



# **ecta RESPONSE**

**TO THE PUBLIC CONSULTATION BY BEREC  
ON THE**

**DRAFT BEREC REPORT ON SWITCHING AND TERMINATION  
OF CONTRACTS**

**BOR (25) 183**

**29 JANUARY 2026**

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## 1. Introduction

1. **ecta**, the **European Competitive Telecommunications Association**,<sup>1</sup> welcomes the opportunity to comment on the draft BEREC Report on switching and termination of contracts, BoR (25) 183 (hereafter “draft BEREC Report”).
2. **ecta** represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. **ecta** represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile and fixed wireless access networks that qualify as Very High Capacity Networks and who demonstrate unique innovation capabilities.

## 2. Key ecta considerations

3. **ecta** thanks BEREC for preparing this draft Report, which gives a detailed overview of NRA practices relating to the implementation of the provider switching and number portability measures provided for by Article 106 in conjunction with Articles 105 (contract duration and termination) and 107 (bundled offers) of the EECC. The draft Report covers, among others, issues related to the details and the timing of the switching and porting processes, porting failures and switching processes for bundles.
4. **ecta** appreciates that the draft BEREC report touches upon issues crucial for end user rights and at the same time for effective competition, by providing a structured overview.
5. **ecta** notes that effective application of cross-technology IAS switching, for instance, between copper, cable and fibre is not regulated in most Member States. The adoption of VHCN technologies is key for EU end-users and for EU competitiveness. **ecta** considers that the efficient and effective introduction and implementation of cross-technology IAS switching (between copper, cable and fibre) should be at the core of the European policy objectives.
6. Therefore, **ecta** calls on BEREC to further elaborate its draft Report, for it to become a “best practices” report, and to include the clear list of the Member States which effectively enabled the switch between copper, cable and fibre, and underlining the importance of such switching possibility for end users’ adoption and to ensure effective competitive dynamics.
7. Furthermore, as it emerges from the draft BEREC report, all NRAs confirm that geographic and mobile numbers are portable in all Member States, reflecting long-standing harmonisation in this area. By contrast, the treatment of non-geographic,

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

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nomadic VoIP and M2M numbering ranges remains inconsistent across Member States. [ecta](#) sees no issues with this: as correctly stated by most NRAs, special-rate numbers (e.g. short codes, free phone or premium rate services) are excluded from portability obligations, as they are typically assigned to services rather than to individual end-users. The same applies to M2M numbers and the issue of switching IAS on in-vehicle terminal equipment based on embedded eSIMs.

8. [ecta](#) also notes an interesting circumstance: the Member States which significantly lack effective competition are the same as those with specific (and less regulated) IAS switching procedures, DE and AT.
9. DE and AT are governed by self-regulatory or voluntary mechanisms supported by the NRA. They are the ones with decentralised systems based on bilateral agreements between providers where NRAs acknowledge risks of inconsistencies and longer resolution times in case of disputes. In addition, in DE and AT there are no binding deadlines for uploading end users' switching requests, and in AT, BE, DE, reasons for refusal of portability codes exist but are largely based on industry agreements and are not always binding.
10. In DE and AT, consumers cannot have automatic compensation and must actively submit a claim, which often discourages end-users from seeking redress, particularly when the amounts involved are low (claim-based system).
11. In light of all those evidences clearly emerging from the draft BEREC Report, [ecta](#) calls on BEREC to include the fact as shown from the DE and AT examples, that effective competition is likely to be strictly tied to the way in which provider switching and portability procedures, as well as the mechanism such as compensation for end users provided by the EECC, are structured and regulated in the Member States.
12. Overall, [ecta](#) calls on BEREC to underline the need for more harmonisation, and for Member States such as DE and AT, to increase competition and consequently end user welfare in their respective national ECN and ECS markets.
13. When it comes to the areas that can be improved in the final text of the BEREC report, [ecta](#) has identified one important issue and one area for improvement, on which we provide [ecta's](#) constructive input below.

### 2.1. Structural issue: lack of a section to assess the switching and portability regulations in the Member States effectively or potentially hampering customer switching

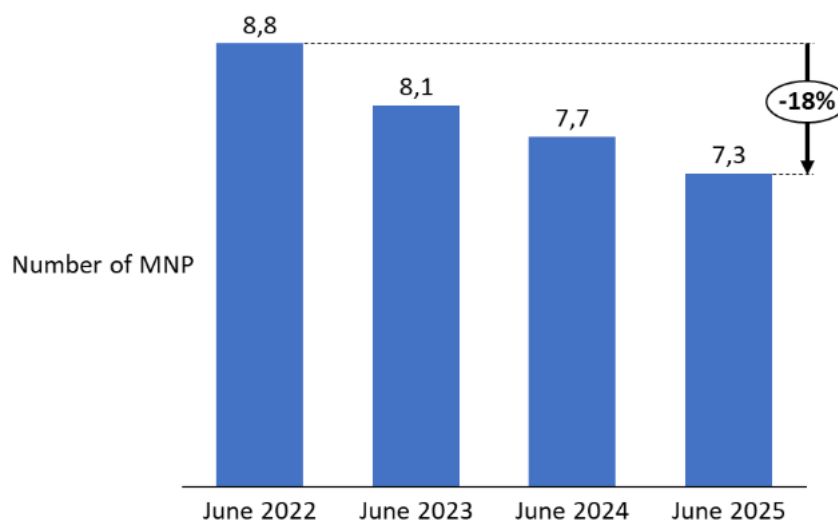
14. [ecta](#) observes that the draft BEREC report does not consider the negative cases where regulation (or the absence thereof) is (or potentially) hampering efficient and timely IAS switching and/or number portability. [ecta](#) acknowledges that the inclusion of an issue in a report drafted by BEREC, could be a sensitive one, but at the same time, [ecta](#) believes that it is necessary to include the improvement areas

in the final Report so as to ensure that the customer switch and portability processes are effective, efficient and timely for the sake of end-users and for the competition dynamics in the market.

15. ecta therefore considers that the inclusion of a section describing regulatory shortcomings and negative consequences would be extremely useful.
16. In the following paragraphs, ecta provides its constructive input through a significant Member State example: Italy.
17. In Italy, the regulation implies two main shortcomings:

- a) **Mobile Number Portability (hereinafter “MNP”) complexities related to new provisions that have been introduced in the past years.** Italian NRA Decision 86/21/CIR (effective as of the end 2022) introduced a significant new complexity to the MNP processes, requiring the customer that wishes to port its number to provide a paper copy of his/her fiscal code and a photocopy of the old SIM. It should be underlined that the paper copy of the fiscal code is not required for the activation of a new SIM. A further decision introduced a ban on pre-paid services portability where portability is requested by the real user of the SIM card who is different from the person who signed the contract with the operator.

**The two decisions caused a significant decline of total MNP (-20%), as assessed by the Italian NRA data (source: Osservatorio delle Comunicazioni)**



- b) **Contractual related issues/lock in effect due to non-compliance with maximum 24 months contract duration foreseen by the EECC.** Another Italian NRA decision (307/23/Cons) introduced the possibility for operators to deviate from the EECC provision of max 24m duration in relation to contracts that include also the supply of terminal equipment. The provision allows operators to put in place lock in practices for a period up to 48 months. The provision therefore limits the possibility for customers to

terminate their existing contract due to the presence of switching costs related to remaining instalments for the supply of terminal equipment. Consequently, the provision has significant harming effect on the effective market contestability and consumer rights in the Italian electronic communications services market. It is important to underline that the provision was annulled by the Administrative Court (1<sup>st</sup> degree - TAR) in December 2024 but still it continues to be applied by the operators.

## 2.2. Benchmarking issues

18. **ecta** regrets that the draft BEREC report mixes EU Member States with other BEREC members. This is an issue that **ecta** highlighted in the comments to several previous BEREC draft reports, and will continue to highlight, because it stands in the way of straightforward assessment and significantly affects outcomes and considerations that can be drawn from the Report for possible future amendments to European Union regulation. **ecta** therefore invites BEREC, in the final text, to focus the analysis on the EU Member State NRA practices (with other countries shown entirely separately in wording).
19. **ecta** notes that the list of questionnaire questions and the related responses by NRAs are not included in the draft BEREC Report. **ecta** considers the inclusion of the questions and of the responses by each Member State NRAs fundamental for the completeness of information and related reflections and forward-looking considerations.

## 3. Final ecta remarks

20. **ecta** kindly asks BEREC to **take into utmost account the elements formulated in response and to reflect those in the final text of the draft BEREC Report.**

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