



ecta RESPONSE

TO THE PUBLIC CONSULTATION BY BEREC

ON THE

DRAFT BEREC WORK PROGRAMME 2026

BOR (25) 136

29 OCTOBER 2025

1. Introduction

1. **ecta**, the **european competitive telecommunications association**,¹ welcomes the opportunity to comment on the draft BEREC Work Programme, BoR (25) 136, which covers workstreams to be delivered by BEREC in 2026 (hereafter 'draft WP2026') and potential BEREC work for 2027 and beyond.
2. **ecta** appreciates that BEREC is offering stakeholders the possibility to contribute to refining the draft WP2026 prior to its final adoption.

2. Expected European Commission legislative proposals modifying the EU regulatory framework for electronic communications - ecta requests to BEREC

3. Expected modifications to the EU regulatory framework for electronic communications is the crucial topic for 2026. **ecta** values that the draft WP2026 addresses the upcoming 2026 legislative discussions on the evaluation of the European Electronic Communications Code (EECC) and the expected tabling of a European Commission legislative proposal for a Digital Networks Act (DNA).
4. Pro-active BEREC engagement, participating in discussions at all levels, providing expert and independent advice to the co-legislators and the European Commission (*as indicated on page 3, para 6 and page 7, para 3*), is of essential importance from **ecta**'s perspective. It is much appreciated that BEREC has appointed an extended mini board in this specific context.
5. This being stated, **ecta urges BEREC to dedicate a separate chapter of the Work Programme to BEREC's approach to expected proposals modifying the EU regulatory framework, and to confirm that it is keeping a well-resourced working group on call during the co-legislative procedure and related reviews of secondary regulation.**
6. BEREC's specific attention is also needed in the context of the scheduled **2026 review of the digital targets for 2030 contained in the Digital Decade Policy Programme (DDPP). Consideration of digital targets should be added to BEREC's draft WP2026.**
7. Considering BEREC's extensive responses to the European Commission's Call for Evidence on the DNA and to the public consultation on the revision of the Recommendation on Relevant Markets Susceptible to Ex-Ante Regulation, **ecta** urges BEREC to prepare a set of **crisp briefing notes for co-legislators, based on BEREC's responses.**
8. **ecta** thanks BEREC for the inclusion of *Section 1.2: Fact finding report on the competition indicators and regulatory highlights in different jurisdictions*. **ecta** insists that this **workstream must imperatively be accelerated**, to ensure that the finalised report will be available **during Q1 2026** in order to inform the expected co-legislative procedures on proposed modifications to the EECC and/or for a DNA, as well as the review of the DDPP.

¹ <https://www.ectaportal.com/about-ecta>

9. **Simplification** (*page 34, para 3*), **led by BEREC, not awaiting changes to legislation, is most welcome** in areas such as the conditions attached to the status of authorised operator, numbering rules, data collection and reporting, security and outage reporting, etc.) ecta explicitly welcomes BEREC's incoming 2026 chair's statements that called for a balanced approach to simplification in future regulation, cautioning that simplification does not mean deregulation as deregulation could harm competition in markets and reduce benefits to consumers².
10. Overall, ecta expects BEREC and NRAs to continue to focus, in the context of potential changes to the EU regulatory framework, on what is truly important to enable and improve competition at the network and service levels of electronic communications markets for business-to-consumer markets (B2C) and business-to-business markets (B2B), including business-to-business-to-consumer markets (B2B2C) and Internet of Things (IoT).

3. Key comments on the draft WP2026

11. ecta expresses its **explicit support for BEREC's draft WP2026**. In this response, ecta provides brief constructive suggestions for improvement of aspects of the WP2026, as well as remarks on substance where ecta considers that a comment on a work item is needed. This being stated, ecta refers to the comments made at the outset of this response, which emphasise ecta's view that BEREC needs focus work, and dedicate considerable resources in 2026, first and foremost with regard to addressing the European Commission's expected initiatives which are expected to aim at structural changes to the EU regulatory framework for electronic communications.
12. **ecta explicitly asks BEREC to place the promotion of competition at the centre of its considerations.** The role of BEREC should not be limited to analysing developments; **BEREC can and should actively encourage NRAs to take decisive action where competition is placed in peril.**
13. Many recent BEREC deliverables are descriptive in nature and do not result in tangible guidance or agreed common approaches shared by NRAs. **ecta reiterates its long-standing request to BEREC to adopt more Common Positions and issue more Best Practice documents.** Unfortunately, this remains mostly elusive in the draft WP2026. Please allow ecta to highlight that BEREC's mandate, as contained in Regulation (EU)2018/1971, concerns actions to be pursued towards the achievement of Article 3 EEC. The BEREC Regulation specifically includes, in Article 4 (1) (k):

"to issue recommendations and common positions, and disseminate regulatory best practices addressed to the NRAs in order to encourage the consistent and better implementation of the regulatory framework for electronic communications;"

² <https://www.berec.europa.eu/en/news/latest-news/incoming-berec-chair-highlights-key-challenges-and-future-priorities-for-the-telecoms-sector>

3.1. Strategic Priority: Promoting full connectivity and the Digital Single Market

14. **ecta** agrees with the work items identified by BEREC.
15. Section 1.1. Call for input on interfaces to mobile networks for developers and third-party services. **ecta** welcomes the inclusion of this work item. As regards the role of APIs, **ecta** has so far taken the position that API-based access is a welcome commercial development which can boost the creation of a healthy ecosystem, but it is quite separate from wholesale fixed and mobile network access as it is currently understood.
16. Section 1.2. Fact finding report on the competition indicators and regulatory highlights in different jurisdictions. Please refer to paragraph 8 above, in which **ecta** strongly welcomes this initiative, and indicates that it **imperative to accelerate this workstream to ensure that the finalised report will be available during Q1 2026**. A key **ecta** comment is that, in this report, the EU itself should not be considered on an undifferentiated basis. **The differences between the situations in EU Member States need to be objectively reflected**, given that many EU Member States are world leaders on all relevant metrics (on both fixed and mobile markets), whilst a small number of Member States drag down the EU averages, notably on FTTP. OECD data clearly highlights these differences³ in a broader comparison than the European Commission's annual reporting. In fact, all EU Member States except Belgium, the Czech Republic, Austria and Germany, have a FTTP deployment rate higher than 60% and 11 Member States have a FTTP deployment rate higher than 80%.
17. Section 1.4. BEREC Opinion on the Recommendation on relevant markets susceptible to ex-ante regulation. BEREC providing a formal Opinion is currently a legal requirement. **ecta** looks forward keenly to BEREC's Opinion, following the welcome contents of BEREC's input to the EC public consultation held in 2025⁴. **ecta asks BEREC, in addition, to organise an external stakeholder workshop on potential changes to this EC Recommendation as well as potential changes to its status. This workshop should be held in Q1 2026.**
18. Section 1.5. External workshop on migration and copper network switch-off in light of the DNA. **ecta** appreciates that BEREC explicitly acknowledges its request (in response to several previous consultations) that BEREC should provide more lessons learned and guidance on the copper migration and switch-off process. **ecta** and its members wish to actively participate in the planned workshop.
19. Section 1.6. BEREC Report on the application of fair and reasonable pricing within the SMP framework. **ecta** considers it useful that BEREC intends to compile an in-depth review of the interpretations and applications of fair and reasonable pricing within the SMP framework across Europe, notably with reference to wholesale-only operators (Art. 80 EECC), the application of which remains limited to-date. This being stated, there is a real concern that the concept of fair and reasonable pricing (which is prominent as well in the Broadband Cost Reduction Directive and Gigabit Infrastructure Act) could be interpreted

³ <https://www.oecd.org/en/topics/sub-issues/broadband-statistics.html>

⁴ <https://www.berec.europa.eu/en/all-documents/berec/opinions/berec-input-to-the-european-commissions-consultation-on-the-revision-of-the-recommendation-on-relevant-markets-susceptible-to-ex-ante-regulation>

in very divergent ways in EU Member States, and that its promotion (in an SMP context and in a GIA context) will only lead to various complex forms of departure from the underlying real economic costs. Therefore, **a BEREC Common Position (not only a Report) would be most welcome, to ensure regulatory certainty and harmonisation.**

ecta's view, as expressed in a September 2025 letter to the Italian AGCOM in response to a consultation on SMP operator FiberCop's obligations, is as follows:

ecta wishes to underline that, crucially on a forward-looking basis, there is a need for AGCOM to clarify that when an obligation to apply "fair and reasonable" pricing is imposed, the underlying principles of fairness and reasonability should be adequately defined. This should be done by: (i) formally establishing that fair and reasonable pricing implies a demonstrable link with underlying costs incurred by the SMP operator, (ii) detailing the practical mechanisms that will be applied to assess wholesale charges, and (iii) ensuring to the market that those principles will apply consistently during the entire period of validity of the market analysis, so as to provide all market participants with the necessary regulatory stability, predictability and certainty.

20. Section 1.7. BEREC Report on access conditions to state-aid funded networks. ecta warmly welcomes the fact BEREC intends to compile this report. It is essential that the BEREC report will firmly be based on the requirements established by 2023 EU Broadband State Aid Guidelines⁵, and that BEREC will not shy away from indicating potential departures from these Guidelines in Member State/NRA/operators' practices. **ecta does not understand why BEREC is proposing that there would be no public consultation on this BEREC deliverable, and asks BEREC to organise a public consultation on a draft.**
 21. Section 1.8. BEREC contribution to European Commission Guidelines on Access to existing physical infrastructure according to Art. 3 (13) of the Gigabit Infrastructure Act. ecta has responded to the targeted EC consultation on this topic, and asks BEREC to take due account of ecta's contribution, which is focused on the position of public sector bodies and the entities granted rights to execute public sector mandates.
 22. Section 1.11. Ad hoc work to support information exchange on 5G private networks, direct-to-device satellite communication, phaseout of 2G and 3G mobile technologies, and hybrid networks. ecta and its members have a clear interest in each of these topics. Therefore, ecta asks to be a participant in any BEREC internal or external workshop, to be afforded the opportunity to express stakeholder views and positions on these matters.
- 3.2. Strategic Priority: Supporting competition-driven and open digital ecosystems
23. ecta agrees with the work items identified by BEREC.
 24. Section 2.1. BEREC contribution to the implementation of the Data Act. ecta is on record with BEREC in supporting NRAs' role, notably with regard to switching between data processing services, interoperability, and IoT (connected devices). ecta asks BEREC to

⁵ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC0131\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC0131(01))

actively involve stakeholders such as [ecta](#) in its work (which is not evident from the description of the work item).

25. [Section 2.2. Further Guidance on 5G network slicing](#). [ecta](#) welcomes BEREC work in this area, with the expectation that it will positively contribute to the development and monetisation of 5G network slicing.

3.3. Strategic Priority: Empowering end-users

26. [ecta](#) agrees with the work items identified by BEREC, has no particular comments to make, and thanks BEREC for enabling [ecta](#) participation in the BEREC-BEUC Joint workshop on end-user rights. Enabling wider participation is a good practice, which should continue in future workshops.
27. [ecta](#) asks BEREC to be systematically mindful, when referring to end-users and their empowerment, to the differences between consumers (B2C markets) and business users (B2B markets – including services provided to public administrations), in particular to: (i) avoid that NRAs impose undue and impracticable obligations on providers that are only serving B2B customers, and (ii) the specific issues faced of operators focused on serving B2B customers are fully taken into account in all relevant regulatory proceedings.

3.4. Strategic Priority: Contributing to environmentally sustainable, secure and resilient digital infrastructures

28. [ecta](#) agrees with the work items identified by BEREC, and requests that [ecta](#) is systematically invited to the relevant workshops and involved in other BEREC initiatives relating to cybersecurity, resilience, combating fraud and environmental sustainability.
29. [ecta](#) asks BEREC to be mindful, in each of these contexts, to the costs for industry, and the fact that smaller operators do not have the same financial and human resources as the largest operators. **Attention is needed to not accidentally distorting competition by placing disproportionate burdens on operators.**
30. [Section 4.5. Ad hoc work on reinforcing EU's resilience capabilities](#). [ecta](#) finds the tasks listed in the bullet points ([page 33, para 2](#)) **lacking in clarity and asks BEREC to ensure that the scope and plans of this work are clear to all stakeholders.**

3.5. Strategic Priority: Strengthening BEREC's capabilities and continuous improvement

31. [ecta](#) agrees with the work items identified by BEREC, and **particularly welcomes the statements ([page 35, para 3 and 4](#)) to the effect that BEREC is considering means to simplify and reduce bureaucracy, promoting the harmonization of data collection, and especially that “BEREC will continue to be at the forefront of sharing and developing regulatory best practices and guidelines for ECN/S”.** Please also refer to the comment in paragraph 13 above, in which [ecta](#) places emphasis on BEREC's mandate to issue recommendations and common positions, and disseminate regulatory best practices.
32. [ecta](#) thanks BEREC for continuing to engage actively with industry stakeholders, including invitations to [ecta](#) to speak during workshops and at the stakeholder forum, as well as for constructive exchanges with the BEREC chair and mini-board, working group co-chairs, NRA heads and representatives, etc.

33. **ecta** notes that BEREC is increasingly relying on workshops, and notably internal workshops (to which external speakers can be invited). **Transparency, provided well in advance, on all the workshops and their format is essential** (including the topic, date, agenda and identity of the invited experts) as well as an opportunity for stakeholders to flag and justify why they would consider their participation appropriate.
34. With regard to the practical modalities of BEREC's formal stakeholder engagement, **ecta** considers that workshops where participants are allocated a few minutes of speaking time in the form of sequential presentations, and workshops held separately with different categories of stakeholders, do not enable the in-depth substantive discussion of important topics that is necessary, and crucially do not enable genuine exchanges and reply comments, resulting in a lack of contradictory debate on key policies and regulatory approaches. **ecta reiterates its request to BEREC to organise longer workshops, with sufficient time allocated for active substantive discussions among stakeholders.**

3.6. BEREC's other tasks

35. Section 6.1. BEREC inputs to the regulatory framework review and the DNA and Section 6.3.1 Ad hoc input to the EU/NRAs. Please refer to Section 2 above, in which **ecta** sets out its expectations for BEREC in the context of expected modifications to the EU regulatory framework for electronic communications, which is the crucial topic for 2026.
36. Section 6.2.1. Article 32/33 Phase II Process. **ecta** reiterates its request, made in previous contributions to BEREC Work Programme calls for input and consultations, for BEREC to change its approach. Experience has shown that the Phase II process leading to a BEREC Opinion is a black box for stakeholders, with BEREC actively resisting stakeholder input. **An initiative to provide transparency is necessary.**
37. Section 6.2.2. Report on Regulatory Accounting in Practice. **ecta** continues to highly appreciate the value of this recurring report. It should continue to be improved, whilst maintaining strictly factual content. **ecta** is concerned by the suggestions (*page 39, para 2 and 4*) to the effect that "[...]the report will be streamlined in terms of access products looked at [...]" and "*The report will develop a more focused analysis [...] comparison of the most popular combinations of cost base and cost allocation methodologies*". There is real risk of losing BEREC's institutional memory, and consequently of BEREC and NRAs not being able to detect problems post-deregulation. **ecta** therefore **advocates retaining the full scope of the annual Report on Regulatory Accounting in Practice, supporting consistent monitoring of regulatory approaches over time.**
38. Section 6.3.2. Peer review process and engaging with RSPG. The RSPG-led peer review process on radio spectrum assignment has continued to occur only very occasionally, when Member States ask for it (5 cases so far in 2025). When it did happen, it was in a closed forum, with the RSPG's annual report as the only published output. The last such annual report, issued in February 2025, consists of a single page⁶. A determined effort, by both the RSPG and BEREC, is needed to provide increased transparency. **ecta** takes issue with the

⁶ [https://radio-spectrum-policy-group.ec.europa.eu/document/download/e8adad34-efe7-4e88-8078-6a1b1952e7d2_en?filename=RSPG25-004final-Peer Review-Report-2025.pdf](https://radio-spectrum-policy-group.ec.europa.eu/document/download/e8adad34-efe7-4e88-8078-6a1b1952e7d2_en?filename=RSPG25-004final-Peer%20Review-Report-2025.pdf)

statement: *“BEREC’s participation in the Peer Review Forum contributes to the objective of promoting full connectivity through discussions with the RSPG about the market-shaping aspects of spectrum assignment. (page 41, para 3).* The fact that BEREC does not mention the promotion of competition, or that it also should be pursuing its Strategic Priority 2 (e.g. by means spectrum assignments that are aimed at promoting competition), is worrisome and should be corrected. **ecta** therefore asks BEREC to: (i) provide increased transparency about its role in peer reviews, and (ii) modify section 6.3.2, to underscore its commitment not only to promoting full connectivity, but also to competition and to end-user interests.

4. Comments on Chapter 8: Potential BEREC work for 2027 and beyond

39. **ecta** agrees with all 4 items listed in Chapter 8 of the draft WP2026 and expects to be able to contribute its members’ direct expertise especially on the topics relating to PIA regulation under symmetric and asymmetric regimes (8.2) and best practices on environmental impact assessment of mobile network sharing (8.4).
40. **ecta** expresses its regrets that that work on Equivalence of Inputs (EoI), which was contained in previous BEREC work programmes, seems not to be taken forward to a full Report and Common Position.

5. Closing observations

41. In closing, **ecta** emphasises that adequate time – at least 6 weeks – is the minimum needed for associations representing multiple stakeholders to respond to BEREC public consultations with solid content. Due account needs to be taken, in addition, of the periods leading up to and including holidays.
42. **ecta** wishes all the best to the incoming BEREC chair for 2026, Mr. Marko Mišmaš and his team, to the BEREC troika and mini board, to all NRA representatives involved in BEREC’s work, and to the BEREC Office.

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In case of questions or requests for clarification regarding this contribution, BEREC and NRAs are welcome to contact Mr Luc Hindryckx, **ecta** Director General or Ms Pinar Serdengeci, **ecta** Regulation and Competition Affairs Director.