Full fibre for a digital and sustainable Europe

FTTH Council Europe response to the consultation on The draft BEREC report on switching and termination of contracts.

January 30th, 2026.

Introduction

The FTTH Council Europe welcomes the opportunity to comment on the 'BEREC report on switching and termination of contracts' because it is a critical element in ensuring customers can transition from copper to fibre in a customer friendly way.
The FTTH Council sees 'Switching and Termination of Contracts' item in two ways,

1. it is a critical element to enable copper switch-off and
2. it is also an important end-user project in its own right.

The FTTH Council has consistently sought and promoted policies that would accelerate the deployment of VHCN networks – and the FTTH Council believes that, provided sensible regulation is maintained, Europe is well on its way to achieving full FTTH coverage or its equivalent by 2029 or 2035 or very shortly thereafter.

However, despite the success in most Member State of putting the necessary network in place, little attention has been paid to what drives take-up when VHCN is available and more importantly why demand for VHCN is so different in Member States and is often very subdued. The range of factors are enormous and diverse – misleading advertising can be an issue (to the point where certain Member States have taken action), the cost differential between low performance copper based access and high performance fibre based access products may be an issue, the lack of VHCN specific services (so all services perform adequately over copper networks, HFC or even VHCN networks).

However, there will also be significant issues related to aspects of the transition – it could be one-off connection costs, the availability of equipment, the ability of suppliers to physically access a unit and the ease with which consumers can make the choice and have that choice executed. There must be a fit for purpose switching regime which is seamless and customer friendly and there is a lot of work to be done on this issue.
The BEREC paper mostly deals with switching providers across networks where there is a lot of work to be done, however switching from copper to fibre does not necessarily entail switching retail providers (e.g. where there is wholesale-only or Open access or where it is the incumbent operator).
An effective switching process which is receiving provider led can, if implemented effectively, allow customers to switch ISP in a seamless manner and with no or minimum disruption in a customer friendly manner. The Council has seen examples of switching processes whereby the receiving provider can obtain confirmation of the customer details within 60 seconds and can

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have the implications of switching within a further 60 seconds (is the customer out of contract, what penalties might arise for early termination etc. etc.). However, the Council is also aware of very poor processes which are either (a) not consumer friendly (e.g. parallel billing periods) or (b) penalising on the receiving provider (fines if there is a delayed switch over. Delayed switch overs can be caused by multiple factors but one issue is the lack of a standardised process for the physical connection of a customer. A lack of standardisation can lead to smaller ISPs becoming isolated islands separate from the general retail market and switching processes.

The BEREC report is a very comprehensive overview of the situation in EU27 BUT the FTTH Council believe that an opportunity is being missed with this report. While the report notes that it is not an opinion, it also notes, that in relation to Internet Access Services (IAS), experience to date is limited – however, it is understood that every IAS customer currently on copper networks will have to switch to a new service, either internally (staying with the same provider) or externally (opting for a different network provider). The upshot is that switching and termination of contracts is going to take on an outsized importance in the next 5 years where the transition from copper to fibre means the consumer must change the retail provider.
In that context, there is an opportunity for BEREC to identify best practice and to make a series of Recommendations to its Members.

Commentary

The draft BEREC report rightly recognises switching and termination of contracts as central to effective competition and end-user empowerment, but it underestimates the specific challenges and opportunities linked to large-scale migration to very high-capacity FTTH networks and bundled fibre-based offers. While the FTTH Council Europe welcomes the report and proposes targeted improvements to ensure that switching and termination rules actively facilitate the transition from legacy networks to fibre networks while maintaining high levels of consumer protection.

1. General comments and support

- The focus on efficient, transparent switching and the receiving-provider-led, one-stop-shop model is strongly supported, as these elements are essential to stimulate retail competition on FTTH networks. It is concerning that two Member States continue with transferring-provider-led processes – both the Czech Republic and the Netherlands need to bring their processes into line with Article 106/Recital 281.
- FTTH Council Europe welcomes the systematic mapping of national practices regarding switching, porting, disincentives and end-user rights and sees this as an important evidence base for future EECC implementation and any possible legislative follow-up under Article 123.

2. Need for fibre-specific treatment

- The report largely treats "IAS switching" in a technology-neutral way (with significant emphasis on mobile), while acknowledging that cross-technology switching (e.g. copper–fibre) is often not specifically regulated and remains uneven across Member States.
- FTTH Council Europe recommends that BEREC explicitly address technology migration scenarios (copper/DSL or CATV to FTTH) in its analysis and guidance, including: (i) treatment of installation visits; (ii) coordination of cease-and-provide to minimise downtime; and (iii) treatment of wholesale processes when a new FTTH network is used by the receiving provider. The overall concern is that Copper or CATV operators obstruct migration to FTTH where that FTTH is provided by a new operator.

3. Switching processes and timelines

- The report confirms that number portability is generally completed within one working day, whereas fixed IAS switching deadlines are highly divergent and sometimes extend well beyond three to five working days. This is considerably worse than the mobile equivalent procedures.
- The FTTH Council Europe encourages BEREC to promote a more harmonised benchmark for fixed IAS switching (including FTTH), with:
    - Clear maximum switching timelines that are ambitious but realistic for fibre deployment and activation. The Council has seen examples of ISP switching processes whereby the receiving provider can obtain confirmation of the customer details within 60 seconds and can have the implications of switching within a further 60 seconds (is the customer out of contract, what penalties might arise for early termination etc. etc.);
    - A requirement that any longer timeframes (e.g. where civil works or new drops are needed) are transparently communicated upfront to end-users, the FTTH Council notes the 4 week timeframe associated with the transition from homes-passed to homes-activated in the DNA as a starting point;
    - Where the home is already activated with an ONT in place, the loss of service should not exceed one working day, including during migration between legacy and FTTH networks, except where explicitly and narrowly justified.

4. Bundles, terminal equipment and FTTH migration

- BEREC documents substantial divergence in how bundles and terminal equipment are treated, including whether a single request can cover all bundled elements and how partial switching affects discounts and contract conditions.
- FTTH Council Europe is concerned that:
    - Requirements to terminate entire bundles, or to repay all outstanding terminal-equipment instalments in full when switching, can constitute powerful disincentives to move to FTTH-based services.
    - Restrictions on downgrading bundles (e.g. refusal to move from triple-play to single-play fibre while staying with the same provider) and the impossibility to unbundle fixed voice and IAS in certain business offers risks deterring switching toward fibre.
- FTTH Council Europe therefore recommends that BEREC:

- Clarify that, in line with Articles 105, 106 and 107 EECC, contractual and equipment-related conditions must not have the effect of making migration to FTTH significantly more onerous than staying on legacy technologies.
- Encourage NRAs to promote fair solutions for bundled terminal equipment on fibre offers (e.g. proportional residual charges; possibility to continue paying equipment in instalments after switching access provider; or device unlocking obligations where technically feasible).
- NRAs should ensure that receiving providers have the opportunity to offer bundles too. Mobile operators should have to offer such wholesale products to support the broader bundle.

5. Contractual disincentives and investment incentives

- The report shows that long commitment periods, automatic prolongation, high early termination fees, and in-contract price increases (including indexation clauses) can all act as disincentives to switching, particularly when coupled with complex bundle conditions.
- FTTH Council Europe recognises that investment in FTTH networks is capital-intensive and that some minimum contract durations and reasonable recovery of promotional or installation costs are needed to sustain deployment incentives. In this context, the Council encourages BEREC to:
    - Differentiate between legitimate cost-recovery mechanisms (e.g. proportionate early termination fees linked to residual installation or CPE costs) and practices that unduly deter switching (e.g. flat high penalties or repayment of full, undiscounted device prices).

6. Provider-related practices, win-backs and double billing

- BEREC identifies a range of procedural disincentives, such as aggressive retention tactics, requiring end-users to contact the transferring provider for codes, long call-waiting times, and double billing when accounts are not ceased correctly.
- FTTH Council Europe supports strong enforcement against practices that undermine the receiving-provider-led model and suggests that BEREC:
    - Encourage Czech and Dutch NRAs to adopt a receiving provider led process.
    - Favour models where all necessary identifiers for switching/porting are made available in end-user documentation or via secure digital channels, avoiding the need to contact the transferring provider.
    - Encourage NRAs to adopt explicit rules or industry codes to eliminate double billing after successful FTTH switching and to ensure that any win-back activity respects end-users' choice, avoids pressure tactics, and does not add extra steps to the switching process.

7. End-user rights, compensation and dispute resolution

- The report rightly emphasises rights to switch and port, to receive compensation for delays and loss of service, and to access effective dispute-resolution mechanisms, but shows significant divergence in how compensation is triggered (automatic versus claim-based) and in the availability of withdrawal rights.

- For FTTH migration to be fully trusted, the FTTH Council recommends:
  - A wider use of automatic compensation regimes for clear, objectively verifiable failures (e.g. loss of service beyond one working day during fibre migration, or unjustified porting delays), which remove friction for consumers and create clear incentives for all providers and wholesale access seekers.
  - Simple, well-communicated procedures for end-users to withdraw from a switching request prior to activation, especially where unexpected technical constraints or cost elements arise during FTTH installation.

8. Data collection, monitoring and best practices

- BEREC notes that implementation of Article 106 EECC is uneven, particularly for IAS switching, and that there is room for improvement in transparency and efficiency.
- FTTH Council Europe encourages BEREC to build on this report by:
  - Collecting FTTH-specific indicators (e.g. average switching time to FTTH services from copper or CATV, rate of complaints related to fibre migration from copper or CATV, frequency of double billing in FTTH switches from copper or CATV, and issues related to CPE or ONT returns).
  - Showcasing best practices where NRAs and industry have developed digital, standardised processes for FTTH switching (including e-ID-based consent, centralised platforms, and clear rules on wholesale coordination) and using these as a reference for other markets.

9. Standardisation

- One area that is largely unaddressed in the report is the question of standardisation for IAS switching (the discussions tends to focus on mobile switching/porting standards)
- Delayed switch overs can be caused by multiple factors but one issue is the lack of a standardised process for the physical connection of a customer. A lack of standardisation can lead to smaller ISPs becoming isolated islands separate from the general retail market and switching processes.
- The FTTH Council recommends that BEREC identify the need for standardisation in switching processes based on best practice.

10. Concluding remarks

Full fibre for a digital and sustainable Europe

FTTH Council Europe appreciates the opportunity to comment on this draft and strongly supports BEREC's objective of empowering end-users through simple, reliable switching and termination processes.
By explicitly integrating FTTH-specific migration issues, refining guidance on bundles and terminal equipment, and promoting robust safeguards against contractual and procedural disincentives, the final report can materially enhance both consumer outcomes and the investment climate for very high-capacity networks across Europe. Specifically, the FTTH Council asks BEREC to reconsider its decision not to identify best practice or to issue recommendation to its Members in the final report.

About the FTTH Council Europe
The FTTH Council Europe is an industry organisation with a mission to advance ubiquitous full fibre-based connectivity to the whole of Europe. Our vision is that fibre connectivity will transform and enhance the way we live, do business and interact, connecting everyone and everything, everywhere.
Fibre is the future-proof, climate- friendly infrastructure which is a crucial prerequisite for safeguarding Europe's global competitiveness while playing a leading global role in sustainability.
The FTTH Council Europe consists of more than 180 member companies.
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