only offers, fixed-mobile convergent offers and offers incorporating audio-visual media content, financial services, machine-to-machine communications, embedded data SIMs for tablets, laptops and other devices, connected mobility for vehicles, IoT in a broad sense, etc. Some of our members are also active on wholesale markets as MVNE (E=Enabler) / MVNA (A=Aggregator) supporting other companies and brands that provide wireless/mobile services. MVNO Europe does not represent branded resellers.
12. MVNOs contribute strongly to innovation and competition and provide clear Business to Consumer (B2C) and Business to Business (B2B) end-user benefits.
13. MVNOs also contribute to financing mobile network infrastructure through payment of wholesale charges which assure revenues to Mobile Network Operators, whilst avoiding costly duplication of network assets. Enabling and promoting MVNOs is by far more environmentally responsible than promoting the build-out and operation of additional parallel physical mobile infrastructures, and is thus consistent with the twin green and digital transitions.

## 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:

**Ms. Veronica Zaboia, Secretariat of MVNO Europe**

Tel: [REDACTED] – [REDACTED]@mvnoeurope.eu | [www.mvnoeurope.eu](http://www.mvnoeurope.eu)

Rue de la Loi 38, 1000 Brussels – 5th floor

**Mr. Alessandro Denaro, Secretariat of MVNO Europe**

Tel: [REDACTED] – [REDACTED]@mvnoeurope.eu | [www.mvnoeurope.eu](http://www.mvnoeurope.eu)

Rue de la Loi 38, 1000 Brussels – 5th floor