



**BoR (25) 183**

Luz Usamentiaga Ortíz, NIF 30628336H, on behalf of and representing the companies Orange España, S.A.U.; Orange España Comunicaciones Fijas, S.L.U.; Masmóvil Ibercom, S.A.U.; Xfera Móviles, S.A.U.; Orange España Virtual, S.L.U.; Suma Operador de Telecomunicaciones, S.L.U.; P; Pepemobile, S.L.; Embou Nuevas Tecnologías, S.L.U.; Xtra Telecom, S.A.U.; Másmovil Broadband, S.A.U.; Spotting Brands Technologies, S.L.U.; Euskaltel, S.A.U.; R Cable y Telecable Telecomunicaciones, S.A.U. (hereinafter **MASORANGE**), with registered office and for notification purposes at Parque Empresarial 'La Finca', Paseo del Club Deportivo, 1, Building 8, 28223 – Pozuelo de Alarcón (Madrid), hereby submits the following contributions to the Body of European Regulators for Electronic Communications (**BEREC**) in the context of the **Public Consultation on the Report on Switching and Termination of Contracts**, as may be appropriate under law.

## **CONTEXT**

I.- During the 65th BEREC plenary meeting (4–5 December 2025), the Board of Regulators approved the draft BEREC Report on **Switching and Termination of Contracts** (BoR (25) 183) for Public Consultation.

II.- Switching between providers plays a pivotal role in fostering effective competition in the market. Ensuring that the process is efficient and transparent is essential, as is maintaining the trust of end-users.

III.- National circumstances, together with diverse user expectations and behaviours, should be duly considered to ensure sufficient flexibility for Member States to address practical challenges promptly and effectively, in line with their specific conditions. In this context, the Spanish regulator is currently working on preparing the conclusions of the Public Consultation launched in July 2025 on switching of internet access providers and other related matters.

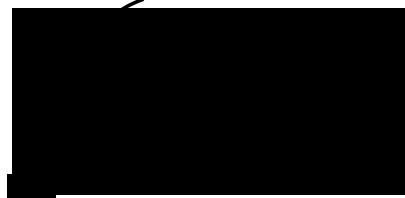
**IV.- BEREC** has set **30 January 2026** as the deadline for submitting contributions to this Public Consultation. **ANNEX I** contains MASORANGE's contributions.

Considering the above,

#### **I REQUEST**

That the Commission take note of the submission of this document, together with its ANNEX, within the prescribed timeframe and, for all relevant purposes, duly consider the views put forward by MASORANGE.

Madrid, 30 January 2026,



Luz Usamentiaga Ortiz  
Director General for Regulation, Public Affairs and Sustainability

**MASORANGE S.L.**

**BODY OF EUROPEAN REGULATORS FOR ELECTRONIC COMMUNICATIONS  
(BEREC)**

## **ANNEX I - MASORANGE's**

MASORANGE appreciates the opportunity to contribute to this public consultation and values the work carried out by BEREC in preparing the document. It also takes positive note of the overall approach set out in the executive summary and stands ready to provide further clarifications at later stages of the process.

The importance of safeguarding consumers' ability to choose as a driver of the development of the electronic communications market is receiving renewed attention within the European Union in relation to various areas of consumer regulation. Within a harmonized EU framework, it is also essential that Member States retain sufficient flexibility to tailor implementation to national circumstances—such as market structure, regulatory environment and operational conditions— to address identified user needs without unnecessary prescriptiveness.

From MASORANGE's perspective, the most relevant articles in the draft report are Articles 105 to 107 of the EECC: Contract duration and termination, Provider switching and Number portability, and Bundles.

### **Overview Articles 105 to 107 of the EECC**

MASORANGE is of the view that these articles adequately ensure competition between providers and that further detailed regulation is unnecessary, insofar as most relevant aspects are already covered by existing horizontal legislation, including the Consumer Rights Directive.

The real challenge for legislators and regulators is to strike the right balance between safeguarding consumers' ability to switch internet access providers and recognizing that this must also encompass the legitimate option of voluntarily choosing not to switch.

In line with the principle of minimal regulatory intervention and a light-touch approach, a balanced allocation of responsibilities among operators and technology-neutral measures should provide an adequate basis to protect users and preserve their freedom of choice—including the option not to switch provider when so preferred by an informed consumer—while avoiding unnecessary obligations.

Taking into account that Over-the-Top (OTT) players have been permitted over the last decade to offer services clearly substitutable with traditional telecom services, without any noticeable regulatory intervention, should reflect that simplification and harmonisation should be sought without the detriment to consumers.

Further details on MASORANGE's considerations in relation to the articles is set out below.

- *Art. 105 – Contract duration and termination*

As indicated in the BEREC report, divergence in contract durations is consistent with market dynamics and should not be fixed by the State but determined by operators. Longer terms may be warranted where they enable instalment payments that benefit consumers, while variation in durations supports competitive differentiation. At the same time, overly detailed contractual prescriptions at legislative or regulatory level tend to complicate processes, create consumer confusion, and constitute a disproportionate intrusion into operators' commercial activity in a competitive market.

- *Art. 106 – Provider switching and Number Portability*

Number portability

Number portability has been implemented across EU Member States since the late 1990s and early 2000s, through solutions ranging from fully industry-managed arrangements to models involving varying degrees of public-sector participation. Given that the main investments have already been made and can reasonably be regarded as sunk costs, it would be preferable to preserve the current systems and allocate financial resources to innovation and new products, thereby strengthening Europe's position in an increasingly technology-driven environment.

Provider switching

In Spain, the General Telecommunications Law, adopted on 28 June 2022, reproduced, in its Article 70(4), the transparency obligation laid down in Article 106 of the EECC, which the forthcoming Digital Networks Act (DNA) will maintain: an obligation on both the receiving and the donor provider to ensure transparency for end-users throughout the switching process. This cooperation is essential for the proper execution of the process, the exchange of information, the use of common platforms and the application of objective, legally established grounds for rejecting requests.

In July 2025, CNMC launched a public consultation to gather stakeholder input on the practical implementation of this obligation, among other aspects. To date, CNMC has not yet published the conclusions of that consultation. In this regard, MASORANGE considers that the practices identified as irregular in the BEREC report (such as double billing, delays in contract termination, and similar issues) are nothing more than evidence of the lack of transparency towards the transferring-provider during FTTH access switching processes. Such transparency is an essential component of the protected legal interest, namely ensuring that consumers can freely choose whether to retain their existing contract or switch to another provider.

In Spain, meeting this transparency requirement calls for the use of an infrastructure comparable to the well-established systems already in place for number portability. Such an approach would ensure a reliable, standardized and interoperable mechanism capable of delivering the level of visibility and coordination needed throughout the switching process. As set out by the CNMC in Spain, BEREC envisages three distinct models to ensure this obligation is met: Centralized<sup>1</sup> systems, Decentralized<sup>2</sup> systems and Hybrid systems (Databases managed by industry under the indirect supervision of the NRA).

MASORANGE is in favour of a Hybrid model as the most appropriate and proportionate solution for implementing the transparency model across all switches of Internet access provider. In Spain, re-using the infrastructure of the current Reference Entity for fixed number portability is feasible. It would allow the definition of a transparency model covering the entire Internet-access provider-switching process that is technology-neutral and non-intrusive for each operator's contract-conclusion processes. Hybrid model is aligned with the DNA's principles of effectiveness and simplicity for end-users.

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<sup>1</sup> Single national platforms for portability and/or switching, regulated by the NRA, ensuring transparency and traceability. In Spain, in view of the evolution and roll-out of independent portability infrastructures for fixed and mobile services, Centralized systems would have a disproportionate and even counterproductive impact.

<sup>2</sup> Direct exchange of information between providers through bilateral or multilateral arrangements. Decentralized systems are not feasible because of the large number of FTTH retail service providers. Such model does not ensure a fair and sustainable flow of communication, nor do they provide the comprehensive inventory of all access lines needed to determine which activations constitute a provider switch and which do not.

As outlined above, it is necessary to limit obligations on operators and simplify procedures; accordingly, MASORANGE considers the hybrid model the most suitable option to ensure greater transparency.

- *Art. 107 – Bundled offers*

BEREC refers to that rules for switching bundled offers vary widely across Member States. Some of them make a single request for all services, while others require separate ones, which leads BEREC to conclude that these elements constitute a disincentive for switching. In this respect, it should be emphasized that legally protected interest is not the act of switching itself, but the consumers' right to make a free and informed choice what they decide.

### **Concluding remarks**

Excessive regulation could undermine users' bargaining power and become counterproductive for consumers. European regulatory framework affords a sufficient degree of flexibility to enable each Member State to determine the characteristics and procedural arrangements that are most appropriate to guarantee such legal protection in switching processes, including those involving bundled contracts

Number portability has been deployed across EU Member States for many years based on solid, well-established infrastructures and operational processes. Its implementation required significant investment by operators to ensure reliability, interoperability and continuity of service. We consider it preferable to keep the existing arrangements unchanged and we urge the Regulators to avoid setting additional burdens in a context where the limited financial resources will be used to reinforce infrastructure resilience and European sovereignty.

Legislators must balance consumer choice with allowing legitimate communications by transferring providers. The protected interests include free choice and numbering preservation, which also cover choosing not to switch. In this respect, it should be emphasized that the legally protected interest is not the act of switching itself, but the consumers' right to make a free, informed and autonomous choice. Such a risk would arise if regulation became so excessive or prescriptive that it prevented users from choosing to remain with their current provider, even if that is their genuine preference.