

# Outline BEREC Work Programme 2025

***BEREC aims to foster the independent, consistent, and high-quality regulation of digital markets for the benefit of Europe and its citizens.***

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## I. INTRODUCTION

The Body of European Regulators for Electronic Communications (BEREC) was established in 2009 and now operates under Regulation (EU) 2018/1971<sup>1</sup> (the BEREC Regulation) with the aim of pursuing the objectives under the European Electronic Communication Code (EECC)<sup>2</sup> and in particular to ensure the consistent implementation of the regulatory framework for electronic communications.

This document is the Outline of the annual work programme of BEREC for 2025, which has to be adopted by 31 January 2024<sup>3</sup>.

The objectives of the Outline BEREC Work Programme 2025 continue to be based on the mandatory tasks falling to BEREC stemming from the EECC. Implementing the relevant regulatory framework in a consistent way is to the forefront of BEREC's work. Furthermore, the objectives of this Outline WP are, and the subsequent adopted Work Programme 2025 will be aligned with the BEREC Strategy 2021-2025.<sup>4</sup>

The Outline Work Programme 2025 reflects BEREC's commitment to serve as a body for thoughtful and proactive debate that provides advice to the European Parliament, the Council, and the European Commission in the field of electronic communications. Furthermore, BEREC aims to play an important role in further improving the consistent and harmonised application of regulatory rules, to enhance its working methods and to engage cooperatively and effectively with stakeholders.

In line with the practice of previous years and in accordance with Article 21 of the BEREC Regulation, the outline BEREC Work Programme 2025 will be consulted with the European Parliament, the Council, and the European Commission on their priorities and after input is received from the EU institutions and BEREC's stakeholders, a draft Work Programme for 2025 will be subject to a public consultation. The public consultation will run for a 4-week period in October and November 2024. The final BEREC Work Programme 2025 will be adopted at the fourth BEREC Board of Regulators meeting in December 2024. BEREC will publish and transmit the annual work programme for 2025 to the European Parliament, the Council, and the Commission as soon as it is adopted.

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<sup>1</sup> Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009

<sup>2</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 and Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012, as amended

<sup>3</sup> According to Article 21 of the BEREC Regulation

<sup>4</sup> Document BoR (20) 108 <https://www.berec.europa.eu/en/document-categories/berec/berec-strategies-and-work-programmes/berec-strategy-2021-2025> - June 2020

## II. BACKGROUND

The four objectives of the EECC (Article 3 (2))<sup>5</sup> remain the foundation of the assignments set out in BEREC's annual work programmes and continue to be the guiding force of the proposed Work Programme. These four objectives are:

- Promoting connectivity and access to very high-capacity networks (VHCN),
- Promoting competition and efficient investment,
- Contributing to the development of the internal market,
- Promoting the interests of the citizens of the Union.

The EECC, the BEREC Regulation, the Open Internet Regulation (Regulation (EU) 2015/2120)<sup>6</sup>, the Roaming Regulation (Regulation (EU) 2022/612)<sup>7</sup>, the Digital Markets Act (DMA, Regulation (EU) 2022/1925)<sup>8</sup>, and the mandatory tasks stemming from these legislative instruments, provide the basis for the Outline BEREC Work Programme 2025. In line with the legislative framework, BEREC has adopted a Strategy for the years 2021-2025<sup>9</sup>. The Strategy defines the high-level strategic priorities that guide the work that BEREC will undertake in 2025. While the Outline Work Programme 2025 seeks to address current regulatory challenges, it has also been developed to prepare for the new challenges ahead resulting from political, economic, and technological developments.

This Outline Work Programme 2025 contains those items from the 2024 Work Programme<sup>10</sup>, which will need to be carried forward into 2025 for finalisation, in addition to *ad-hoc* or recurring items, including some preliminary identified potential workstream proposals. BEREC has recently consulted those potential workstreams<sup>11</sup> and will consider the received input.

As required by the BEREC Regulation, when developing its annual Work Programme, BEREC seeks the views and proposals from the National Regulatory Authorities (NRAs) participating in BEREC and BEREC's own Working Groups and the European institutions (Article 21.1 Regulation (EU) 2018/1971). Third parties and stakeholders are also invited to participate by means of the annual meeting with stakeholders and the public consultation on the draft Work Programme. Specifically, BEREC organizes an annual forum with stakeholders ('Stakeholder Forum') with the aim to enhance transparency and collect the interested parties' views on BEREC's current and future work and, in particular, for the elaboration of the work programmes. The Stakeholder Forum will be held on Tuesday 26 March 2024. The public consultation of the Draft Work Programme 2025 will be launched soon after the third BEREC Board of Regulators meeting in October 2024. The final BEREC Work Programme 2025 will be adopted at the fourth BEREC Board of Regulators meeting in December 2024, after the submissions to the public consultation have been considered.

Finally, BEREC is mindful that there is a potential confluence of policy and legislative initiatives, which may require BEREC to amend this outline Work Programme for 2025

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<sup>5</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)

<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R2120>

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0612&qid=1699465943801>

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R1925>

<sup>9</sup> <https://www.berec.europa.eu/en/document-categories/berec/berec-strategies-and-work-programmes/berec-strategy-2021-2025>

<sup>10</sup> Document BoR (23) 210 <https://www.berec.europa.eu/en/document-categories/berec/berec-strategies-and-work-programmes/berec-work-programme-2024>

<sup>11</sup> Ibid. See also Section IV on Potential work for 2025 and beyond

accordingly. In addition, the next European elections taking place in mid-2024 will bring new priorities for the EU, including for electronic communications and digital services and infrastructures, as well as for the international cooperation and relations with third countries. Amongst the potential policy and legislative initiatives are:

- The evaluation by the EU Commission, in compliance with the EU Commission's guidelines to assess BEREC's and the BEREC Office's performance in relation to their objectives, mandate, tasks, and location and report on the findings to European Parliament, the Council and the Management Board by 21 December 2023 in accordance with Article 48 Regulation (EU) 2018/1971.<sup>12</sup>
- In February 2023 the European Commission published an exploratory consultation on the future of the electronic communications sector and its infrastructure. The aim of the exploratory consultation was to gather data and views on the technological and market developments, measures regarding fairness for consumers, barriers to the Single Market and the question regarding a fair contribution by all digital players benefitting from the digital transformation. On 10 October 2023, the EU Commission published a Summary Report on the results of the exploratory consultation and the key takeaways, highlighting that *"The results of this exploratory consultation gave us a direction on where to dig deeper and engage in a thorough reflection on how to unleash the Single Market for digital networks and make our connectivity more secure and future-proof."* The accompanying press release<sup>13</sup> stated that the views of respondents were not conclusive in relation to the issues of fairness to consumers and the fair contribution by all digital players. As a next step in December 2023, the EU Commission indicated an intention to develop a White Paper outlining a long term vision and potential policy actions to encourage investments in digital infrastructure.<sup>14</sup> Further, the EU Commission Work Programme 2024 also sets out that *"Following the recent exploratory consultation, the Commission will prepare the ground for possible policy and regulatory actions regarding Digital Networks and infrastructure, notably to facilitate cross-border infrastructure operators in the Single Market, accelerate deployment of technologies and attract more capital into networks"*<sup>15</sup>
- By 21 December 2025 and every five years thereafter, the Commission shall review the functioning of the EECC and report to the European Parliament and to the Council. While BEREC has commenced work that will be relevant to this review, it is unclear how this required review might interplay with any policy or legislative initiative that might emanate from the exploratory consultation on the future of the electronic communications sector and its infrastructure.

BEREC will respond accordingly to any such developments that might arise and require consideration for inclusion in the Work Programme 2025.

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<sup>12</sup> At the time of writing, the findings of the EU Commission evaluation have yet to be reported on and made public. Nevertheless, BEREC has published its input to the EU Commission on the functioning of BEREC and the BEREC Office. BEREC considers that its input is a most valuable / helpful contribution to define BEREC's path. Please see here for more information <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-input-to-the-european-commission-on-the-functioning-of-berec-and-the-berec-office-in-view-of-the-evaluation-under-article-48-of-the-berec-regulation> - September 2023.

<sup>13</sup> <https://digital-strategy.ec.europa.eu/en/news/consultation-electronic-communications-highlights-need-reliable-and-resilient-connectivity>

<sup>14</sup> <https://digital-strategy.ec.europa.eu/en/news/commissioner-breton-calls-more-private-investment-connectivity-infrastructure>

<sup>15</sup> [https://commission.europa.eu/system/files/2023-10/COM\\_2023\\_638\\_1\\_EN.pdf](https://commission.europa.eu/system/files/2023-10/COM_2023_638_1_EN.pdf)

### III. BEREC WORK IN 2025

BEREC will execute its work streams around the four strategic objectives of the EECC and in doing so BEREC will take into consideration the high-level strategic priorities for the period 2021-2025 that will be identified as most relevant for meeting the strategic objectives, as well as the institutional and international cooperation.

In addition, considering that digital transformation in telecommunications networks and services poses new challenges to the current roles and mandates of the NRAs and to which regulators need to adapt (e.g. technological and market developments, sustainability, cybersecurity), BEREC will continue to include in the BEREC Work Programme items on emerging challenges and issues beyond the traditional scope of the telecommunications regulation. In so doing, BEREC will not only have regard to the three strategic priorities set out in BEREC's Strategy 2021-2025 but also to the preparatory work foreseen in Work Programme 2024 on developing BEREC Strategies 2026-2030: Mid-term strategy, International and Institutional.<sup>16</sup>

#### 1. High-level strategic priorities

The high-level BEREC 2021-2025 strategic priorities are based on the market developments and on the expected evolution of the European regulatory and political framework and refer to areas of interest that BEREC should cover under one or several of the strategic objectives of the EECC.

In addition, Europe's Digital Decade as well as the role that BEREC plays in the High-Level Group (HLG) to ensure the coherent implementation of the DMA, will be considered when formulating future BEREC work programmes.

BEREC will pursue working on its contribution to ICT-related goals provided by the Green Deal and the United Nation's Agenda 2030 by adding, where appropriate, environmental dimensions to workstreams as well as identifying how BEREC can continue to contribute to the achievement of the sustainable development goals as an organization.

BEREC will also continue its work planning having regard to future trends and technological innovations, such as virtualization and cloudification, internet-based platforms and services, AI, AR/VR, 6G or metaverses and other technologies might influence electronic communications markets and potentially impact on regulation as well as on end users.

#### Strategic priority 1: Promoting full connectivity

Promoting connectivity and access to electronic communication networks will be a strategic priority for BEREC in the years 2021 - 2025. This implies prioritizing work that improves the conditions for the expansion and take-up of secure, resilient, competitive, and reliable very high-capacity networks (both land and undersea, fixed, and wireless) across Europe.

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<sup>16</sup> Ibid footnote 10. In particular, please see Chapter 5 of the BEREC Work Programme 20204 on BEREC strategies beyond 2025.

## Strategic priority 2: Supporting sustainable and open digital markets

Under this priority, BEREC will prioritize work that relates to the functioning and sustainability of the digital markets. This implies focusing on issues that explore regulatory conditions and address issues for digital service providers and end-users in the digital market. Based on its experience, BEREC will continue to contribute to the implementation of the DMA within the High-Level Group. With the recent adoption of the Data Act (DA), several BEREC members may be designated as the national competent authority responsible for the application and enforcement of (some chapters of) this legislation. BEREC's insights could also be valuable for the preparation of the implementing and delegated acts that the European Commission is required to adopt under this regulation. BEREC will also be following the developments regarding the Artificial Intelligence Act, with a view to providing relevant input to EU institutions. In addition, BEREC will further contribute to the assessment of the Commission regarding how to both measure and reduce the carbon footprint of providing digital and electronic communications services from a sustainability perspective.

## Strategic priority 3: Empowering End-users

Promoting the interests of consumers in the fast-evolving digital ecosystem will require strong consumer protection rules, consumer transparency and digital skills.

BEREC will continue to prioritise work that empowers end-users to make better informed choices in relation to digital services, including sustainability aspects of the provision of such services. BEREC will also further support building trust in ICT.

This strategic priority relies on a regular dialogue with consumer, civil society representatives and relevant stakeholders.

## 2. Cooperation with EU institutions and institutional groups

### Institutional cooperation

Since 2020, BEREC has collaborated and had dialogue with many European institutions, regulatory cooperation platforms, and expert bodies operating both in adjacent and different economic sectors. This has resulted in rich information sharing exchanges, for the benefit of BEREC and its stakeholders.<sup>17</sup>

In addition, in 2021, BEREC published its Medium-Term Strategy (MTS) for relations with other institutions 2022-2025<sup>18</sup>, which seeks to identify those institutional relationships, that are most beneficial to the attainment of BEREC's priorities and fulfilment of its work programme, in line with BEREC's resources. Additionally, the MTS helps to meet the legal provisions in article 35(3) of the BEREC Regulation, which requires BEREC to adopt a strategy for relations with institutional entities in the annual work programme.

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<sup>17</sup> For example, BEREC and RSPG adopted a joint position on EMF issues in 2020 ([here](#)) and BEREC has maintained information about different levels of cooperation between national competent bodies for EMF and on national policies on monitoring, communicating and implementing EMF-related issues ([here](#)).

<sup>18</sup> BoR (20) 108 <https://www.berec.europa.eu/en/document-categories/berec/berec-strategies-and-work-programmes/berecs-medium-term-strategy-for-relations-with-other-institutions-2022-2025>



This MTS recognises the importance of prioritising collaboration with RSPG in the Peer Review Forum and on matters of mutual interest. Cybersecurity is another thematic area that BEREC has identified as key to reach its strategic objectives, thus the MTS identifies the European Union Agency for Cybersecurity (ENISA), as one of the EU institutions with whom it should continue collaborating. BEREC will also seek to collaborate with the European Regulators Group for Audio-visual Media Services (ERGA), the European Regulators Group for Postal Services (ERGP), the European Data Protection Board (EDPB) the European Competition Networks (ECN), and Consumer Protection Cooperation Network (CPC) on matters related to the function of the digital markets in line with Strategic Priority 2 of the BEREC strategy 2021-2025. The MTS also recognises the importance of collaborating with entities who are competent in matters related to sustainability, QoS/QoE, Infrastructure Sharing, and Standardisation, in accordance with Article 39 of the EECC.

BEREC will continue to be open to information-sharing with all the institutional entities, identifying thematic areas and relevant entities with whom it can have a more intensive relationship according to its Medium-Term Strategy for relations with other institutions 2022-2025.

### **International cooperation**

The increasing volume of electronic communications between the EU and the rest of the world shows the global nature of such services and means that policies, legislation, and regulation must be seen from a more global perspective. BEREC benefits from the cooperation with NRAs and with international regulator networks, policymakers and institutions involved in communications matters based beyond the EU identified in the Medium-Term Strategy (MTS) for International Cooperation 2022-2025<sup>19</sup>. The MTS for International Cooperation seeks to identify those international relationships, which are most beneficial to the attainment of BEREC's priorities and fulfilment of its work programme, in line with BEREC's resources and to help meet the legal provisions in article 35(3) of the BEREC Regulation, which require BEREC to adopt a strategy for relations with international entities in the annual work programme.

BEREC will continue to engage in a dialogue with NRAs based outside the EU, as well as with international regulatory networks, policy makers and institutions in the field of electronic communications and digital services. These activities will be based on its Medium-Term Strategy. In accordance with Article 3(3) and Article 8(1) of Regulation EU 2018/1971, and recitals 5, 13 and 22 thereof, BEREC is to provide expertise and to act independently.

BEREC international activities complement the policies of the European Union both in terms of the subjects of cooperation and the priority regions to cooperate with.

In 2025, BEREC will continue to develop and strengthen its ties with regulatory authorities such as the FCC, TRAI, CRTC<sup>20</sup> and with regional regulatory networks (such as ARCTEL,

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<sup>19</sup> <https://www.berec.europa.eu/en/document-categories/berec/berec-strategies-and-work-programmes/berecs-medium-term-strategy-for-international-cooperation-for-the-period-2022-2025>

<sup>20</sup> FCC (Federal Communications Commission, USA), TRAI (Telecom Regulatory Authority of India), CRTC (Canadian Radio-television and Telecommunications Commission)



EMERG, EaPeReg, and Regulatel)<sup>21</sup>, in accordance with the BEREC Regulation and in cooperation with the EU external action services.

### 3. BEREC tasks under the EU legislation

There is also a significant number of tasks that BEREC carries out and follows up on an ongoing basis, described hereunder, under the following headings:

- The European Electronic Communications Code (EECC);
- Open Internet<sup>22</sup>;
- Roaming and intra-EEA communications;
- The Digital Markets Act (DMA);

#### 3.1 EECC

##### ***Ad hoc* input to the EU/NRAs**

BEREC will remain available to provide ad hoc input on request to the EU institutions (EC, Parliament, and Council), particularly during the implementation of new legislation. BEREC will also be the forum for its member NRAs to discuss newly emerging questions and issues.

##### **BEREC Opinions under Article 32/33**

BEREC will continue to issue opinions concerning new Phase II cases when they arise based on the expertise of the market analysis of its NRAs. The aim is to achieve a high degree of consistency regarding measures imposed by NRAs to contribute to the development of the internal market for electronic communications.

##### **Peer review process**

According to the EECC (Article 35), when an NRA and/or competent authority intends to undertake a selection procedure in relation to radio spectrum bands for which technical conditions have been harmonised in order to enable their use for wireless broadband electronic communications networks and services, it shall inform the RSPG about any such draft measures and indicate whether and when it will request the RSPG to convene a Peer Review Forum. The Peer Review forum shall be open to experts from BEREC.

##### **Monitoring of the termination rates for mobile and fixed voice calls**

Article 75(3) EECC requires NRAs to report annually to the Commission and to BEREC in relation to the implementation of the Delegated Regulation (EU) 2021/654 setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate. BEREC could be involved in preliminary work on the review of the

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<sup>21</sup> ARCTEL (Association of Communications Regulators from Portuguese-speaking countries), EMERG (European Mediterranean Regulators Group), EaPeReg (Eastern Partnership of Regulators for Electronic Communications Networks and Services), and Regulatel (Latin American Forum of Telecommunications Regulators).

<sup>22</sup> BoR (22) 81 <https://www.berec.europa.eu/en/document-categories/berec/regulatory-best-practices/guidelines/berec-guidelines-on-the-implementation-of-the-open-internet-regulation-0>

Delegated act relating to Article 75 of the EECC on the termination rates for mobile and fixed voice calls.

### **Update of criterion three of the BEREC Guidelines on very high-capacity networks**

According to Article 82 of the EECC, BEREC has to update the BEREC Guidelines on very high-capacity networks (VHCN) by 2025. BEREC published the first version of these Guidelines in October 2020 (BoR (20) 165)<sup>23</sup>.

Essentially, the 2020 Guidelines provide guidance to NRAs on the criteria that a network must fulfil in order to be considered a VHCN, in particular in terms of down-and-uplink bandwidth, resilience, error-related parameters, and latency and its variation. Furthermore, the EECC sets out the first and second criteria (referred to as criterion one and criterion two) to be any network providing a fixed-line connection with a fibre rollout at least up to the multi-dwelling building (criterion one) or any network providing a wireless connection with a fibre rollout up to the base station (criterion two). Criterion three and four are elaborated on by BEREC in terms of specific performance thresholds again for both fixed and wireless network topologies.

As set out in the BEREC Work Programmes 2022 and 2023, BEREC updated criterion four (i.e. wireless performance thresholds) of these Guidelines in October 2023 (BoR (23) 164)<sup>24</sup> to take account of the developments of the performance thresholds resulting from 5G mobile technologies.

The present proposal for Work Programme 2025, is that BEREC will update criterion three (fixed performance thresholds) of these Guidelines in 2025, observing that the work will start in 2024. To be clear, criterion one and two, which are set out in the EECC do not need to be updated as they do not depend on technological developments.

## **3.2 Open internet**

### **Implementation of the Open Internet (OI) Regulation and the BEREC Open Internet Guidelines**

Regulation (EU) 2015/2120 (the 'Open Internet Regulation (OIR)') prescribes, among other things, that NRAs should 'closely monitor and ensure compliance' with the OIR and should 'publish reports on an annual basis regarding their monitoring and findings'.

Since 2017, BEREC has been publishing an annual report on the implementation of OIR and the Open Internet WG has provided a forum for discussion of national cases and questions to ensure a predictable and consistent application of the OIR.

In the 2025 work stream, BEREC will monitor the implementation of the open internet provisions among NRAs for the period 1 May 2024 to 30 April 2025. BEREC will collect the annual national Open Internet reports and the responses to an internal questionnaire to prepare the annual European-level Open Internet report.

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<sup>23</sup> BoR (20) 165 <https://www.berec.europa.eu/en/document-categories/berec/regulatory-best-practices/guidelines/berec-guidelines-on-very-high-capacity-networks>

<sup>24</sup> BoR (23) 164 <https://www.berec.europa.eu/en/document-categories/berec/regulatory-best-practices/guidelines/berec-guidelines-on-very-high-capacity-networks-2023>

To support the NRAs' obligation to 'closely monitor and ensure compliance' with the Regulation, a forum will be held to discuss questions relating to the consistent application of the OIR on an informal basis. The sharing of experience and exchange of important decisions in national cases is essential to foster a consistent application of the OIR throughout Europe in light of evolving markets and technologies. In addition to discussing the national cases, the forum covers the sharing of information on relevant market deployments.

When appropriate, the work stream may also include questionnaires, surveys, workshops, etc. to collect information on topics of particular relevance to the open Internet and to monitor emerging trends, as the market continues to develop and contribute to the work of other Working Groups related to Internet evolution. This work stream should build on experience from previous years.

### **3.3 Roaming and intra-EEA communications**

#### **International Roaming benchmark data and monitoring report**

Article 21 of the Roaming Regulation establishes a yearly obligation for BEREC to collect data and provide report for the European Commission, on the basis of the collected data, on the evolution of pricing and consumption patterns in the Member States, both for domestic and roaming services, the evolution of actual wholesale roaming rates for balanced and unbalanced traffic and the relationship between retail prices, wholesale charges and wholesale costs for roaming services. During 2024, BEREC will launch the relevant data collection at the end of September 2024. The information that will be received from operators will be used for the preparation of the comprehensive yearly BEREC Roaming data report which will be published after Plenary 1 2025.

#### **Intra-EU communications Benchmark Report**

According to Article 5a (6) of the Regulation (EU) 2015/2020 as amended by Regulation (EU) 2018/1971, NRAs shall monitor the price developments of regulated intra-EU communications services. For this purpose, BEREC provides a template to contribute to a harmonised data collection in the EU/EEA. NRAs are therefore collecting data from both fixed and mobile operators on a yearly basis and will submit the data to BEREC. BEREC is mindful that the legislative provisions that impose a retail price cap on Intra-EU voice calls and SMS is due expire in May 2024 and so this project may not be required or may require different data to be gathered. In 2025 BEREC will, if required, publish the 6th Benchmark Report on the findings, based on data collection.

#### **The Digital Markets Act (DMA)**

As a part of a dedicated High-Level Group created under the DMA<sup>25</sup>, BEREC continues to assist the European Commission by means of advice, expertise and recommendations relating to the implementation, evolution, and enforcement of the DMA.

In addition, BEREC is at European Commission's disposal advising on matters related to the interoperability obligation for number independent interpersonal communication services (NI-ICS) imposed on gatekeepers pursuant to Article 7 of the DMA, as well as any other issue in

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<sup>25</sup> Article 40 DMA

relation to electronic communication services or where BEREC experience can be valuable. In the context of the interoperability obligations for NI-ICS, BEREC is assigned an important role as a body that may be consulted<sup>26</sup> by the European Commission to determine whether the technical details and the general terms and conditions published in the reference offer that the gatekeeper intends to implement or has implemented ensures compliance with the abovementioned obligation.

Furthermore, BEREC continues to monitor and analyse the developments in the digital markets and the impact and effects of the practices implemented by large online platforms. Such monitoring exercises may translate into different types of BEREC deliverables (opinions, workshops, etc.).

#### **4. Quality and efficiency**

An important role of BEREC is the establishment of best practices and share learnings among its members. BEREC carries out a number of tasks to increase quality and efficiency in regulation in Europe.

##### **Article 32/33 Phase II process**

Since 2014, BEREC has undertaken an annual analysis of Article 32/33 EECC Phase II cases, aimed at gaining a better understanding of both the procedural and substantive aspects of these cases to inform BEREC's members. In 2015, a comprehensive database of Phase II cases was developed, including the main elements of the cases, in particular the reasoning put forward by the EC, the analyses in the BEREC Opinions, and the final outcomes of the cases.

BEREC will continue to add new Phase II cases to this database as and when they arise. The objective is that the database can be consulted by BEREC members, in particular experts of Phase II cases, both for referencing a particular case and to analyse key themes amongst the cases over time.

##### **WACC parameters' calculation according to the EC Notice**

Following the Commission's Notice on the WACC of 7 November 2019, BEREC's task is to calculate various parameters of the WACC formula according to the methodology laid down in the EU WACC Notice. BEREC in close collaboration with the EC will identify a peer group of EU SMP operators for the calculation of some of these parameters.

In order for NRAs to be able to take the parameters into account when calculating the WACC for the national markets BEREC will calculate the parameters until 30 June at the latest.

##### **Report on regulatory accounting in practice**

The Regulatory Accounting in practice Report will provide an up-to-date factual overview of the regulatory accounting frameworks used in Europe and an assessment of the level of consistency achieved by NRAs. The Report is prepared annually and updates the previous versions published since 2005. In 2024, emphasis will continue to be placed on consistency in regulatory accounting with respect to key access products (including e.g., fibre) and will

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<sup>26</sup> Recital 64 DMA

seek to maintain the detail and the in-depth analysis of the methods covered to identify commonalities and reasons for differences. The Report will continue to collect data on the methodology and input parameters used to calculate the rate of return on capital employed and look into the impact of both on the result.

### **Collaboration on the Internet access service measurement tools**

In 2025 and beyond, BEREC will continue to work towards a harmonised measurement framework and to support NRAs in their national measurement tool deployments.

BEREC will continue to provide a forum for NRAs to share information and exchange experiences and best practices related to development and deployment of national net neutrality measurement tools, taking also into account the support by new technologies. This workstream will also consider how to maximise the benefits of existing NRA cooperation in this area and to support the migration of interested NRAs towards a harmonised measurement tool by working together to improve the measurements and by sharing codes or components.

## **5. Communication and engagement**

BEREC will continue to engage with stakeholders, with the goal of focusing its work on issues that are relevant to them, through communications, planning and reporting activities. Therefore, the Outline Work Programme 2025 envisages documents and an event aimed at contributing to BEREC's objectives.

### **BEREC Communications Plan 2025**

The BEREC Communications Plan sets out the communications activities that are planned for the particular year. The objective is to strengthen the perception of BEREC as an impartial, independent, European, forward-looking expert body and to support the BEREC overall strategic objectives – including promoting full connectivity, supporting sustainable and open digital markets and empowering end-users. The plan complements the BEREC External Communications Strategy, which sets out the overall approach of BEREC communications.

Typically, the plan includes several communications deliverables that support and promote specific workstreams in the BEREC Work Programme 2025. They may include promotional and educational campaigns on social media, development of communications kits with production of audio-visual and digital content, information updates to the website, organisation of events, and promoting fruitful media relations. As part of the ongoing external communications, the deliverables are linked to regular BEREC events, such as public debriefings and annual Stakeholder Forum. In line with the objectives set out in the Communications Plan, BEREC will continue to communicate on the day-to-day activities of BEREC's work.

**BEREC's Communications Plan 2025 will be finalised for internal use in December 2024.**

### **Stakeholder Forum**

BEREC prioritises engagement with its stakeholders by applying an open-door policy and investing in solid collaboration. Every year BEREC organises its major annual public event – Stakeholder Forum to ensure a platform for stakeholders and BEREC to engage in a dialogue

on BEREC's future work. The conference also features "Meet & Greet" sessions, where stakeholders can have in-person meetings with the BEREC Working Group Co-chairs. The feedback received at the event complements the written inputs received during the first call for input and the public consultation for the BEREC Work Programme 2025.

## **BEREC Work Programme 2026**

The BEREC Regulation sets out a new process for developing the Work Programme. According to the Regulation, the Board of Regulators shall adopt the outline of its annual work programme by 31 January of the year preceding that to which the annual work programme relates. After consulting the European Parliament, the Council, and the Commission on their priorities, as well as consulting other interested parties, the Board of Regulators shall adopt the final annual work programme by 31 December of the same year. The Board of Regulators shall transmit the annual work programme to the European Parliament, the Council, and the Commission as soon as it is adopted. BEREC will provide a draft/provisional Work Programme outline by the end of January 2025, and then work through the year to finalise the Work Programme for 2026 by the end of the year.

## **BEREC Annual reports**

According to the BEREC Regulation, BEREC must provide its annual activity report to the European Parliament, the Council, the European Commission and the European Economic and Social Committee by 15 June of the year subsequent to the year reported on in the annual activity report. BEREC has to report annually on technical matters within its competence, in particular on the market developments in the electronic communications sector.

BEREC will continue to publish its annual report on its activities and an annual report on developments in the sector as part of a single document. Whereas the Annual Report on BEREC activities focuses on the outcome of the work of its Working Groups and ad-hoc teams based on the Work Programme, the Annual Report on developments in the electronic communications sector summarises BEREC's view on the past year as well as a perspective of future developments and challenges in the sector.

## **6. Projects brought forward from 2024**

This chapter contains items that are continuations or follow up projects of work started in previous years. In some cases, the second phase of a project is the finalization of a report after carefully considering the stakeholder input from a public consultation. More details about these projects are included in the BEREC Work Programme 2024 (BoR (23)210).

### **Report on the regulation of physical infrastructure access**

Together with the digital decade targets and the expectations concerning the quick and efficient deployment of Gigabit networks, physical infrastructure is gaining more and more in



relevance. Although the 2020 Recommendation<sup>27</sup> on relevant markets susceptible to *ex ante* regulation did not include a separate market for physical infrastructure access (PIA), the accompanying Explanatory Note<sup>28</sup> states that a separate market for PIA is particularly relevant in Member States, where one operator owns a physical infrastructure network, which is ubiquitous and suitable for the deployment of alternative fibre networks. The Explanatory Note also provides other examples where a PIA market identification would be appropriate, by contrast to a PIA remedy imposed in a related wholesale market. Therefore, BEREC plans to procure an in-depth review on the PIA regulation applicable in Europe given the high relevance of this topic.

Depending on the findings, BEREC may conclude with some recommendations. This report will also build on the previous work from 2019, when BEREC adopted on a wider note a Report on access to physical infrastructure in the context of market analysis<sup>29</sup>. BEREC will publish a draft report for public consultation at Plenary 4 (December), 2024 with the final report adopted at Plenary 2 (June), 2025 for publication.

### **Safety and security opportunities and challenges for networks resilience**

BEREC will expand its view and collect relevant NRAs experiences on network resilience in general, including challenges related to the climate change and adverse weather conditions. In addition, BEREC would further explore how the technological developments such as cloudification and softwarisation, 6G, quantum computing, Open RAN and use of AI based tools could impact the security of the networks and services in Europe, and how BEREC could contribute to mitigating the risks associated with such developments.

BEREC intends to hold an external workshop during Q4 2024 to discuss security challenges related to the technological developments, as well as changing climate conditions and a summary report of this workshop will be adopted at Plenary 1 (March), 2025.

### **BEREC Report on the evolution of private and public 5G networks in the Europe**

Newer generations of mobile technologies offer more flexibility towards applying technologies for specific user groups and use cases. Services provided over some public and private 5G networks complement each other, but in some cases, network differentiation is critical to deployment, and business success. Private 5G network use may have different or overlapping user groups and service requirements, for instance with regards to QoS, mobility, and roaming.

In the broader context also trends such as satellite communications, small cells, cloud-based infrastructure, spectrum-sharing and neutral hosting play a role. Therefore, private, and public 5G networks can have different elements for particular environments. BEREC intends to report on the drivers for, and requirements of, private networks as well as on the evolution of public networks aimed at meeting new user demands taking into account relevant RSPG

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<sup>27</sup>European Commission Recommendation of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation <https://ec.europa.eu/digital-single-market/en/news/commission-updated-recommendation-relevant-markets>

<sup>28</sup> Commission 2020 Recommendation - Staff Working Document /Explanatory Note (18.12.2020SWD(2020) 337 final) <https://digital-strategy.ec.europa.eu/en/news/commission-updated-recommendation-relevant-markets>

<sup>29</sup> Document BoR (19) 94 - <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-access-to-physical-infrastructure-in-the-context-of-market-analysis>



deliverables, if appropriate. To the extent that there are relevant 5G case studies to examine, relevant issues and interrelations between private and public 5G networks will be elaborated on by BEREC. The purpose will be to provide a factual overview on the extent of the use of private and public 5G networks in Europe.

BEREC will publish a draft report on the evolution of private and public 5G networks in Europe for public consultation at Plenary 3 (October) 2024 and the final report will be adopted at Plenary 1 (March) 2025.

### **BEREC contribution to the implementation of the Data Act**

BEREC has already been contributing to topics related to the Data Act by producing a variety of deliverables such as High-Level Opinion on the European Commission's proposal for a Data Act, a workshop on switching and interoperability of data processing services, a workshop on IoT, a report on cloud services and edge computing, an external study on the trends and policy/regulatory challenges of cloudification, virtualisation and softwarisation in telecommunications.

The Regulation requires the competent authority responsible for the application and enforcement of Articles 23 to 31 and Articles 34 and 35 to have experience in the field of electronic communications services. Several BEREC members may be designated as the national competent authority responsible for the application and enforcement of the Data Act's provisions on switching between data processing services and BEREC's insights could also be valuable for the preparation of the implementing and delegated acts that the European Commission is required to adopt under this regulation.

BEREC's contribution would be particularly relevant, for instance, in relation to switching between data processing services (such as cloud and edge services), the monitoring of switching charges, interoperability, or complaints handling, IoT and more generally concerning the impact of such services and the Data Act obligations on the telecommunications sector. The contribution could take different forms (opinions, workshops, knowledge-building, exchange of best practices, report, etc.)

BEREC will hold knowledge-building workshops among NRAs and with stakeholders in 2024 and will, at least, continue with a workshop with external experts and stakeholders in 2025.

### **Report on Infrastructure sharing as a lever for ECN/ECS environmental sustainability**

In its previous report "Assessing BEREC's potential limiting the impact of the digital sector on the environment", BEREC acknowledges that provisions on infrastructures sharing as foreseen by EECC could be used to support environmental targets allowing competent authorities to impose co-location and sharing of fixed and mobile network elements and associated facilities for reducing the environmental footprint of ECN/ECS. Furthermore, as set out in BEREC's Common Position on mobile infrastructure sharing, BoR (19) 110, sharing might also decrease energy consumption, thereby lowering the carbon footprint of the electronic communications sector and contributing to the fight against climate change.

The objective of this workstream is to review the practices in this area in EU Member States as well as the existing impact studies and to identify possible development prospects. BEREC will analyse the implementation of relevant EU provisions, especially Articles 44 and (if relevant) 61 of the EECC, in EU Member States, regarding co-location and sharing of

infrastructures based on or that includes environmental considerations. The main goal would be to gather BEREC member NRAs' feedback on the possibilities of how to weigh up identified benefits to the environmental impact from network sharing and/or take decisions motivated by the promotion of the protection of the environment.

BEREC will publish a draft report at Plenary 4 (December), 2024 for public consultation and the final report will be adopted at Plenary 2 (June), 2025.

### **Progress Report on managing copper network switch-off**

In Article 81, the EECC lays down rules for the migration from legacy infrastructure and the decommissioning of the copper-based access networks. According to these provisions, the SMP operators have to notify the NRA in advance and in a timely manner when they plan to decommission parts of the network. The NRA has to ensure that the decommissioning process includes a transparent timetable and conditions, including an appropriate notice period for transition, and the NRA also has to establish the availability of alternative products of at least comparable quality if necessary to safeguard competition and the rights of end-users. The NRAs also have to take into utmost account the European Commission Gigabit Connectivity Recommendation which also includes provisions for the decommissioning of the copper network.

In the EU, the FTTP coverage increased by approximately 4 % per year between 2013 and 2020 and in 2021 already reached 50%, in eight countries even more than 75%. Therefore, SMP operators increasingly want to decommission (parts of) their legacy copper-based access network.

Managing the copper network switch-off of SMP operators is an ongoing process and particularly important to safeguard competition and the rights of end-users.

The project will build upon previous examinations, the BEREC internal workshop on the migration to VHCN networks and copper switch-off with a focus on the needs of the end-users in September 2023<sup>30</sup>, the BEREC Report on a consistent approach to migration and copper switch-off published in 2022<sup>31</sup> and the BEREC internal workshop on migration from legacy infrastructures to fibre-based networks in 2019<sup>32</sup>.

BEREC will publish a draft report at Plenary 4 (December), 2024 for public consultation and the final report will be adopted at Plenary 2 (June), 2025.

### **BEREC Workshop on telecom regulator's role in the development and implementation of sustainability indicators in the ICT sector**

Previous work done by BEREC highlighted the need to identify the relevant indicators to monitor the environmental footprint and performance of ECNs/ECSs and to increase data availability and reliability in this area. Following its Report on sustainability indicators for

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<sup>30</sup> BoR (23) 205 <https://www.berec.europa.eu/en/document-categories/berec/reports/summary-report-on-the-outcome-of-a-berec-internal-workshop-on-the-migration-to-very-high-capacity-networks-and-copper-switch-off-with-a-focus-on-the-needs-of-the-end-users>

<sup>31</sup> BoR (22) 69 <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-a-consistent-approach-to-migration-and-copper-switch-off>

<sup>32</sup> BoR (19) 236 <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-summary-report-on-the-outcomes-of-the-internal-workshop-on-the-migration-from-legacy-infrastructures-to-fibre-based-networks>

ECN/ECS (BoR (23) 166)<sup>33</sup> published in 2023, BEREC wishes to continue contributing to the work on the implementation and collection of relevant and harmonised environmental indicators in the telecom sector. It also aims to support with its expertise the European Commission implementing the goal of increased environmental transparency for digital infrastructures especially ECN/ECS transparency measures set in its digital strategy “Shaping Europe’s Digital Future”. A relevant aspect on which BEREC seeks to contribute with this workstream is the European Commission elaborating a Code of Conduct on sustainability for telecommunications networks and services that should include a list of relevant environmental indicators in this frame.

Hence, BEREC will hold a workshop in 2024 with its member NRAs, the European Commission, relevant standardisation organisations and other relevant expert stakeholders to allow NRAs collecting environmental data to share their experience, to contribute to existing initiatives by other bodies especially from the European Commission and to identify levers for telecom regulators to be able to further contribute to the implementation of standardised and reliable sustainability indicators in the sector.

The workshop to be held in Q3 2024 and BEREC will adopt a summary report of the workshop at Plenary 1 (March), 2025.

## **BEREC Strategies beyond 2025**

BEREC current strategy covers the period 2021 – 2025 and sets the guiding lines of BEREC’s activities and serves to organize and prioritize BEREC’s work toward clearly defined objectives.

Complementing the overarching strategies, in 2021 BEREC published a Medium-Term Strategy for relations with other institutions (2022-2025) and a Medium-Term Strategy for International Cooperation (2022-2025). As mandated by Article 35(3) of the BEREC Regulation, BEREC’s strategies for relations with competent Union bodies, offices, agencies, and advisory groups, with competent authorities of third countries and with international organisations concerning matters for which BEREC is competent are reflected as well in BEREC’s annual work programme.

In 2024, BEREC will start the review the three strategies to set its objectives for the period 2026-2030 in view of the latest and expected relevant market, technological and regulatory developments during the next five years. For the first time, the strategies will be merged in a single document. This approach will allow benefiting from synergies and the highest coherence in all dimensions of BEREC’s works.

The European Commission’s assessment of BEREC’s performance to be issued by December 2023 as well as the priorities set by the new Commission, which is due to take office in late 2024 will provide valuable input to BEREC’s deliberations on a new strategy.

The draft strategy will be adopted at Plenary 1 (March) 2025 for public consultation and will be adopted at Plenary 3 (October) 2025.

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<sup>33</sup> BoR (23) 166 <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-sustainability-indicators-for-electronic-communications-networks-and-services>

## Roaming Regulation Report

Article 21(1) provides for the review procedure of the Roaming Regulation. The Commission shall, after consulting BEREC, submit, by 30 June 2025, the first assessment report on the functioning of the Roaming Regulation to the European Parliament and to the Council, followed, if appropriate, by a legislative proposal to amend this Regulation. BEREC intends to provide its opinion to the Commission considering the assessment criteria required by this Article. Data that BEREC has collected until the time of the preparation of the report will be used for BEREC's analysis. BEREC will start preparing this analysis during 2024 and while the delivery date of the final report is uncertain it will certainly be earlier than 31 May 2025.

## 7. Potential work for 2025 and beyond

In addition to the items described above, the items in this section will be considered for the Work Programme 2025 and beyond in future work programmes as candidates for preparing BEREC reports, opinions or analysis or organizing workshops. The list of items mentioned below are illustrative and is not intended to be an exhaustive or final list. BEREC will also consider other new workstreams for 2025, including those that will be brought forward by stakeholders in the different consultation phases. The list of project deliverables will be defined during the preparation of the 2025 work programme over the course of 2024.

### Further work on cybersecurity

In its Joint communication to the European Parliament and the Council on the EU's Cybersecurity Strategy for the Digital Decade<sup>34</sup>, the European Commission set out three key objectives for the next steps on the cybersecurity of 5G networks.

The exchange of information and best practices on the 5G Toolbox strategic measures related to suppliers is one of the areas of the first key objective to ensure convergent national approaches for effective risk mitigation across the EU. Continuous knowledge building and cooperation with stakeholders are amongst the areas of the second key objective. The third key objective is to promote supply chain resilience.

In addition, in March 2022 European governments drafted a declaration to reinforce the EU's cybersecurity capacities, including establishing a new fund and increasing EU funding to support national efforts. This joint call was adopted at an informal meeting of telecommunications ministers organised by the French Presidency in Nevers, France.

Following the "Nevers Call", the NIS Cooperation Group conducted a risk assessment which will lead to a number of recommendations for Member States, the European Commission, ENISA, and BEREC, to mitigate the risks that have been identified.

BEREC will provide mainly a supporting role, which will be agreed with the cooperating stakeholders (European Commission, NIS Cooperation Group and ENISA) in relation to some of the identified recommendations from the Nevers Call as well as the assisting to achieve the three key objectives for the next steps on the cybersecurity of 5G networks.

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<sup>34</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=JOIN:2020:18:FIN>

## Review of the BEREC Guidelines on Symmetric Access Obligations

These guidelines provide guidance to the NRAs on criteria to determine key aspects for the application of the extended and amended provision on symmetric access regulation according to Article 61(3) EEC. BEREC published these Guidelines in 2020 (BoR (20) 225)<sup>35</sup>. According to paragraph 11 of the published Guidelines, BEREC committed to report on the practical application of these guidelines in accordance with Art. 4 (1)(j)(i) of the BEREC regulation and to provide input to an assessment of the need to revise the guidelines within five years after the adoption of the guidelines.

## Review of the BEREC Guidelines on Co-Investment Criteria

The Guidelines contribute to the consistent application by NRAs of the conditions which co-investment offers must comply with when commitments associated with those offers are being assessed by the NRAs in the context of Article 76 of the EEC. BEREC published these Guidelines in 2020<sup>36</sup>.

According to Article 3 of the Guidelines, BEREC committed to report on the practical application of these guidelines in accordance with Article 4 (1) (j) of the BEREC Regulation and to provide input to an assessment of the need to revise the guidelines within five years after the adoption of the Guidelines. In 2024, BEREC plans to organize two workshops on ex ante regulatory experience concerning commitments, wholesale-only undertakings, and commercial agreements. BEREC's further work on the possible revision of the Guidelines could be based on the outcome of these workshops.

## Business services assessment in the context of market analysis

This activity could encompass the completion of a fact-finding report intended to provide insights into interesting cases that NRAs may have faced when reviewing the business services-related markets, namely any of the wholesale markets (1/2020, 2/2020, 3b/2014, the physical infrastructure market) and/or symmetric regulation, with impact on the business retail segment. These cases could cover a wide array of specific topics stemming from the *ex-ante* market reviews notified to the European Commission or from common issues or difficulties raised by NRAs. In particular, there may be interest in issues, such as the relationship between the product definition (especially in the case of mass-market products used for business purposes) with the particular SLAs/SLGs, the interplay between the multi-site demand for these services and regulation, including in terms of switching behaviour, geographic segmentation or differentiation of remedies or even follow-up work on the consequences of deregulation of the businesses market on competition, based on the permanent monitoring of markets.

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<sup>35</sup> BoR(20) 106 <https://www.berec.europa.eu/en/document-categories/berec/regulatory-best-practices/guidelines/berec-guidelines-on-the-criteria-for-a-consistent-application-of-article-61-3-eec>

<sup>36</sup> BoR (20) 232 <https://www.berec.europa.eu/en/document-categories/berec/regulatory-best-practices/guidelines/berec-guidelines-to-foster-the-consistent-application-of-the-conditions-and-criteria-for-assessing-new-very-high-capacity-network-elements-article-76-1-and-annex-iv-eec>

BEREC could build upon the work done in 2022 and 2023 on the regulatory treatment of business services<sup>37</sup>.

### **Situation of European telecoms market compared to other relevant jurisdictions**

The report would seek to compile data on the situation in different jurisdictions in relation to key telecom markets, companies, and consumers. Elements of such a comparison could include, on the one hand, the degree of concentration and competition in the different markets and investment in VHCN, but also company ownership (covering the entry of investment firms as shareholders), market capitalisation or profits. On the other hand, at the level of consumers, it could include, where possible, the evolution of the coverage they enjoy, as well as the prices and quality of the services available.

Such a report could shed light on the current state of telecom markets in the EU and provide insight on any drivers or inhibitors for future cross-border M&A

### **Universal services review**

In view of the review of the scope of the universal services, pursuant to Article 122 of the EECC, the Commission must carry out by 21 December 2025, and every five years thereafter this review in light of social, economic, and technological developments.

The review should also take into account, inter alia, mobility and data rates in light of the prevailing technologies used by the majority of end-users in particular with a view to proposing to the European Parliament and to the Council that the scope be changed or redefined.

BEREC intends to assist the European Commission in the review process by providing all necessary information, collect relevant data from Member States and provide opinion on relevant aspects of the report.

### **Report on best practices for ensuring equivalence of access and choice with respect to accessibility**

This proposed report builds on the work done by BEREC in 2015, 2017, and more recently in 2022, resulting in the BEREC Report on measures on equivalent access and choice for disabled end-users.<sup>38</sup> This report collated information from NRAs for the purposes of compiling an inventory of measures and initiatives that NRAs have in place to ensure equivalence of access.

This benchmarking report would identify the solutions in place throughout the Member States to meet the accessibility requirements established in the EECC and in the European Accessibility Act, which comes into force on 28 June 2025.

In addition to seeking information from NRAs and, in order to ensure that the report takes a strategic view of measures taken, BEREC may also seek input from key stakeholders regarding any measures provided independently from those prescribed by the NRAs under

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<sup>37</sup> BoR (23) 89 <https://www.berec.europa.eu/en/document-categories/berec/reports/bor-23-89-berec-report-on-the-regulatory-treatment-of-business-services> Opdf

BoR (22) 184 <https://www.berec.europa.eu/en/document-categories/berec/others/external-study-on-communication-services-for-businesses-in-europe-status-quo-and-future-trends>

<sup>38</sup> BoR (22) 172 <https://www.berec.europa.eu/en/document-categories/berec/reports/report-on-measures-for-ensuring-equivalence-of-access-and-choice-for-disabled-end-users>



other relevant consumer legislation. This should provide insights on Member States' readiness regarding the implementation of the European Accessibility Act. The role of NRAs in ensuring the accessibility requirements in electronic communications will also be elaborated.

The work to compile this report would commence in 2025 and may include a workshop. The project would then be carried over to 2026, for finalisation.

## **Report on IoT/6G**

In 2016, BEREC prepared a Report on Enabling the Internet of Things (IoT) (BoR (16) 39)<sup>39</sup>. In this Report, BEREC assessed the state of play on IoT services in terms of sustainable competition, interoperability of electronic communications services and consumer benefits.

In January 2022, the European Commission published a report on the findings of its competition sector inquiry into the consumer Internet of Things (IoT). The report identified potential competition concerns in the rapidly growing markets for IoT related products and services in the EU. According to the European Commission this is a market with high barriers to entry, few vertically integrated players and concerns about access to data, interoperability, or exclusivity practices amongst others. On the basis of these findings, the European Commission may undertake enforcement and regulatory activity in the future.

In 2023, BEREC organised a workshop with the twofold purpose of reviewing the state of play of IoT services and discussing emerging regulatory/competition challenges for IoT services in view of 5G and 6G.

Given that IoT services could experience significant developments thanks to technologies such as 6G and MEC, a review of the IoT report could be suitable in the future.

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

This project builds on the work done by BEREC in 2018 resulting in a report that collated information from NRAs on the approaches to switching across different communications services (BoR (19) 27)<sup>40</sup>.

The report now proposed here will analyse the different aspects that affect switching providers, considering number portability procedures, but also identifying other matters that facilitate or hinder switching.

The report will focus on the national implementation of the measures provided for by Article 106 of the EEC and, among other things, will cover issues related to the details and the timing of the switching and porting processes, porting-failures and switching processes for bundles, and it could also provide information for subsequent Article 123 opinions in respect to the End User Provisions.

## **Implementation of Equivalence of Inputs (Eoi) by NRAs**

Following suggestions from stakeholders received during the call for input regarding the Work Programme 2023, BEREC plans to look closer at the issue of Eoi implementation in the

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<sup>39</sup> BoR (16) 39 <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-enabling-the-internet-of-things> - February 2016.

<sup>40</sup> BoR (19) 27 <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-terminating-contracts-and-switching-provider>



relevant markets in 2025. This task is closely connected to the final shape and scope of the new Access Recommendation, which is still under consideration by the EU Commission.

### **Further work on ICTs sustainability**

In 2025 BEREC could continue further work on sustainability by collecting relevant data related to recently published Report on Sustainability Indicators for Electronic Communications Networks and Services<sup>41</sup> as well engaging in additional work on sustainability issues, taking into account the European Commission and other competent authorities' agenda on this matter.

### **BEREC's further engagement on DMA, DSA, and DA**

Given BEREC's strategic priority 2, supporting sustainable and open digital markets, based on its experience, BEREC will continue to contribute to the implementation of the DMA within the High-Level Group .

Furthermore, in 2024 BEREC has scheduled projects related to the implementation of Data Act and DSA, which may lead to follow-up or recurring projects.

### **Potential Roles for NRAs under the Artificial Intelligence Act (AIA) and the Gigabit Infrastructure Act (GIA)**

Trilogue negotiations between the EU co-legislators and the EU Commission are progressing with the intent that the AI Act is adopted before the next European Parliament elections take place in June 2024. As there will likely be a two-year implementation period, the Act will be enforced by 2025 or 2026. Some NRAs may be assigned responsibilities – even in a supporting role at national level - under the AIA, and, in a similar manner to the proposed project in BEREC WP 2024 to hold an internal BEREC workshop to discuss the implementation of the DSA, it may be beneficial to hold a workshop to allow NRAs to discuss the implementation of the AIA.

The GIA is also progressing through the legislative process and reports indicate a willingness to conclude matters before the end of the current Parliament's term in Q2 2024. If this were to transpire, the same necessity for BEREC to hold a workshop in 2025 to allow NRAs to exchange information and experiences may also arise with respect to the GIA.

### **Report on 2G/3G mobile technology phaseouts**

In 2025 BEREC could report on developments in the evolution of mobile technologies as regards the phaseout of 2G and 3G mobile technologies considering not only the practices and challenges identified by BEREC during 2023<sup>42</sup> but also the Opinion to be delivered by BEREC under Article 123 of EEC during 2024, and taking into account relevant RSPG deliverables, if appropriate.

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<sup>41</sup> BoR (23) 166 <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-sustainability-indicators-for-electronic-communications-networks-and-services>

<sup>42</sup> BoR (23) 204 <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-2g3g-phaseout-practices-and-challenges>