



Response to BoR (25) 136

Draft BEREC Work Programme 2026

3 November 2025

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I. Introduction

1. MVNO Europe welcomes the opportunity to provide its brief comments on the draft BEREC Work Programme 2026 - BoR (25) 136 (hereafter 'draft WP2026'). We thank BEREC for having given consideration to the requests we expressed in our response to BEREC's Call for Input.
2. MVNO Europe expresses its support for the contents of the draft WP2026.

II. Planned EC legislative proposal for a Digital Networks Act

Comments on the overall thrust of the draft WP2026, and focus on Sections 1.2, 1.5 and 6.3.1

3. BEREC's much-needed fact-based input will be crucial in 2026 and beyond in the context of the co-legislative procedure on a Digital Networks Act and related initiatives expected to be launched by the European Commission. MVNO Europe expects BEREC to actively engage with the European Commission, as well as with all EU institutions and national governments.
4. MVNO Europe therefore urges BEREC to stand ready to express itself on both legislative proposals and non-legislative initiatives emanating from the European Commission, and to **proactively communicate BEREC's Opinions and other materials to all institutions**. The preparation of short briefing notes, explaining the issues at stake, the facts informing the debates, and BEREC's Opinion(s), would be most welcome.
5. In addition to the description provided in the draft WP2026 (*page 7, para 3*), BEREC's robust response to the European Commission's Call for Evidence¹, the welcome extension of the BEREC mini-board to address the legislative cycle, and the quotes attributed to the incoming BEREC Chairs for 2026 and 2027², **MVNO Europe urges BEREC to dedicate a separate chapter of the Work Programme for 2026 to BEREC's approach to expected proposals modifying the EU regulatory framework for electronic communications. Furthermore, MVNO Europe asks BEREC to confirm that it will be keeping a working group available to address any matters arising during the co-legislative procedure and related reviews of secondary regulation** (the creation of such a working group was indicated in last year's consultation, but this is not apparent in the draft WP2026).

¹ BEREC Input : <https://www.berec.europa.eu/en/all-documents/berec/opinions/berec-input-to-the-european-commissions-call-for-evidence-on-the-digital-networks-act>

² BEREC leadership: <https://www.berec.europa.eu/en/news/latest-news/incoming-berec-chair-highlights-key-challenges-and-future-priorities-for-the-telecoms-sector> and <https://www.berec.europa.eu/en/news/latest-news/berec-supports-europes-telecom-framework-fit-for-the-future-0>

6. To meet the needs of all types of MVNOs, the forthcoming Digital Networks Act should:
- a) Maintain Article 52(2) of the European Electronic Communications Code, which enables authorities granting radio spectrum to require the supply of wholesale access.
 - b) Maintain the Significant Market Power regime, enabling its application to the mobile market.
 - c) Include unequivocal fully harmonised definitions of IoT (wider than M2M which is unduly restrictive), covering all use cases, and Connected Vehicle Connectivity (which entails not only telematics and telemetry, but also eCall, voice calls for a very limited set of numbers to support services such as roadside assistance, infotainment and in-car internet access service). BEREC could be tasked in the legislation to review and update the definitions periodically.
 - d) Introduce a requirement on Mobile Network Operators (visited networks in a roaming context) to permit permanent roaming to meet the needs of industry (to the exclusion of roaming for travellers) to foster the EU Single Market, European industrial competitiveness and sovereignty.
 - e) Ensure dynamic switching to at least two *underlying* Mobile Networks, in roaming and domestic MVNO scenarios.
 - f) Provide maximum harmonisation of authorisation, numbering, and related compliance and reporting requirements to National Regulatory Authorities.
7. Regarding **Section 1.2** of the draft WP2026, **MVNO Europe actively supports the preparation of the proposed Fact finding report on the competition indicators and regulatory highlights in different jurisdictions. MVNO Europe urges BEREC to accelerate the delivery of this work item to Q1 2026.** This is necessary to ensure that the finalised report will be available to inform the co-legislative debates on proposed modifications to the EU legal and regulatory framework, as well as the review of the EU Digital Decade Policy Programme (DDPP), scheduled for June 2026.

III. Mobile Roaming

8. MVNO Europe notes with satisfaction that BEREC remains committed to closely monitoring market and technological developments related to **roaming**, as well as competitive aspects in the field of Machine-to-Machine (M2M) communications and the Internet of Things (IoT) (*page 8, last para, and page 9, para 1*). This is of crucial importance for all types of MVNOs.

9. The European Commission has decided not to put forward a legislative proposal to update the EU Roaming Regulation (EU) 2022/612, despite BEREC's Opinion dated 28 March 2025³. This is deeply disappointing from MVNO Europe's perspective, given that BEREC's Opinion contained welcome tangible proposals for further promotion of competition, with explicit reference to MVNOs, notably favouring further reducing wholesale roaming caps and clarifying the wholesale roaming access obligations to ensure non-discriminatory access to network technologies.
10. MVNO Europe calls on BEREC to continue to actively advocate that **roaming is, more than ever, of essential importance for competition** (avoiding distortions that favour Mobile Network Operators (MNOs) over MVNOs), **for end-user benefits, and for the achievement of the EU Single Market**. In fact, MVNO Europe considers that roaming is key to achieving the EU Single Market where it comes to industrial use cases. This point is made in the knowledge of the fact that the co-legislative stage of the Digital Networks Act does not exclude initiatives by Parliament and Council. **Roaming should not be considered by BEREC to be 'off the table'.** **MVNO Europe calls upon BEREC to continue, in 2026 and 2027, to actively present and explain its March 2025 Opinion on the review of the Roaming Regulation to co-legislators.**
11. For reference in this context, providers of M2M/IoT, and especially providers of connectivity to vehicles, increasingly face demands from industrial customers (notably but not exclusively the automotive industry) to provide: (i) permanent roaming, (ii) connectivity to two underlying networks per country (dynamic roaming).
12. Specialist MVNOs active in this field report that MNOs are preventing MVNOs from meeting this demand from industrial customers, by refusing wholesale permanent roaming and by applying various wholesale surcharges (e.g. up-front fees, per-SIM monthly fees), and by requiring exclusivity in case of domestic MVNO access to a single MNO (thus preventing dynamic roaming), but they are providing these capabilities to one-another (MNO to MNO). This leads in some cases to serious anticompetitive practices and outcomes.
13. BEREC identifying and recognising the changing nature of industrial customer demand, as well as the related market practices of operators, is therefore an area for active attention, in light of both the EU Roaming Regulation and national MVNO access, during 2026 and beyond.

³ <https://www.berec.europa.eu/en/all-documents/berec/opinions/berec-opinion-on-regulation-eu-2022612-on-roaming-on-public-mobile-communications-networks-within-the-union>

IV. Digital Markets Act

Comments on Section 2.3: BEREC contribution to implementation of the Digital Markets Act (DMA)

14. MVNO Europe wishes to remind BEREC of the fact that Operating Systems (under the control of designated Gatekeepers in application of the DMA) can impose restrictions on ECN/ECS providers' ability to provide access to services and to network functionalities.
15. BEREC's proposed workstream, contained in Section 2.3 of the draft WP2026, is silent on the Operating Systems issues, which worries MVNO Europe, given that serious issues persist. These issues were usefully acknowledged by BEREC in a Report dated 3 October 2024⁴.
16. MVNO Europe expects the initiatives that form part of this BEREC workstream to result in concrete improvements for those MVNOs which continue to face serious problems. Fact is that, for at least the past decade, Operating System functionalities, notably on iOS devices, are being wilfully withheld by Apple where the service provider has not entered into a commercialisation agreement for Apple devices (so-called "Carrier Partner Agreement").
17. Based on the above, **MVNO Europe asks BEREC to follow-up on the Operating System issues as part of its active participation in DMA High-Level Group meetings, opinions, reports, workshops, knowledge-building, etc. throughout 2026.**

V. Specific comments on further elements of the draft BEREC WP2026

Comments on Section 1.1: Call for input on interfaces to mobile networks for developers, and

Comments on Section 2.2: Further Guidance on 5G Network Slicing

18. BEREC's specific attention is needed to ensure that API access and network slicing, both of which can be welcome technical innovations, are not positioned/accepted as: (i) a way to discriminate between what the MNO self-supplies, or supplies to specific end-users, whilst withholding it from MVNOs, and (ii) a substitute for wholesale MVNO access.
19. MVNO Europe wishes reiterate and put on record that no MVNO has, to-date and to its knowledge, been offered wholesale network slicing by a Host MNO, and that API access and network slicing are in no way to be considered a substitute for fit-for-purpose wholesale mobile network access.

⁴ Pages 49-50 of the BEREC Report on the entry of large content and application providers into the markets for electronic communications networks and services – BoR (24) 139: <https://www.berec.europa.eu/en/all-documents/berec/reports/berec-report-on-the-entry-of-large-content-and-application-providers-into-the-markets-for-electronic-communications-networks-and-services>

Comments on Section 1.4: BEREC Opinion on the Recommendation on relevant markets susceptible to ex ante regulation

20. MVNO Europe has provided a substantive response to the European Commission's targeted consultation on this topic and has examined BEREC's published input to the targeted consultation.
21. Simply put, MVNO Europe expects BEREC, when called upon to provide a formal Opinion, to:
- (i) confirm the continued relevance of the three criteria test for market definition (i.e. this test, which is contained in EU legislation, cannot and should not to be amended through an EC Recommendation),
 - (ii) take a strictly technology-neutral and market-neutral approach, and in particular not to preclude the application of the Significant Market Power regime to mobile/wireless markets.
22. This is of crucial importance today, for the EU Member States in which the market is not delivering fit-for-purpose wholesale access to mobile/wireless networks, and it may well become more important going forward in case further consolidation of network operators were to be permitted or even be encouraged by means of changes to EU merger control guidance and/or sector-specific legislation/regulation.
23. MVNO Europe is available to provide copies of its response to the EC targeted consultation, as well as its detailed input to Cases CZ/2021/2351 and CZ/2022/2421. The consequence of the EC veto on the Czech CTU notifications is that MVNOs have been prevented, and continue being prevented, to obtain the wholesale access they need to be able to be effective competitors on the Czech market, to the detriment of Czech consumers and business users. In addition, in the M2M/IoT/Connected Vehicle market, the Czech Republic remains a problematic jurisdiction, in which the lack of wholesale mobile access is resulting in detriment to EU industrial users, and concomitantly, EU end-users.

Comments on 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

24. MVNO Europe has previously contributed substantive responses to European Commission, BEREC (29 November 2024) and RSPG consultations on these topics. These include detailed positioning on 5G private networks, 2G/3G network shut-down, and advocacy in favour of mandatory wholesale access to satellite networks, aimed at avoiding distortions between MNOs which can trade spectrum access rights with satellite operators and MVNOs which cannot, etc.

25. A key point is that companies which have invested in the capabilities needed to be a full MVNO/MVNE also have relevant capabilities to bring to bear in the context of the deployment and management of private 5G networks, and their interworking with public mobile networks and public mobile communications services.
26. MVNO Europe therefore requests to be involved in all BEREC workshops and other activities considered under this heading of the draft WP2026, especially where these concern market-shaping aspects of relevant spectrum assignment, potential competition and cooperation between terrestrial and satellite operators, etc.

Comments on Section 6.3.2: Peer review process and engaging with RSPG

27. BEREC refers to its activity in the RSPG-led peer reviews only in the context of its strategic priority on promoting connectivity (*page 41, para 3*). MVNO Europe insists that much more is at stake in spectrum peer reviews, notably in terms of promoting competition and citizens' interests. MVNO Europe asks BEREC to modify the text of Section 6.3.2 in such a manner as to confirm that it will in future participate in the spectrum peer reviews considering all objectives contained in Article 3(2) EECC as well as BEREC's own strategic priorities.

VI. Potential BEREC work for 2027 and beyond

Comments on Section 8.3: Further BEREC work on connected and automated mobility

28. MVNO Europe strongly welcomes this proposal, and is certainly prepared to contribute, given that several MVNO Europe members are leading providers of connectivity to the automotive sector. Acceleration of this workstream would be most welcome. For reference, MVNO Europe is on record in asking institutions, first and foremost the European Commission, to recognise that mandatory wholesale permanent roaming (obligation on visited networks) is essential to enable both MNOs and MVNOs to succeed and achieve the EU Single Market, reflecting demands from the European automotive sector.

VII. Stakeholder engagement

29. MVNO Europe appreciates all of BEREC's stakeholder engagement initiatives and will be pleased to continue to participate in the Stakeholder Forum, meet and greet sessions with Working Group co-chairs, and to respond to selected public consultations and calls for input, and to have bilateral meetings with key officials where relevant and timely.

VIII. About MVNO Europe

30. MVNO Europe represents various types of Mobile Virtual Network Operators (MVNOs), with different business models, addressing consumers, business users (including start-ups/scale-ups)/medium/large businesses, the public sector, ICT service/systems integrators, and Internet of Things (hereafter 'IoT') markets, etc. <http://www.mvnoeurope.eu/members>
31. MVNOs currently represent +/- 10% of SIM cards in the European Union.
32. The term "virtual" refers to the fact that MVNOs do not control radio frequencies and related mobile physical infrastructure (antennas, base stations etc.). However, MVNOs do control the necessary hardware/software/resources to provide wireless/mobile services and may own other telecom infrastructures and networks depending on the extent of their business model.
33. Our members provide mobile-only offers, fixed-mobile convergent offers and offers incorporating audio-visual media content, financial services, machine-to-machine communications, embedded data SIMs for tablets, laptops and other devices, connected mobility for vehicles, IoT in a broad sense, etc. Some of our members are also active on wholesale markets as MVNE (E=Enabler) / MVNA (A=Aggregator) supporting other companies and brands that provide mobile/wireless services. MVNO Europe does not represent branded resellers.
34. MVNOs contribute strongly to innovation and competition and provide clear Business to Consumer (B2C) and Business to Business (B2B) end-user benefits.
35. MVNOs also contribute to financing mobile network infrastructure through payment of wholesale charges which assure revenues to Mobile Network Operators, whilst avoiding costly duplication of network assets. Enabling and promoting MVNOs is by far more environmentally responsible than promoting the build-out and operation of additional parallel physical mobile infrastructures and is thus consistent with the twin green and digital transitions.

IX. MVNO Europe Contact Details

Should you require any clarifications or further information on the elements and positions set out by MVNO Europe in this document, please contact:

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