

## **BEREC Input to the European Commission's Call for Evidence on the Digital Networks Act**



11 July 2025

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## 1. Introduction

The European Commission (EC) published on the 6<sup>th</sup> of June 2025 a Call for Evidence on its planned Digital Networks Act (hereinafter DNA) legislative initiative, which is expected in Q4 2025.

The Call aims to collect public and interested stakeholders' feedback on the EC's take on the background scenario and the relevant problems that the initiative intends to address, as well as on the policy options at stake.

The Call mainly focuses on creating a true single market and tackling barriers to cross-border business operation, boosting innovation and increasing investment in digital infrastructures (reference is made to transitioning from legacy to fibre, 5G and Software Defined/cloud-based networks) supporting consumer welfare, industrial competitiveness, security, resilience and environmental sustainability. BEREC welcomes the opportunity to participate in the Call for Evidence and hereinafter expresses its views.

## 2. BEREC views on part A: the problems that the initiative aims to tackle

**Ex-ante regulation** has played a key role in opening structurally monopolistic markets to new market players and constantly ensuring that competition dynamics are effective and sustainable, and that efficient investments are made. Indeed, the European electronic communications markets have demonstrated steady progress and growth. Europe's coverage of Very High Capacity Networks (VHCN) attained 82.5% with a 4.9% annual growth rate, according to the latest State of the Digital Decade 2025 report<sup>1</sup>. At the same time, fibre coverage experienced a significant annual growth of 8.4%, covering 69.2% of EU households in 2024<sup>2</sup>.

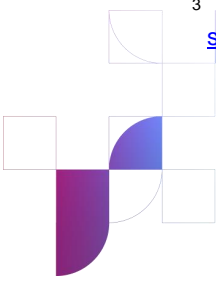
When comparing EU Member States to other regions and countries in the world, several Member States have significantly increased their fibre footprint and are among today's leaders. Currently, 16 EU Member States are placed above the OECD average of 44.6% of fibre subscriptions in total fixed broadband. Five EU Members States (Spain, Romania, Lithuania, Latvia and Sweden) feature in the top 10, with all of them having more than 75% of the fixed broadband subscriptions on fibre<sup>3</sup>. In terms of fibre take-up, the picture is similar, with 16 EU Member States above the OECD average of 16.17 fibre subscriptions per 100 inhabitants.

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<sup>1</sup> <https://digital-strategy.ec.europa.eu/en/library/state-digital-decade-2025-report>.

<sup>2</sup> The figures provided are based on national coverage statistics. Due to high deployment costs associated with rollout in rural areas, the corresponding figures for rural areas are lower. However, in many countries, deployment is publicly funded.

<sup>3</sup> Latest release of the OECD broadband statistics: <https://www.oecd.org/en/topics/sub-issues/broadband-statistics.html>



With respect to mobile networks, 5G coverage is now at over 94%<sup>4</sup> in the EU as reported in the State of the Digital Decade 2025 report<sup>5</sup>, which is comparable to other regions of the world. However, the actual 5G take-up in Europe (35.6%) is lower compared to the US (96.5%) and China (73.1%).

When comparing the European performance to the OECD area, 5G connections per 100 inhabitants for the EU27 amounted to 34.7 in 2023, which is close to the OECD average of 38.6 per 100 inhabitants<sup>6</sup>. The EU27 experienced an annual growth rate of 87.9% for 2023, compared to an OECD growth rate of 53.5%, indicating that 5G adoption increased rapidly in Europe. An indicator for actual 5G deployment is the number of base stations. With an average of 103 base stations per 100,000 inhabitants, the EU27 equals the OECD average.

At the same time, a 2024 OECD report<sup>7</sup> analysed trends in financing broadband networks and also compared the financial performance of operators across different regions for mobile communication services. Overall, electronic communication operators have increased their revenues by an average growth rate of 2.1% between 2008 and 2022 and had stable profit margins with EBITDAs over 30% and EBIT surpassing 14%.

Therefore, overall **Europe enjoys good performance:**

- **Fixed VHCN coverage** grew from 50% to **82.5%** (DESI 2020-2025 reports). In terms of **fibre coverage**, EU Member States have a relatively high share of FTTP, **most of them being above the US**<sup>8</sup>. Similarly, the US lags behind the EU in terms of fibre adoption.
- When it comes to **5G**: **94.3%** of the EU's population was covered by at least one 5G network in 2024, comparable to the 97% observed in the US and 95% in China (DESI 2025 report).
- **Prices in Europe are far lower than in the US**, which **contributes to high consumer welfare and to European competitiveness**, as telecom services are an input for all other economic sectors. Aligning European ARPU with that in the US would imply European businesses and citizens having to pay three (3)<sup>9</sup> times as much.

Forward-looking, both empirical and theoretical evidence show that **softening of competition policy**, particularly on in-country consolidation, is not the right way to deal with the challenges facing the EU. On the contrary, improving EU competitiveness on the global market needs to rely on a robust competition framework. Not only is there no evidence that reducing the number of competitors at national level would lead to higher investments and innovation, but experience has also shown that it is competition that incentivizes telecom operators to invest and innovate. The softening of competition policy could instead increase the incentives of dominant operators to engage in anticompetitive practices, resulting in **less competition, less investment and innovation, lower consumer welfare and increased prices or a decrease in quality of service**, as it was demonstrated by several recent sectoral studies by DG

<sup>4</sup> The figure includes the coverage achieved through dynamic spectrum sharing.

<sup>5</sup> <https://digital-strategy.ec.europa.eu/en/library/state-digital-decade-2025-report>.

<sup>6</sup> OECD Digital Economy Outlook 2024 (Volume 2), [https://www.oecd.org/en/publications/2024/11/oecd-digital-economy-outlook-2024-volume-2\\_9b2801fc.html](https://www.oecd.org/en/publications/2024/11/oecd-digital-economy-outlook-2024-volume-2_9b2801fc.html), StatLink <https://stat.link/ep2x96>.

<sup>7</sup> OECD (2024), "Financing broadband networks of the future", OECD Digital Economy Papers, No. 365, OECD Publishing, Paris, <https://doi.org/10.1787/eafc728b-en>.

<sup>8</sup> <https://www.oecd.org/en/topics/sub-issues/broadband-statistics.html>.

<sup>9</sup> Figure 2 in Chapter 3 of the Draghi report.

COMP<sup>10</sup> and CERRE<sup>11</sup>. This would be detrimental to European competitiveness and a huge step back, certainly not in the interest of end users in Europe.

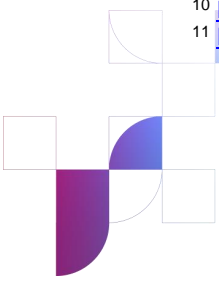
According to the Commission's narrative, the EU cannot be competitive with the US and China because the EU counts over three hundred (300) operators compared to only three (3) or four (4) in China and the US. In this respect, BEREC points out that:

- (i) unlike in other sectors, European operators are not in competition with Chinese and US operators;
- (ii) the relevant number of operators are the ones competing in the same geographic market; an operator not active in a certain territory does not affect the competitive assessment of that area. In fact, in many EU countries, **the deployment of digital connectivity is governed by operators acting either on a national, regional or even local scale**;
- (iii) the drivers for these network investments are mainly not related to scale. There is indeed no evidence that the economies of scale or a minimum efficient size would make it most efficient to have only a limited number of operators in Europe. On the contrary, operators active at country level (like most MNOs) or even at regional or local level (like many fixed network providers) are usually profitable and invest in new infrastructure and technology.

By contrast, in Europe, amongst other factors, it is the existence of effective competition in the market, supported by policies that address regional and local needs, that drives network investments. The fact that some telecom providers are rolling back their cross-border operations is not explained by a fragmented regulatory framework, but by the lack of demand.

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<sup>10</sup> [Protecting competition in a changing world](#) and [Exploring Aspects of the State of Competition in the EU](#)  
<sup>11</sup> [Ideas for the future of European telecommunications regulations](#)



### 3. BEREC views on part B: objectives and policy options

Part B of the Call makes no mention of the environmental impact of digital technology, even though it was mentioned in several EC documents as an objective in the future DNA. BEREC underlines its commitment to reducing the environmental impact of digital technology and recommends including the contribution to more sustainable digital infrastructures and services among the general objectives of the DNA. A clearer and straightforward legal basis for BEREC and the NRAs, reinforced by a data-driven regulatory approach, would be advisable to be able to fully reach this goal.

#### 3.1. Simplification

As possible measures to achieve the simplification goal, the Call for Evidence mentions the possibility to reduce reporting obligations on providers, remove regulation on players such as providers of Business-to-Business (B2B) and Internet of Things (IoT) services, refocus Universal Service obligations on affordability aspects, compact legislative initiatives into a single DNA regulation, simplify the general authorisation (GA) regime and introduce other rules to promote cross-border operation and harmonise end user protection provisions.

##### **BEREC views**

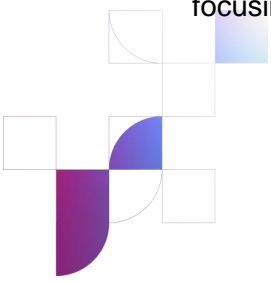
BEREC supports the EC's goal to simplify the European legislative framework for electronic communications and digital networks. However, **'simplification' should not be confused with 'deregulation'**; these are not interchangeable terms.

Simplification should facilitate the understanding and the application of the framework, thus fostering compliance, and ultimately the effectiveness of regulation. Simplification should indeed be meant primarily as a tool to streamline provisions, or delete duplicate, redundant and overly complex provisions; not as a tool to deregulate.

Therefore, careful attention should be paid to ensure that, when simplifying, no valuable pro-competition or end-user protection provisions are inadvertently weakened or deleted; attention should also be given to the relationship between new and existing digital regulations, and to any risk of increasing complexity and incoherence among them.

BEREC is ready, based on the day-to-day experience of its members, to provide suggestions on areas where simplification may be pursued to make legislation leaner and more effective for stakeholders to comply with and to benefit the market.

By way of example, while reporting obligations are key to ensure the independent national regulators' capacity to collect the necessary market data understand relevant dynamics and take appropriate action, where needed, data collection procedures could be automated and harmonised throughout the Union. Some aspects of the Universal Service provisions could be considered for simplification as well. In this regard, it would be useful to take into account Member States' best practices. Furthermore, it should be investigated how new simplified affordability measures could lead to simplification as they may actually lead to the creation or support of local monopolies to the detriment of end users / competition. It is also unclear what focusing on Universal Service affordability implies or which aspects are meant to be



considered. Moreover, some requirements associated with the notification duty, which is envisaged under the GA regime, could be streamlined further, and some of the provisions currently featured in the European Electronic Communications Code (EECC) - e.g., those on co-investments and wholesale-only undertakings, that, despite the validity of their rationale were too complex to be applied in practice - could be simplified.

Although some of the rules on end-user protection could benefit from some simplification to avoid duplication between sector specific and horizontal obligations, BEREC is firmly opposed to consumer protection relying only on horizontal legislation, as horizontal regulation by itself cannot address all the sector-specific circumstances and encompass the sector's complexity, especially for all vulnerable end-users.

In conclusion, the legislative reform should keep sector-specific rules, while making them simpler and more robust. There is room for redundant and outdated provisions to be reconsidered or updated, to avoid overlapping regulations or unnecessary administrative burden. But this task should not lead to deregulation of the effective end-user rights provision.

### 3.2. Spectrum

The Call for Evidence reports the following possible areas for regulatory or policy initiatives: (i) strengthening the peer review procedure; (ii) ensuring the timely authorisation of spectrum on the basis of an evolving roadmap and set common procedures and conditions for the national authorisation of spectrum; (iii) introducing longer licence durations and easier renewals, and gearing spectrum auction designs towards spectrum efficiency and network deployment as a basis for the early introduction of 6G; (iv) promoting flexible authorisation mechanisms, including spectrum sharing (in line with competition law principles) and facilitating requests for spectrum harmonisation; (v) reinforcing EU sovereignty and solidarity regarding harmonisation of spectrum, particularly in addressing cross-border interference from third countries; and (vi) creating a level playing field for satellite constellations used for accessing the EU market.

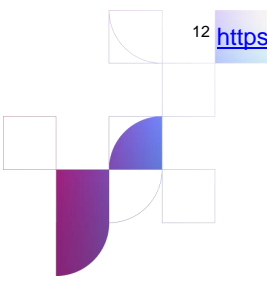
#### BEREC views

The subject of spectrum management involves a national sovereign / subsidiarity dimension, as the management of scarce radio frequency resources falls within the Member States' prerogatives. As a result, BEREC hereby briefly sets out its views on some spectrum matters, drawing on the experience shared among its independent NRAs.

BEREC is of the view that the harmonisation of technical standards, equipment and spectrum availability play an indispensable and crucial role in achieving connectivity and in exploiting economies of scale. BEREC also considers that the regulatory framework for spectrum management needs to duly consider national circumstances, given that *"the reality remains that telecom markets across Europe are still predominantly national in scope"*<sup>12</sup>, as noted in the Centre for Economic Policy research. Furthermore, BEREC supports the views set out at paragraphs thirty-one (31) and thirty-three (33) of the Council's conclusions on the White

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<sup>12</sup> <https://cepr.org/voxeu/columns/draghi-right-many-issues-he-wrong-telecoms>



Paper *that* spectrum management remains a key public policy tool for Member States and *that* effective spectrum management should address emerging demand and challenges arising from modern wireless network deployments as well as from social and economic issues<sup>13</sup>.

BEREC remains unconvinced of the merits of licence durations longer than fifteen (15) years and potentially further five (5) years (i.e., overall twenty (20) years), as provided for under Article 49 of the EECC. In this respect, it would be important not to automatically renew licences but to assess whether the current licensees are likely to remain the most efficient users of the radio spectrum over the long term, and whether this approach would benefit competition and innovation.

Furthermore, one of the key mandates of spectrum management authorities is to ensure the efficient use of radio spectrum over the entire duration of a licence. This objective becomes increasingly difficult to achieve if licence durations are longer, because the further a licence extends into the future, the more difficult it will be to set effective licence conditions. There is little justification for longer licence durations. On the contrary, periodic and cyclical licence awards, are essential to safeguard the efficient use of scarce radio frequency resources, while also promoting competition and investment. Very long licence durations (and/or moves towards 'automatic' renewals) can also be a disadvantage from a competitive perspective as they, by definition, make markets less contestable. Furthermore, longer licence durations may limit opportunities for new market entry or for spectrum re-calibration among existing competing operators. Finally, the possibility to adapt the licence conditions and obligations to territorial development needs based on technological and market developments should feature in considerations about licence duration.

In this context, market shaping mechanisms will continue to play an important role. These mechanisms should not be complicated or require a high burden of proof to introduce. BEREC considers that market processes (in connection with competition law) can determine the number of viable operators and no new entrant will enter the market without the expectation of profitable entry. BEREC also urges caution in relation to the EC's claim about the limited deployment of 5G stand-alone networks in Europe. BEREC believes that the situation is more nuanced both in terms of supply and demand side factors and recalls its detailed explanation as set out in its response to the public consultation on the EC's White Paper<sup>14</sup>. In summary, BEREC considers that demand side factors play a driving role in 5G deployments, so arbitrarily setting targets may not lead to efficient deployments, especially when there is little or no demand side drivers.

BEREC supports the harmonised use of radio spectrum as it leads to economies of scale that benefit Europe and its citizens. However, while enhancing this harmonisation, it is important to preserve the valuable contributions arising from the current ecosystem that brings together the RSPG, RSCOM, and CEPT/ECC. Furthermore, BEREC underscores that national differences can lead to different factual circumstances in markets. Accordingly, greater harmonisation may be appropriate only when national circumstances are sufficiently

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<sup>13</sup> <https://data.consilium.europa.eu/doc/document/ST-16644-2024-INIT/en/pdf>

<sup>14</sup> BEREC's input to the EC public consultation on the White Paper "How to master Europe's digital infrastructure needs?", documents BoR (24) 100\_1 and BoR (24) 100\_2.





comparable. As a result, the EC should ensure that any new institutional arrangements aimed at achieving its objectives do not introduce unnecessary bureaucracy, reduce the room of manoeuvre at national level, given the specific market conditions, or delay spectrum awards, as earlier spectrum awards have been associated with better outcomes with respect to 5G population coverage and the earlier availability of two 5G networks per Member State<sup>15</sup>.

BEREC stands ready to contribute to specific proposals from the EC, observing that it has a good overview on the market-shaping aspects of spectrum assignment across markets because of the unique viewpoint of its independent NRAs, based on the national market data they collect.

### 3.3. Level-playing field

The Call for Evidence mentions the possibility of tabling measures aiming at promoting the level-playing field and, to this end, intervening in the IP interconnection market to promote cooperation among the actors, and clarifying the Open Internet rules.

#### **BEREC views**

When it comes to the concept of “level-playing field”, BEREC would welcome an intervention on the scope of the legislative framework: the DNA should therefore, in BEREC’s view, be based on the findings of the impact assessment analysis, encompass all digital network infrastructures, considering their close relation and complementarity and the ecosystem effects featuring digital services and infrastructures.

The increasing virtualization of networks and the centralization of network management functions as well as cloud developments are the basis for such a reasoning, driving to the need to update and complement the service and network definitions and taxonomies currently featuring the EECC.

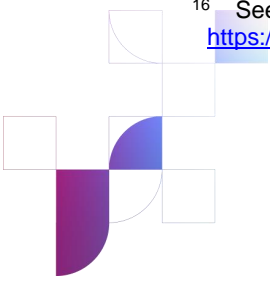
In parallel, the possibility could be investigated to give national regulators the ability to look into and intervene, if needed, in related markets, such as those where operating systems or manufacturers hinder or unduly condition the provision of electronic communication services (ECS).

Concerning the IP interconnection market, –the Call for Evidence seems to focus on the concept of “fairness” –, this market is driven by functioning market dynamics/cooperation, with few disputes having arisen so far<sup>16</sup>. However, BEREC believes that it should be closely monitored through relevant data collection (e.g., investments in digital infrastructures, IP traffic volumes...) to have an early indication if the Internet ecosystem is not managing to cope with new developments and that, in this case, based on a proper justification and thorough impact analysis, BEREC/NRAs stand ready to contribute with their expertise.

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<sup>15</sup> [Study on assessing the efficiency of radio spectrum award processes in the Member States, including the effects of applying the European Electronic Communications Code | Shaping Europe’s digital future](#)

<sup>16</sup> See BEREC Report on the IP Interconnection ecosystem, 5 December 2024 available at <https://www.berec.europa.eu/en/all-documents/berec/reports/berec-report-on-the-ip-interconnection-ecosystem>.



Turning to the Open Internet Regulation (“OIR”) and its functioning vis-à-vis the evolving market dynamics and the chance to provide services supporting innovation, BEREC considers that the OIR remains effective and fit for purpose. BEREC reiterates that network slicing is compatible with the OIR and that differentiated QoS levels of IAS subscriptions are permissible. Nevertheless, BEREC is aware that some stakeholders have expressed a desire for greater certainty in this area. To address this, BEREC will proactively engage with stakeholders and explore options to this end.

In this context, BEREC also recalls the importance of ensuring that the principle set out in Article 3(1) of the Open Internet Regulation (which is applicable for providers of internet access services) shall be applied across the value chain to avoid any uneven playing field, as the standard of end-users’ protection established under the Open Internet Regulation shall not be lowered when addressing emerging threats.

### **3.4. Access regulation**

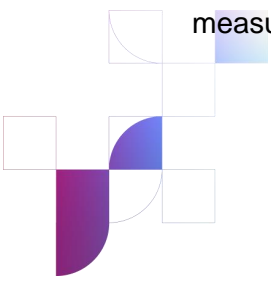
The Call for Evidence mentions three policy options as concerns the future rules for access to digital networks:

- i) Prioritizing symmetric (either through the Gigabit Infrastructure Act (GIA) or other forms of already existing symmetric access) over asymmetric regulation, leaving NRAs the possibility of regulating markets pursuant to the SMP approach and subject to a review mechanism by the EC, BEREC and the other NRAs, in continuity with the current notification system. Although the Call for Evidence does not explicitly mention the elimination of the Recommendation on relevant markets, it seems to imply it when it refers to an autonomous identification of relevant markets by national Regulators;
- ii) Introducing a pan-European harmonised access product; and
- iii) setting-up a default switch-off date for copper networks.

### **BEREC views**

BEREC considers that, in continuity with the current legislative framework, a pro-competitive approach should be preserved in the upcoming framework. Such an approach is essential to strengthening the competitiveness of the EU on the global market, by fostering efficiency, innovation and investment. Open, fair, and competitive markets are not only vital to ensuring end-user welfare, but also contribute significantly to the success of European businesses and the EU competitiveness. In particular, the ex-ante regulation approach should be maintained, as it enables NRAs to proactively address competition issues by intervening before anticompetitive behaviour can materialise.

Ex-ante regulation exists under two forms, asymmetric and symmetric, and they both remain necessary in most EU Member States to address competition issues. Removing or weakening one of the two intervention pillars, for instance by prioritizing symmetric over asymmetric measures, could lead to inefficient market structures. It is true, indeed, that symmetric



obligations in the sense of the current EEC Directive may go further than mere civil engineering infrastructure sharing by providing NRAs with the possibility to impose access obligations to wiring for instance<sup>17</sup>.

Nevertheless, BEREC believes that a predictable set of access rules, grounded on both asymmetric and symmetric tools, should be maintained to support competitive outcomes and investment certainty, whilst seeking to enhance efforts in simplifying procedures for faster regulatory decision making. In particular, it should be highlighted that symmetric access obligations imposed via the GIA would be insufficient to address the competitive issues that a number of Member States have identified in relation to civil engineering infrastructure.

In this context, it is important to underline that the current ex-ante regulatory framework has proven instrumental for the opening of structurally monopolistic markets to new market players, fostering sustainable competition and incentivising efficient investments in high-speed end-to-end connectivity. This has enhanced the welfare of end users across European markets, offering them a wide choice of high-quality, low-priced services, as well as fostered the competitiveness of the European economy as a whole, as a reliable VHCN connection is an essential input. As presented in Section 2, these statements are backed up by evidence from the latest Communication on the State of the Digital Decade<sup>18</sup>.

With reference to the potential revision of the current Recommendation on relevant markets, and in particular the possibility of removing all listed markets therein, thus leaving for NRAs to justify any need for regulation, BEREC urges caution. The Recommendation is a tool that provides clarity to all actors on the relevant markets identified by the EC and to be reviewed by NRAs. The EC should bear in mind that the removal of the Recommendation on relevant markets, based on deregulation trends in certain Member States, would create significant challenges for NRAs in other countries where one or more of the national markets still need regulation on the basis of the specific national circumstances. Available data confirms indeed that the markets currently listed in the Recommendation continue to exhibit characteristics justifying ex-ante regulation in most Member States. If these markets are no longer considered susceptible to ex-ante regulation at EU level, the evidentiary burden for NRAs to justify national measures would substantially increase, as well as the uncertainty of market conditions for players that have undertaken long-term investments in the current setting.

To reduce the regulatory burden, it could be considered that NRAs would not be obliged (but would keep the possibility) to periodically review the markets where ex-ante obligations have already been removed.

In the light of the above, any premature withdrawal of ex-ante asymmetric regulation in markets that are not fully competitive yet is likely to not only stop positive market trends, but potentially come with the high risk that such positive market trends are reversed (i.e., competition is harmed, predictability is decreased, the burden of proof on NRAs becomes

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<sup>17</sup> More detailed explanations are to be found in the BEREC Report on PIA regulation (document BoR(25)77) - <https://www.berec.europa.eu/en/all-documents/berec/reports/berec-report-on-the-regulation-of-physical-infrastructure-access>

<sup>18</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: State of the Digital Decade 2025: Keep building the EU's sovereignty and digital future - COM(2025) 290 final



higher, etc.). BEREC further emphasizes that the GIA alone is not sufficient to address the remaining competition problems in most Member States.

Regarding the possible introduction of a pan-European wholesale access product, BEREC has several concerns on the legal soundness, the practical feasibility and the overall usefulness of this proposal<sup>19</sup>.

In this respect, it is worth recalling that: i) it is not clear whether there is a demand for such a product and how it could be used to access different EU national markets; ii) the legal basis for imposing it is also unclear, considering that the EC is considering the option to remove all markets from the Recommendation on relevant markets: why should and could a new remedy be imposed if all markets are considered not to be susceptible to ex-ante regulation?; iii) its technical feasibility should be assessed, and its impact on stakeholders evaluated, based on relevant details concerning the product, that are currently not available; and iv) wholesale broadband access networks are mainly of a local character, and this is in stark contrast with introducing an EU-wide access remedy. As far as pan-European business services are concerned, it seems that the operators today already adapt their wholesale access products purchasing policies locally without major difficulty, depending on the context in each country. In addition, any attempt to design a pan-European wholesale access product would imply the risk to end up with a low-quality product, as the lowest common denominator between many existing products. All in all, caution is suggested on this proposal as many open questions remain.

Turning to the proposal on copper switch-off, BEREC welcomes the introduction of measures aiming at accelerating this transition in a harmonised manner across the EU. Copper switch-off can contribute meaningfully to achieve the Digital Decade Connectivity Targets, as well as some of the EU environmental targets, via the energy efficiency enabled by fibre networks. Furthermore, copper switch-off may represent a unique opportunity to boost fibre take-up, improve quality of services for end users, and potentially free up space in existing physical infrastructure for future use<sup>20</sup>.

Nevertheless, BEREC further recalls that uniform targets across all Member States, as suggested by the White Paper, seem overly ambitious and may not be the most appropriate tool to tackle the vastly different situations across Member States.<sup>21</sup> Indeed any uniform and binding date for a copper switch-off across the EU would be a strong intervention, which would require a sound justification, based on clear evidence of market failure and robust supporting data demonstrating the need to introduce such a measure. Furthermore, BEREC wishes to stress that although copper switch-off contributes to foster VHCN deployment and uptake in practice, some Member States may face immutable technical difficulties that constrain fibre deployments.

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<sup>19</sup> See also the mentioned BEREC's input to the EC public consultation on the White Paper "How to master Europe's digital infrastructure needs?" – document BoR (24) 100\_1 and BoR (24) 100\_2.

<sup>20</sup> For more details on the BEREC's take on copper switch-off, see the mentioned BEREC's input to the EC public consultation on the White Paper "How to master Europe's digital infrastructure needs?" – document BoR (24) 100\_1 and BoR (24) 100\_2.

<sup>21</sup> For more details cf. BEREC Progress Report on managing copper network switch-off of 5 June 2025, BoR (25) 66.



Legal and operational uncertainties accompany any mandatory scenario; BEREC therefore recommends an approach based on non-binding indicators, combined with the various measures suggested in the new Gigabit Recommendation.

An implementation of the targets as a general objective (a non-legislative approach), monitored by BEREC via non-binding indicators (e.g. percentage of migrated households), would create an incentive through reputational levers, avoiding the rigidity associated with a legal obligation.

### 3.5. Governance

The Call for Evidence deals with the sectoral institutional layout and refers to enhancing the role of BEREC, the BEREC Office and RSPG, with reference to the possibility of entrusting them with decision-making duties on pan-European matters.

#### **BEREC views**

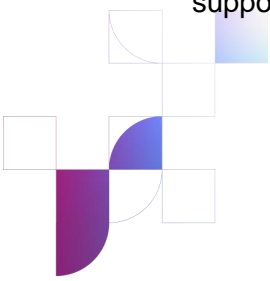
BEREC attaches fundamental importance to the single market goal, which guides its entire regulatory harmonisation efforts, and is therefore eager to assume new institutional responsibilities that could further strengthen the internal market dimension, including from a broader digital policy perspective.

BEREC's current two-tier structure has provided both regulatory effectiveness and institutional stability, enabling it to meet all its statutory goals so far.

Looking ahead, given the operational efficiency of this architecture, BEREC is of the view that any new institutional duties could be effectively carried out by building on its existing structure, with few carefully designed, proportionate changes. Crucially, any such evolution should safeguard BEREC's independence, that has been fundamental to ensuring impartial, expert-driven regulation. It is equally important that appropriate checks and balances are in place between BEREC, the EC, and other institutional actors, to uphold accountability recognising the diverse but complementary institutional roles.

Notwithstanding the Member States' prerogatives in allocating institutional tasks at national level, strengthening BEREC's role in enhancing regulatory consistency also depends on ensuring a greater degree of alignment and harmonisation of NRAs' mandates and responsibilities across Member States. A common baseline of competences among NRAs is essential to support effective cooperation within BEREC and to deliver consistent implementation of the EU regulatory framework.

In line with the principle that "form follows function", BEREC acknowledges that a full assessment on the future sectoral institutional layout will only be possible once the EC presents its specific proposals. As a matter of fact, it is not possible to define an appropriate BEREC structure without knowing the distribution of tasks and decision-making between EU and national level. In this context, it will also be possible to better understand what the EC's plans are for the future RSPG, whose core remit, tasks and composition differ significantly from those of BEREC, and for which an operational reorganisation seems to be under consideration, particularly in terms of possible synergies and economies in the secretariat supporting functions. It will be important that any such institutional considerations are



approached in a prudent and proportionate manner, ensuring that the principles of regulatory independence, good governance, accountability, and subsidiarity remain fully safeguarded.

In parallel, as the institutional framework evolves, BEREC acknowledges the growing importance of structured cooperation with other EU-level bodies operating in interrelated areas of digital policy, such as data governance, digital services, cybersecurity, and artificial intelligence. Effective coordination is essential to promote coherent regulatory outcomes, avoid duplication of efforts, and ensure consistency across interconnected policy areas. BEREC's participation in the High-Level Group established under the Digital Markets Act provides a positive example of how structured involvement can enhance regulatory coherence while fully respecting the distinct institutional roles and legal independence of all bodies involved. BEREC fully supports further strengthening such cooperation as part of the evolving EU governance framework.

BEREC remains committed to constructively supporting the future development of the sector's governance framework, building on its institutional strengths and firmly upholding its core principles of regulatory independence, good governance, operational flexibility and accountability in delivering a coherent and competitive internal market.

