



GSMA response to BEREC draft Opinion on the national implementation and functioning of the general authorisation, and on their impact on the functioning of the internal market pursuant to Article 122, paragraph 3 EECC

26 July, 2024

The GSMA thanks BEREC for the opportunity to contribute to the stock-taking exercise of the functioning of the general authorisation as part of BEREC developing its opinion on the national implementation and impact on the functioning of the internal market.

We understand that most member states by now have a notification system in place with the NRAs being entrusted to manage the general authorisation scheme and that the general authorisation have contributed to lowering obstacles to market entry, promoting market transparency and/or consistency in notification requirements for ECN/S.

The GSMA agrees that a streamlined notification systems can reduce barriers to market entry and promote market transparency. With the technical evolution over the past decade with significant structural changes in the digital ecosystem and the emergence of several new types of players, offering equivalent, complementary or substituting products to those offered by telecoms operators, the questions arise whether the current system provide sufficient transparency of the market. Expanding the scope of the notification requirements under the general authorisation could be a way of ensuring future transparency in the market – both from a market point of view and also from the point of view of end user perception and end user rights.

We note that BEREC suggest such considerations should be reflected upon as part of the Commission's white paper initiatives which the GSMA strongly supports.

Finally, we want to underline that an efficient notification procedure under a general authorisation regime, in itself is only a minor piece in achieving the single market goal. The range of obligations that are applied often in a fragmented manner, at the local level (e.g., access to spectrum, number resources, consumer law) and non-sector specific obligations such as lawful intercept, play a much larger role for the achievement of the single market. We take the opportunity to refer to the GSMA's response¹ to the Commission's white paper on how to master Europe's digital infrastructure needs, in which the broader issue of harmonisation is covered in detail.

¹ <https://www.gsma.com/gsmaeurope/resources/the-gsma-responsds-to-the-european-commission-white-paper-how-to-master-europes-digital-infrastructure-needs/>