

BREKO Feedback on BEREC Work Programme 2026

The German Broadband Association (BREKO) welcomes the opportunity to comment on BEREC's draft Work Programme for 2026.

As the leading fibre-optic association in Germany, BREKO successfully advocates for fair competition in the German telecommunications market. Its more than 500 members, among which over 260 network operators, are clearly committed to future-proof fibre optics and are responsible for more than 60% of fibre roll-out in the country.

BREKO supports BEREC's continued focus on ensuring competitive, investment-friendly, and innovation-driven connectivity markets in Europe. From BREKO's perspective, BEREC's independent expertise is particularly valuable in the upcoming 2026 legislative discussions, especially to help ensuring that regulation continues to support competition, consumer interests, and investment in high-quality networks.

BREKO supports the five high-level strategic priorities outlined in the working paper, and would like to add four crucial elements to take into account in the frame of the upcoming policy discussions:

1) Regulatory Reform and SMP Framework

BREKO considers that ex-ante regulatory measures continue to play a crucial role in supporting the deployment of fibre networks. This is particularly relevant in the German market, where fibre coverage has only reached 50% of homes passed this year. We therefore encourage BEREC to advocate for the retention of the existing SMP framework, particularly in markets where fibre deployment is still lagging. Maintaining SMP ex-ante regulation is essential if the EU is to achieve the Digital Decade connectivity targets.

2) Copper Switch-Off

BREKO welcomes BEREC's efforts to establish a coordinated approach to managing the transition from legacy copper networks to FTTH. This discussion is particularly timely in Germany, where the Federal Ministry for Digital and State Modernization (BMDS) has recently published a framework paper¹ ("Eckpunktepapier") outlining key principles for the copper-to-fibre migration.

An important element of this process is the need for a rule-based migration mechanism that goes beyond the principle of non-discrimination. This framework should empower

¹ *Key Principles for a Comprehensive Concept for Copper-to-Fibre Migration*, Federal Ministry for Digital and State Modernisation (BMDS), September 2025.

<https://bmds.bund.de/fileadmin/BMDS/Dokumente/BMDS-KGM-Sep-2025-V02.pdf>

the National Regulatory Authority (NRA) to initiate a switch-off procedure under clearly defined conditions and within a specified timeframe, thereby preventing strategic or discriminatory switch-off behaviour by the SMP operator. This possibility, outlined in the BMDS paper, represents a vital prerequisite for a successful copper-to-fibre migration in the German market.

The BMDS paper also introduces an additional idea to ensure a non-discriminatory transition by allowing third-party operators to request a copper switch-off under the supervision of the NRA, provided that the necessary conditions such as adequate fibre deployment and the availability of alternative wholesale access products are met. As BREKO, we fully support the BMDS approach, outlined in the Strategic Paper, to create the regulatory basis for a rule-based procedure to be implemented and thus to also advocate for a reform of article 81 of the EECC. In this context, BREKO would strongly welcome BEREC's involvement in promoting a rule-based copper-to-fibre migration process, particularly in Member States where such a framework is a necessary condition for a successful transition. BREKO also believes that BEREC can play a key role in developing and coordinating a framework of harmonised and objective criteria for copper switch-off procedures, in close cooperation with national regulatory authorities.

3) Competitive Markets as a prerequisite for efficient fibre deployment

BREKO fully supports BEREC's view that open and competitive markets are essential for innovation and consumer welfare. However, we believe that market consolidation should occur naturally through competitive dynamics rather than being politically directed. Therefore, we believe that the upcoming review of the EU Merger Guidelines should not undermine competition or create conditions that could lead to new remonopolisation tendencies in the market. In Germany, it is primarily the competitive pressure from alternative network operators that has driven progress in fibre deployment, demonstrating the importance of fair market competition with diverse players.

4) Sustainability

BREKO highlights that FTTH networks offer a superior environmental profile compared to alternative technologies, and regulatory frameworks should recognise and incentivise this through the inclusion of fibre networks in the EU Taxonomy. Sustainability standards should however not create unnecessary regulatory burden on fibre network operators, but be proportionate and in line with the omnibus simplification package recently adopted by the EU Commission and currently debated in the EU Parliament.