

4th July 2025

Consultation Response from the European Subsea Cables Association

RE: Draft BEREC Report on Submarine Cables Connectivity in Europe (BoR (25) 85)

Introduction

The European Subsea Cables Association (ESCA) represents national and international companies that own, operate, and service submarine telecommunications and power cables throughout Europe. These critical systems support global commerce, social communications, financial infrastructure, and national resilience, carrying over 99% of all intercontinental digital traffic.

We welcome the opportunity to comment on the BEREC draft report and support the attention it brings to the regulatory frameworks surrounding domestic submarine connectivity in Europe. It is increasingly important that regulators and policymakers consider the operational, technical, and strategic dimensions of subsea infrastructure when shaping national and regional policies.

Industry Engagement

ESCA strongly welcomes the report's reference to engagement with the cable industry, including through forums such as the International Cable Protection Committee (ICPC) and the ITU/ICPC Joint International Advisory Body of which ESCA is a member. These global platforms serve a critical function in building shared understanding between governments and industry on cable resilience, risk, and regulation.

However, it is equally important that regional industry structures are acknowledged and utilised. Organisations such as ESCA and the Danish Cable Protection Committee (DKCPC) offer valuable region-specific insight and coordination mechanisms that reflect the way the subsea cable industry operates in practice, particularly in the European context. We encourage BEREC and NRAs to continue to engage across the industry to ensure relevant, practical, and harmonised policy outcomes.

We encourage national governments to join these non-commercial organisations to build capacity, knowledge, and relationships with the submarine cable industry on a longstanding basis.

Coordination and Harmonisation

The report rightly notes that coordination between competent authorities is essential, but we urge that this coordination extends across policy domains as well as within them. Regulatory regimes not directly associated with telecommunications, such as environmental permitting, maritime spatial planning, and maritime transport, increasingly have a direct impact on cable

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deployment and maintenance. Without appropriate alignment, there is a risk of unintended consequences for critical communications infrastructure. This also extends to the need to harmonise any proposed approaches within the NIS2 or the CER directive.

To support this, we continue to urge that Member States and the EU consider the establishment of designated single points of contact for subsea cable policy, not just licensing, and that these leads engage in regular technical dialogue with the industry. There are good examples of this being a highly effective approach around the world.

A cross-government and inter-governmental approach is necessary to ensure that submarine cable policy is not developed in isolation from other national objectives, including climate, energy, and defence/security.

Policy Risks and the Need for Pragmatic Frameworks

The report highlights good practices adopted in some jurisdictions, but it is also important to acknowledge that policy and regulatory development in others is still evolving, and at times this develops in ways that pose unintended risks to long-term cable resilience. For example policymaking that inadvertently impedes the repair or development of cable systems, either through complex authorisation procedures or lack of specific provisions to improve repair times either through targeted exemptions or pre-approvals, can have significant consequences for connectivity and national security.

We urge BEREC and national regulators to ensure that new or revised regulations affecting submarine cables are developed in consultation with those who operate, maintain and invest in these systems. Proactive industry engagement is critical to ensuring that resilience measures are technically feasible, proportionate, and reflect real operational challenges.

Conclusion

ESCA supports BEREC's efforts to improve the regulatory environment for submarine cables in Europe and continues to stress the importance of a coherent, harmonised approach across the EU. We encourage continued cooperation with international and regional industry forums and stress the importance of maintaining an open, technically informed dialogue as Europe builds towards its Digital Decade objectives.