

# DSM Questionnaire

Fields marked with \* are mandatory.

## Stakeholder Survey on the EECC & the Digital Single Market

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### Stakeholder Survey on EECC & the Digital Single Market

The Directorate General for Communication Networks, Content and Technology of the European Commission has commissioned EY Economic and Policy Advisory Services SRL (EY) and WIK-Consult to conduct three studies, in support of the assessment of the functioning of the EECC. The three studies are: “Completing the Digital Single Market - Regulatory enablers for cross-border networks”, “Review of Access Regulation under the European Electronic Communications Code and analysis of future Access policy in full fibre environment” and “Financial conditions, demand and investment needs and their regulatory and policy implications including the review of universal service”.

This survey aims to collect stakeholder views and evidence related to potential amendments of the legal framework for electronic communications. The survey covers the following topics:

1. Objectives of the EECC
2. Scope and level-playing field
3. Quality-based services
4. General authorisation
5. Numbering
6. Mobile / wireless services and spectrum
7. Access-related provisions
8. Environmental sustainability
9. Universal service
10. End-user protection
11. Regulatory governance
12. Finalisation

This survey should be read in conjunction with the [Call for Evidence](#) published by the Commission in June 2025. General considerations by respondents of this survey concerning the problem identified and other general observations could be submitted as part of the feedback of the Call for Evidence, whereas more detailed elements regarding policy options could be included in the reply to this survey.

### Survey instructions

Please start the survey by answering the mandatory questions of the section “About you”. The remaining questions of the survey are optional. You are invited to click on the tabs of various sections and answer only those questions, of which you have knowledge and can provide evidence. You can skip the whole

sections of questions by choosing a different tab.

You can download the PDF version of the survey questionnaire [here](#) and prepare your answers in advance. Please note that the visual presentation of the questions in the survey tool looks different from the one on paper. The support letter from the European Commission can be downloaded [here](#).

The survey will be open until 17:00 CET on 11 July 2025, after which the survey will be taken offline. Please upload your answers until then.

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### Data protection notice

The Commission services and the consortium study team will make use of your contribution (information /data provided) only for the needs of the external supporting study and the staff working document to be prepared by the Commission services.

All answers received will be processed and stored securely by EY in compliance with the EU General Data Protection Regulation (GDPR). The answers you provide will not be published and will be retained by EY for as long as necessary for the successful completion of the study and will be deleted thereafter. Your answers will be treated confidentially, and only the analysis of the responses will be published.

Thank you for taking the time to respond to this survey – we highly appreciate your feedback. If you have any questions concerning the study, please feel free to contact the project team at Gilles.Van.Cappellen@be.ey.com.

## Section 0: About you

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Which category of stakeholder do you represent? Please select the category that fits your organisation best.

*Maximum 1 selection(s)*

- NRA
- National competent authority
- Company (provider of ICT services)
- Company (user of ICT services)
- Business/industry association representing providers of ICT services
- Other business/industry association
- Academia
- Consumer protection organisation
- Civil rights organisation
- Organisation representing environmental interest
- Other

In which country do you operate?

- EU-wide
- Austria
- Belgium
- Bulgaria

- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

\* Please indicate the name of the organisation/institution you represent.

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Please leave your name. These details are requested in case there is a need for follow-up in case responses to the open questions are unclear or there are duplicate responses. Your name will not be disclosed or used for purposes other than the processing of the online survey.

Thomas Lohninger

Please leave your contact email. These details are requested in case there is a need for follow-up in case responses to the open questions are unclear or there are duplicate responses. Your contact email will not be disclosed or used for purposes other than the processing of the online survey.

thomas.lohninger@epicenter.works

## Section 1: Objectives of the EECC

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The EECC pursues four regulatory objectives (Art. 3(2) EECC): promoting While these objectives remain relevant, technological, economic and policy developments of the recent years may require some

adjustments of the EECC objectives.

The aim of the study on “Completing the Digital Single Market - Regulatory enablers for cross-border networks” is to assess whether it may be appropriate to amend the current regulatory objectives of Art. 3(2) EECC or add new ones to ensure that the regulatory framework remains future-proof and effective.

Is there a need to change the regulatory objectives set out in Art. 3(2) of the EECC? When answering, please take into account policy developments since the EECC’s adoption in 2018, such as the European Green Deal, EU Digital Decade, Competitiveness Compass, EU Preparedness Strategy etc.

- Yes
- No
- No opinion

Please explain your answer

The objectives of the EECC adequately reflect current needs. There is no change in regulatory or technological landscape that would justify such a reform. The only objective that can be achieved by such a legislative change is reducing consumer protections and market consolidation, which would primarily benefit a few large market players. For the vast majority of other market participants, including consumers, smaller providers and small and medium-sized enterprises (SMEs), such consolidation would result in higher costs, less choice and limited access to digital services. This would undermine the EU’s goals of digital inclusion, innovation and a diverse and resilient digital economy. There is no need for a Digital Networks Act.

If new regulatory objectives are added, what would be the relative benefits compared with the costs of adding a regulatory objective regarding:

	1 - Costs significantly outweigh the benefits	2	3	4	5 - Benefits significantly outweigh the costs
Competitiveness	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Environmental sustainability	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Resilience and security	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers

Reforming the EECC so soon after its been adopted carries far greater costs than any potential reward.

Should any other regulatory objectives be added?

- Yes
- No
- No opinion

Please explain your answers

The many public consultations on this matter since 2022 have not substantiated the assumption of the very few telecom operators that have called for this reform. Regulators have repeatedly dismissed their claims. Many of the ideas put forward by the Commission in this reform have been proposed and failed to be adopted in the 2013 Telecom Single Market Regulation (COM (2013) 627). They have been dismissed by both the European Parliament and the Council.

If objectives are added, should there be a hierarchy of objectives e.g. with objectives such as competitiveness and end-user welfare being the ultimate goal, while others such as competition, promotion of the internal market etc provide the means?

- Yes
- No
- No opinion

Please indicate the main benefits of creating a hierarchy of regulatory objectives in the EECC.

There is a high risk that the proposal from the European Commission for a DNA reduces the consumer rights and protections enshrined in the Open Internet Regulation or the EECC, as well as the BEREC Regulation. Any regulatory change to the Open Internet Regulation, in the allocation of supervisory obligations to NRAs and BEREC or in the independence and institutional setup of BEREC would be a grave disservice to the European citizens.

Furthermore, reducing competition in the European telecommunication market could lead to higher prices for consumer in the current cost of living crisis underpinned by the risk of inflation. This negative effect could be further intensified by the introduction of network fees (dispute resolution settlement). Such a regulatory intervention in the interconnection market most likely will lead to higher subscription prices and higher fees for public broadcasting for consumers, as well as higher cost for any type of hosting service for basically alltypes of European companies that have a web presence. Small and medium-sized enterprises (SMEs), in particular, would be disproportionately affected by these additional costs. For these businesses, which are the backbone of the European economy, the digital transformation must not become even more expensive. Affordable access to digital infrastructure is crucial to ensure their competitiveness and innovation capacity in the European market.

Because of all these factors we recommend refraining from the DNA proposal at all. Proposing such a regulation would further fuel anti European sentiment and disenfranchise large parts of the European society that are tuned into the digital rights debate. The only historical example of such a regulatory roll-back of net neutrality and consumer protection rules is in the first administration of President Donald Trump. We urge the Commission not to follow this historical mistake!

## Section 2: Scope and level playing field

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Reflecting the emergence of a broader connectivity ecosystem and the need for a level playing field, one of the issues to be addressed in the present study is related to the regulatory treatment of cooperation between various players, including IP interconnection.

Would there be a benefit in proposing a harmonised approach at the EU level to the regulatory treatment of IP interconnection?

- Yes, the current situation is not clear enough.
- No, the current situation is clear enough.
- No opinion

Please explain why **no benefits** would result from clarification.

All of the proposed regulatory interventions on the interconnection market carry enormous risks for the whole internet ecosystem. There is no evidence supporting the need for any type of regulatory intervention in this market. Both of these findings have been put forward by BEREC in multiple reports.

The only problems currently observable in the interconnection market are produced intentionally by large incumbent telecom operators that hold their customers hostage to poor quality connections to other networks in order to extort paid interconnection agreements with the other network operators. The proposed interventions of the Commission would only intensify these problems. Whereas the existing framework provided by the Open Internet Regulation already offers the tools to NRAs for resolving this situation.

The submission brought forward by our organization together with VZBV, GFF and Prof. Barbara van Schewick provides a detailed analysis of these problems and how they are already covered by existing EU law: <https://epicenter.works/en/content/beschwerde-gegen-die-deutsche-telekom-wegen-verletzung-der-netzneutralitaet> and <https://netzbremse.de/en/>

## Section 3: Quality-based services

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To support innovation and enhance investments in new technologies and services in electronic communications sector as well as competitiveness across the EU single market, it is necessary to provide additional clarification on the regulatory treatment of new quality-based services (e.g. services which assure a given level of quality regarding bandwidth or other factors end-to-end in order to support the provision of specialised services). This study aims to explore how the regulatory framework can be improved for quality-based services.

Would the clarification of regulatory regime for quality-based services be beneficial?

- Yes
- No
- No opinion

Please explain why a clarification will not be beneficial or is not necessary.

The legal provisions on Specialized Services in Article 3(5) of the Open Internet Regulation were intentionally designed by lawmakers to allow for new innovation as long as it technically requires optimization that cannot be delivered via the open, best effort internet. Any deviation from this principle would allow telecom companies to reclassify existing online services as specialized services, which would give them preferential treatment and surmount to a paid fast lane.

BEREC continuously investigated this question and could not find any evidence supporting the claim that 5G technology offers challenges to Europe’s net neutrality rules: “To date, BEREC is not aware of any concrete example from stakeholders where the implementation of 5G technology as such would be impeded by the Open Internet Regulation.” ([https://www.berec.europa.eu/en/all-topics/5g?language\\_content\\_entity=en](https://www.berec.europa.eu/en/all-topics/5g?language_content_entity=en) )

Besides the above mentioned collective opinion of Europe’s telecom regulators, there are also no international examples of 5G technology enabling the kind of innovative services the telecom industry promises. This holds true also in regions without net neutrality protections, like in most Asian countries or in all but two states of the USA. In most developed countries 5G technology is being rolled-out for about five years now and nowhere did such innovative services emerge with any wide-spread adoption.

Importantly, the Open Internet Regulation is drafted technologically neutral. There is nothing in the law that contradicts or excludes technological features of 5G or 6G technology. To the contrary, 5G was already a strong talking point in the negotiations and has been reflected by lawmakers. Examples around self-driving cars, telemedicine and other industry promises were discussed at length in 2015 during the trialogue phase of the negotiations. Commissioner Günther Oettinger even managed to inspire satirical videos (<https://www.youtube.com/watch?v=g6fXpo8uQtA>) with his baseless claims about the negative effects net neutrality would bring. His fears have since been proven to be unfounded, yet we find the European Commission using the same examples of 5G enabled services that were dismissed a decade ago. Importantly, even in countries without any net neutrality framework 5G technology has neither delivered on self driving cars nor wide-spread adoption of telemedicine applications.

Subsequently, the BEREC Guidelines for the Implementation of the Open Internet Regulation were reformed in 2020 to further incorporate technological features of 5G into the net neutrality framework. Yet, should the Commission believe that further evidence has emerged that would require another reform of Europe’s net neutrality rules, the best and most efficient way for an update is tasking BEREC with a review of the Open Internet Guidelines to incorporate any new technical realities. This would ensure a just, cost-effective and evidence based reform in light of the collective knowledge of all Stakeholders.

## Section 4: General authorisation

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Although the EECC contributed to the greater harmonisation of the general authorisation regime, many differences persist across Member States. To further lower barriers to market entry for electronic communications services and reduce compliance costs and market fragmentation, this study aims to explore possible improvements to the general authorisation regime.

Please indicate how beneficial the following changes to the general authorisation would be:

	1 - Not beneficial	2	3	4	5	6	7	8	9 - Most beneficial
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Simplification of the current EECC list of harmonised and non-harmonised conditions attached to general authorisation (please consider Art. 13 and Annex I EECC)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduction of the maximum harmonisation of the conditions to general authorisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Simplification of conditions attached to rights of use of extraterritorial numbers of B2B services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Creation of a national single point of contact in each MS regarding all other requirements and rules for ECN/ECS providers (including all general authorisation conditions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduction of a coordination mechanism between NRAs and other national competent authorities, incl. those beyond the EECC (e.g. cybersecurity)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adoption of guidelines on standardised implementation of non-harmonised conditions of general authorisation (incl. cross-border provision)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Harmonisation of annual reporting under Arts. 20-21 EECC (e.g. by adopting guidelines, templates)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making the BEREC notification template mandatory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adoption of an annual mandatory template	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Introduction of a one-stop-shop for the notification for cross-border providers (i.e. notification to be submitted only in one Member States or to BEREC), while indicating in which Member States the operators plans to be active	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduction of a Union notification for B2B network providers (i.e. only those that do not provide B2C)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Section 5: Numbering

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The questions in this section target only for NRAs, NCAs, businesses and business / industry associations. If you do not see any questions, please select a different section with questions.

## Section 6: Mobile and wireless services / spectrum

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As we see insufficient investments in high quality 5G and limited regulatory predictability for spectrum assignments, leading to unexploited single market potential, the EU legal framework related to mobile and wireless services may need to be amended to support the deployment and take-up of high capacity mobile connectivity while ensuring competition and innovation in 5G services, to create common approaches to support cross-border services and to enhance EU sovereignty in spectrum management. The aim of the current study is to explore potential measures in all these areas.

### Single market

The current EEECC strengthens the single market by emphasizing the importance of harmonising spectrum, by coordination in spectrum assignment (Arts. 53 and 54 EEECC) and through Article 35 whereby Member States may ask the RSPG to carry out a peer review on procedures for the award of harmonised spectrum bands.

Please indicate the degree to which you consider that the following measures would be the most effective in ensuring **consistency** in spectrum assignment procedures:

	1 - Ineffective	2	3	4	5	6	7	8	9 - Most effective
Strengthen the Peer Review process (Art. 35 EEECC)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Simplify and reduce fragmentation for satellite authorisation through, e.g. templates or common authorisation conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthen the coordination of spectrum awards between Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthen MS obligations to resolve intra-EU cross-border harmful interference, e.g. set binding deadlines for disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allow/facilitate other actors than electronic communications operators to own spectrum, e.g. tower companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What would be the consequences of not taking any new measures regarding spectrum awards?

## Section 6: Mobile and wireless services/ spectrum

### Fostering investment and sustainable competition

What measures do you think could best support investment in future mobile generations? Please indicate how effective you think the following measures would be in fostering investments in mobile and wireless infrastructure?

	1- Ineffective	2	3	4	5	6	7	8	9- Most effective
Measures designed to limit the costs of obtaining spectrum licenses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coverage and quality of service commitments in licences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Longer licence duration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Automatic/ easier renewal of licences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Increase the burden of proof for spectrum management authorities (SMAs) when imposing market shaping measures (such as measures which affect the number of infrastructures and quality requirements) by requiring them to better take into account the need for investment in infrastructure and the need to support an economically viable level of infrastructure competition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement for Spectrum Management Authorities (SMAs) to take into account EU mobile / wireless connectivity targets and associated investment needs when considering what would constitute a sustainable market structure, and what should be the associated coverage and quality of service obligations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More coordination at EU level regarding spectrum authorisation and associated conditions to ensure predictability and consistent application of measures , while respecting national specificities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No specific measures are necessary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What would be the consequences of not taking any new measures to foster investments in 5G and the current legal framework is maintained?

Do you agree that the investment requirements of future generations of mobile technologies, especially those with high Quality of Service (QoS) requirements and those relying also on higher frequency spectrum bands, may limit the viability of duplicating mobile networks when it comes to investing in new generations of mobile infrastructure?

- Yes
- No

No opinion

In cases where there is limited economic rationale to replicate mobile infrastructure **and** a forward looking assessment of the competitive conditions in the market concludes that there is high likelihood that retail competition would be undermined, what measures, if any, do you consider might be most effective in ensuring that competition in mobile networks and/or mobile services can be sustained at the retail level?

	1- ineffective and/or harmful	2	3	4	5	6	7	8	9- most effective
Support/provide incentives for wholesale only models	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support/provide incentives for network sharing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Include wholesale access obligations, e.g. MVNO access, national roaming obligations in spectrum licences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No specific measures are necessary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Under the EEC, market shaping measures may be adopted by SMAs only after a forward-looking assessment of market competitive conditions following a procedure which should take into account the market analysis procedure of Art. 67(2) EEC. In your view, to what extent has the current requirement relating to the assessment of competitive conditions been effective in?

	1- Ineffective	2	3	4	5	6	7	8	9 - Most effective
Supporting investment and sustainable competition in mobile markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring that approaches taken by SMA regarding market shaping measures are consistent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

As an alternative to the current approach, which is described in the previous question, should the DNA establish a more elaborated process for market analysis with conditions in EU law that Spectrum Management Authorities need to follow when assigning spectrum?

This could, for example, refer to the need to take into account viability of investments in view of the

envisaged market structure (in relation to measures affecting infrastructure duplication) and to the need to consider measures to foster service competition in the event that the resulting market structure would not support effective competition at the retail level.

- Yes
- No
- No opinion

What measures could be imposed to support a more harmonised approach to the application of market shaping measures?

## Section 6: Mobile and wireless services/ spectrum

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### Innovation

Promoting innovation is a key objective of the EECC. Measures which have the potential to promote innovation include spectrum sharing, for example through local licensing and experimental licences.

Please indicate which measures would be the most effective in enabling wider access to spectrum and boosting innovation:

	1 - Costs significantly outweigh the benefits	2	3	4	5	6	7	8	9 - Benefits significantly outweigh the costs
Policies which result in greater use of spectrum sharing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policies which result in greater use of spectrum pooling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policies which result in greater use of spectrum trading	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policies which impose a use-it-or-share-it-or-trade-it-or-lose-it condition in spectrum licences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promote flexibility in spectrum access to EU harmonised bands 1.(e.g non-MNO entities, local/temporary licences)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policies which could result in the assignment of spectrum to wholesale network operators	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinated assignment of spectrum for specific cross-border use cases / customer types (e.g. to multinational companies operating local networks)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policies which result in greater use of dynamic geolocation database systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Right of stakeholders to request the European Commission to start a harmonised allocation process (i.e. a petition for rule making)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What would be the consequences, if any, of **not taking** any new measures to promote wider access to spectrum and boosting innovation?

## Section 6: Mobile and wireless services/ spectrum

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### Sovereignty

This section considers whether the EECC should be enhanced to improve EU sovereignty in relation to access to the EU satellite market and to boost EU decision-making processes related to spectrum.

The satellite sector is subject to intensive investment, growth, innovation and industry and service competition, including between regions. Member States currently implement various approaches when allowing access to national satellite markets. Other third countries have more restrictive legislations imposing some kind of prior authorisation for access to their market. These fragmented approaches may undermine the EU's ability to adequately respond to new challenges.

Which of the following measures do you consider the most beneficial to harmonise approaches to access to EU market for satellite operators and enforcement?

	1-costs significantly outweigh benefits	2	3	4	5	6	7	8	9-benefits significantly outweigh costs
Single point of information for requirements for satellite authorisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Greater consistency among Member States regarding requirements for satellite authorisations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Greater consistency among Member States regarding compliance/enforcement frameworks for allowing satellite constellations' access to the EU market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Action at the EU-level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No measures are necessary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Section 6: Mobile and wireless services/ spectrum

### Sovereignty

The Radio Spectrum Decision of 2002 allows the Commission to adopt implementing decisions to designate frequency bands at the EU level under harmonised technical conditions, with regard to the availability and efficient use of spectrum for the proper functioning of the single market. To this end, the Commission may issue mandates to the European Conference of Postal and Telecommunications Administrations (CEPT) for the preparation of such harmonising implementing measures.

The European Commission and national spectrum regulators work closely together to develop common rules. To assist the Commission in developing and implementing EU-level spectrum policy, two complementary bodies of national experts have been set up:

- The Radio Spectrum Policy Group (RSPG) as a high-level strategic advisory group.
- The Radio Spectrum Committee (RSC) provides assistance and issues regulatory opinions in adopting Commission implementing decision on spectrum harmonisation.

The European Commission, in collaboration with Member States, coordinates harmonisation of radio spectrum at EU level to ensure effective use and reduce interference. Do you consider that the harmonisation method has worked well so far?

- Yes  
 No  
 No opinion

Have there been shortcomings in the spectrum harmonization process you would like to signal or elements that can be improved in the harmonization process?

- Yes  
 No

Which measures would be the most effective in *increasing EU sovereignty in cases of harmful interference from outside the EU?*

	1 - Ineffective	2	3	4	5	6	7	8	9 - Most effective
Enhance coordination among Member States vis-à-vis 3rd countries that cause harmful interferences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinate through RSPG the response to harmful interferences caused by 3rd countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Coordinated EU-level response to harmful interference caused by 3rd countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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What would be the consequences of not taking any new measures to increase EU sovereignty in spectrum management?

## Section 6: Mobile and wireless services/ spectrum

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### Establishing goals

Art. 3(2)(a) EECC establishes an objective to “promote connectivity, access to and take-up of very high capacity networks... including mobile and wireless networks by all citizens and businesses of the Union”. Is the current concept of “very high capacity network” as it relates to mobile and wireless networks still relevant, or should it be redefined in light of technological and market developments?

- Current concept of VHCN is still relevant for mobile / wireless – no need for amendment
- Current concept of VHCN is no longer relevant for mobile / wireless and should be amended
- No opinion

Should Member States be required to establish a national plan for the achievement of future mobile and wireless services goals?

- Yes
- No
- No opinion

## Section 7: Access-related provisions

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### Updating the definition of Very High Capacity Networks (VHCN)

The current definition of Very High Capacity Networks (VHCN) in Art 2(2) EECC refers to an electronic communications network which consists wholly of fibre (or a network with equivalent capabilities) up to at least the distribution point, but is silent about connectivity beyond the distribution point. Taking into account that the Decision establishing the Digital Decade Policy Programme (Art. 4(2) establishes a target regarding coverage by a gigabit network up to the Network Termination Point (NTP) and that the Gigabit Infrastructure Act (GIA) includes obligations (Art. 10) to deploy in-building fibre in new build or major renovation works, and that copper switch-off will require the replacement of in-building copper with an alternative that supports VHCN connectivity, it may be relevant to consider updating the definition of VHCN in the EECC. What would be the relative benefits in comparison to costs of the following options in your view?

	1 - Costs significantly outweigh benefits	2	3	4	5	6	7	8	9 - Benefits significantly outweigh costs
Update the definition of Very High Capacity Networks (VHCN) to include not only fibre to the distribution point / NTP but also in-building fibre or connectivity with equivalent capabilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend Art 10 GIA to provide for standardisation of in-building fibre when fibre is deployed to existing buildings, noting that currently standards are required only for new buildings or buildings subject to major renovation works	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend Art 10 GIA to note that standards should be defined up to the relevant distribution point outside the building if obligations for access at such a point have been established in the context of Art 61 (3) EECC?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your response to the previous question and the implications for benefits and costs with quantification where feasible.

## Section 7: Access-related provisions

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### Copper switch-off

Data gathered in the context of the studies conducted for the Commission regarding the review of the EECC / DNA suggests that low take-up of fibre is a problem in some countries and that uncertainty around how long there will be parallel operation of copper networks may also be limiting investment in fibre, as the

business case for fibre depends on high take-up rates that can be undermined when copper is retained. Do you consider that a concrete plan for copper switch-off would speed up the deployment of fibre or alternatives (such as suitably dimensioned 5G Fixed Wireless Access), in particular in less dense areas where deploying and operating parallel infrastructures for fixed connectivity is not viable? What would be the impact in your view of the following options for copper switch-off on the deployment and take-up of fibre?

For each of the following options, please indicate how effective you consider it is likely to be in supporting the EU's progress towards a gigabit connectivity target.

	No or negative effect	Minor increase in Gigabit connectivity	Some increase	Significant increase	Full fibre and equivalent coverage resulting from the measure concerned
Non-binding target date for copper switch-off of 2030 included in soft law e.g. in an EC Recommendation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-binding target date for copper switch-off of 2030 included in legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding target date of 2030 for copper switch-off in legislation with an exception for areas not fully covered by a fibre network.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding target date of 2030 for copper switch-off in legislation with an exception for areas not fully covered by a fibre network or a network offering capabilities equivalent to fibre.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding target date of 2030 included in legislation with an exception for areas linked to coverage of FTTH and which do not have any alternative broadband access network with a minimum level of capabilities reaching e.g. 100Mbit/s.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Binding requirement included in legislation for copper switch-off linked to a specified level of fibre coverage (e.g. 90% or 95%) in a given area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding requirement included in legislation for copper switch-off linked to specified coverage of fibre or other broadband access with equivalent capabilities (e.g. of 90% or 95%) in a given areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please describe the benefits and costs (including any possible unintended effects) associated with each of the options for society as a whole including consumers, SMEs and larger businesses and for different actors providing telecom services such as former incumbent operators, wholesale only or other regional fibre investors, access seekers.

	Costs	Benefits
Non-binding target date for copper switch-off of 2030 included in soft law e.g. in an EC Recommendation		
Non-binding target date for copper switch-off of 2030 included in legislation		
Binding target date of 2030 for copper switch-off in legislation with an exception for areas not fully covered by a fibre network.		
Binding target date of 2030 for copper switch-off in legislation with an exception for areas not fully covered by a fibre network or a network offering capabilities equivalent to fibre.		
Binding target date of 2030 included in legislation with an exception for areas linked to coverage of FTTH and which do not have any alternative broadband access network with a minimum level of capabilities reaching e.g. 100Mbit/s.		
Binding requirement included in legislation for copper switch-off linked to a specified level of fibre coverage (e.g. 90% or 95%) in a given area		
Binding requirement included in legislation for copper switch-off linked to specified coverage of fibre or other broadband access with equivalent capabilities (e.g. of 90% or 95%) in a given areas		

Do you consider that it would be justified to amend the conditions for copper switch-off as set out in Art 81 EECC regarding copper to fibre migration?

- Yes
- No
- No opinion

## Section 7: Access-related provisions

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### Replicability of fixed networks and implications for the future need for access regulation

As of 2024, the data shows that while some premises, especially those in very dense areas are served with three or more parallel VHCN networks, most premises are served by only one or two distinct fixed access network infrastructures. Looking forward to 2035, when the switch-off of copper networks should be complete, what % of households do you consider will be served by:

	<10%	10-20%	20-30%	30-40%	40-50%	More than 50%
Only 1 fibre infrastructure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At least two fibre infrastructures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Three or more fibre infrastructures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Note when answering the previous question you should take into account economies of scale involved in the deployment of fixed access infrastructure as well as potential cost reductions that might be achievable by using the Gigabit Infrastructure Act (GIA) but not any measures that might be applied regarding wholesale access under the EECC. As this question asks about distinct infrastructures / separate deployments, co-investment should not be taken into account.

Bearing in mind possible limitations on the replicability of fixed very high capacity fixed access infrastructure, do you consider that it will be necessary for the future DNA to include provisions regarding wholesale access?

- Yes – there should be some provision made in the DNA for wholesale access provisions
- No – all existing provisions regarding SMP access regulation and Symmetric access under Art 61(3) should be removed in a future DNA and reliance should be placed on the GIA and competition law instead
- No opinion

## Section 7: Access related provisions

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### Thresholds for access regulation

The current provisions are SMP regulation via a market analysis (Art. 67 and associated articles) and/or symmetric regulation under Art. 61(3) EECC. It should be noted in this context that under the existing rules, the SMP regime remains the key instrument for ex ante regulation. The current regime requires NRAs to analyse relevant markets included in the Recommendation on Relevant Markets considered susceptible to ex ante regulation and a requirement for NRAs to conduct the three criteria test when proposing regulation in markets not included in the list set out in the Recommendation on Relevant Markets. Regulatory intervention can be also envisaged outside of the SMP regime under the specific conditions set in Article 61 (3) through so-called symmetric regulation, but this is typically viewed as subsidiary to SMP regulation as the introduction of access obligations under article 61(3) is optional. While there is a requirement for NRAs to review markets included in the Relevant Market Recommendation.

Regarding existing provisions on “symmetric” regulation under article 61(3), it should be noted that access obligations under this provision do not apply to all operators in general but rather typically to a single operator (monopolist on fibre in a given area) who deploys wiring inside a building or **up to the first distribution point** in a given area or building in situations where **duplication of such wiring would be economically inefficient or physically impractical**. Additional criteria must be met when mandating access beyond the first distribution point. This provision (beyond the first distribution point) has not been used in practice.

- Yes retain the current system of SMP (Art 67 and associated articles) and symmetric regulation relating to wiring (Art 61(3)) unchanged
- No wholesale access provisions may still be needed under the DNA but changes are necessary to the threshold
- Not relevant because access provisions are not necessary
- No opinion

With reference to the response given above, what do you see as the benefits of the existing approach, and what are the drawbacks / unintended consequences? Will this approach remain relevant on a forward-looking basis?










How would you rate the respective benefits in comparison with costs of the following options?










	1 - Costs significantly outweigh benefits	2	3	4	5	6	7	8	9 - Benefits significantly outweigh costs
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<p>Retain the existing system whereby SMP regulation is the mainstay of ex ante regulatory intervention, and NRAs are required to analyse markets listed in a Recommendation on Relevant Markets and impose access obligations where they find SMP. Access obligations in other markets can be imposed but only if the 3 criteria test is passed. Symmetric obligations under article 61(3) remain as a complement (for in-building wiring) and/or as an alternative to SMP for specific types of access regulation (access to the terminating segment), but remain optional for NRAs.</p>	○	○	○	○	○	○	○	○	○
<p>Replace both SMP-based regulation and the symmetric provisions (article 61(3)) with an alternative bottleneck concept defined as one closed network in a given area.</p>	○	○	○	○	○	○	○	○	○



<p>Replace both SMP-based regulation and the symmetric provisions (article 61(3) with an alternative bottleneck concept whereby “bottleneck” regulation could be triggered if access is (i) necessary from a functional point of view to provide an effective alternative service provision, (ii) the market is not effectively contestable by access seekers given the minimum cost-efficient scale and (iii) there would be no other viable and functioning alternatives</p>	●	●	●	●	●	●	●	●	●
<p>Remove the SMP provisions and instead rely entirely on GIA complemented by Article 61(3) as it is now (see description of this article above).</p>	●	●	●	●	●	●	●	●	●

<p>Remove the SMP provisions and instead rely entirely on GIA and Article 61(3) with amendments to reduce the burden of proof in relation to Article 61(3). For example, amend article 61(3) so that access may be mandated where replicability would be economically inefficient or physically impractical and extend this threshold so that this same burden of proof also applies for access at points beyond the first distribution point as well as potentially to active access, in cases where passive access would not be feasible</p>									
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<p>Remove the markets from the Relevant Market Recommendation, and instead require NRAs to periodically gather retail and wholesale data and conduct market analyses first at retail, and then if necessary at wholesale level. Specifically, in cases where relevant retail markets for fixed broadband and mobile connectivity (for the provision of services to consumers, SMEs and enterprises) would not otherwise be effectively competitive in the absence of ex ante wholesale obligations under the EECC (and after taking into account provisions under the GIA), NRAs would be required to apply access obligations under the EECC based on an assessment of the 3CT and SMP finding and/or under art 61(3) (for cases where replicability would be economically inefficient or physically impractical) as appropriate. In other cases, regulation would be required to be removed</p>									
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<p>Retain SMP regulation but as a safeguard mechanism, always requiring the three criteria test, under the assumption that competition problems would by default, normally be addressed by existing symmetric regulations, in particular GIA, but also potentially article 61(3) unamended</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Replace the existing SMP and Article 61(3) provisions with a broader obligation which requires all operators deploying a fixed network to offer wholesale local access on fair and reasonable terms and conditions, subject to the potential for dispute resolution by the NRA</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What would be the implications of the different options described above on competition and investment, for NRAs, consumers, businesses and different actors in the telecom market?

Do you have alternative suggestions regarding any changes to the threshold for ex ante access regulation? If so please describe, and explain why these would be more effective than the current regime or other options described above.

Do you consider that the EECC tackles cases where there may be competition problems associated with **tight oligopolies** effectively?

- Yes the existing access regime effectively addresses cases where there may be competition problems associated with tight oligopolies
- No the existing access regime does not effectively address cases where there may be competition problems associated with tight oligopolies
- The question is not relevant because tight oligopolies do not lead to competition concerns or concerns can be addressed via competition law

Do you consider that the same market analysis process and threshold should be used to assess whether access obligations should be applied in the case of fixed and mobile infrastructures, noting that access obligations in the case of mobile are often applied in the context of spectrum licences?

- Yes - The same market analysis process and threshold should be used to assess the need for access obligations to be applied to mobile as to fixed infrastructure including when access obligations are applied in the context of spectrum licences
- Partly - The same market analysis process and threshold should be used to assess the need for access obligations to be applied to mobile wholesale markets (outside of a licensing procedure) as to fixed wholesale markets but a different process can be applied when it comes to access obligations imposed in the context of spectrum licences
- No – Different thresholds should always be used to assess the need for access obligations to be applied to mobile as to fixed infrastructure
- No opinion

## Section 7: Access-related provisions

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### Common specifications for wholesale products

Differing wholesale product specifications within the same country and across Europe can complicate the process of providing services nationwide or (for businesses) on a pan-European basis. Data gathered in the context of the studies also shows that there is relatively limited availability of fibre unbundling and that the specifications of active wholesale products may not always allow access seekers to differentiate their offers. This contrasts with the copper environment where there were standard products such as copper unbundling and standardised specifications for leased lines EU-wide. Is there a case to provide guidance regarding the characteristics of fixed wholesale access products in order to support competition and innovation nationwide and (where relevant) cross-border via the use of these products?

- Yes
- No
- No opinion

In the event that best practice / standardised specifications for wholesale access products are developed, which of the following products should be included?

- FTTH unbundling
- FTTH VULA
- Bitstream (not meeting VULA specifications)
- Ethernet Leased Lines
- Business-grade SLA / SLG and associated KPIs
- Other

What would be the impact of establishing standardised characteristics for these products? To which establishing standardised characteristics would be effective in achieving the following aims?

	1 - Ineffective or harmful	2	3	4	5	6	7	8	9 - Most effective

Encouraging service provision in multiple EU countries to consumers or multi-national enterprises	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating the provision of retail broadband services in national markets characterised by different wholesale access providers and potentially different legal bases for regulation e.g. SMP, State Aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating differentiated services / innovation – in particular in the event that specifications for FTTH unbundling and VULA are included	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What would be the impact of such a provision on stakeholders including consumers, SMEs, larger businesses and different types of telecom provider (operators subject to access regulation, access seekers specialising in mass-market broadband, access seekers providing business services, wholesale only providers, NRAs)?

## Section 7: Access-related provisions

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### Potential areas to improve coherence and strengthen effectiveness of the access measures

Art. 72 EEC (Access to civil engineering) encourages NRAs to mandate access to ducts and poles in cases where SMP has been found in a market which does not directly include ducts and poles within the scope of the market definition. This provision has been widely used to mandate access to SMP ducts and poles. However, in cases where SMP duct and pole access is widely taken up and used by access seekers to deploy fibre, it does not make sense any more to rely on the provision as set out in art 72 EEC because it prevents NRAs from taking into account the impact of duct and pole access (as an upstream remedy) on competition in the market in which SMP has been found (such as Wholesale Local Access or dedicated connectivity). There has thus been a trend for some NRAs to identify it as a separate (PIA) market. As a further challenge, once an operator has made use of SMP PIA to install fibre, it is not possible to switch to another duct network. Thus, there is dependency on this asset for the duration of the fibre investment.

How would you rate the following options in terms of their effectiveness in addressing this problem?

	1 - Ineffective or harmful	2	3	4	5	6	7	8	9 - Most effective
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Maintaining the status quo i.e. retaining Art. 72 EEC without change, and thereby continuing to encourage the introduction of duct access obligations as a remedy under other wholesale markets e.g. relating to wholesale local access or dedicated connectivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Remove Art. 72 and instead require (via a legal obligation) or recommend (e.g. through the inclusion of a PIA market in the RRM) NRAs to assess a separate PIA market in the context of a periodic market analysis procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain Art. 72 but amend to note that in the event that SMP PIA is likely to have a significant impact on downstream competition, then it should be assessed as a separate market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Include a provision in the DNA that the operators of historic copper networks and /or operators that have previously been found to have SMP and have provided access to ducts and poles on the basis of SMP regulation should provide access to ducts and poles on the basis of cost-orientation and non-discrimination with provision for the EC or BEREC to provide guidelines on the terms and conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate your answer or explain what other measures might be appropriate to address the problem described

## Section 7: Access-related provisions

## Potential areas for simplification regarding access regulation

The following access provisions associated with SMP regulation have not been extensively used. Moreover, some stakeholders have highlighted concerns with their interpretation and possible unintended consequences in the context of interviews conducted for the access study. In the event that SMP regulation is retained, which of the following provisions could be removed?

In the event that they are removed, NRAs would then be asked to take the relevant factors into account (e.g. impacts on market dynamics of co-investment arrangements, wholesale only and voluntary separation) when conducting a market analysis without reference to a specific article establishing further rules.

- Article 76 Co-investment -Regulatory treatment of new very high capacity network elements
- Article 80 Wholesale only
- Article 77 Functional separation
- Article 78 Voluntary separation by a vertically integrated undertaking
- Others



For those provisions that you consider can be removed, what would be the benefits associated with removing these provisions e.g. in terms of reduced bureaucracy / costs / increased regulatory certainty / effects on competition, consumer welfare and/or investment?

	Benefits of removing the provisions
Article 76 Co-investment -Regulatory treatment of new very high capacity network elements	
Article 80 Wholesale only	
Article 77 Functional separation	
Article 78 Voluntary separation by a vertically integrated undertaking	
Others	

For those provisions that you consider should remain, what would be the negative impacts associated with their removal? What changes could be made to these provisions to render them more effective / relevant?

	Negative impact of removing the provisions
Article 76 Co-investment -Regulatory treatment of new very high capacity network elements	
Article 80 Wholesale only	
Article 77 Functional separation	
Article 78 Voluntary separation by a vertically integrated undertaking	
Others	

## Section 8: Environmental sustainability

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The current legal framework for electronic communications predates EU policies such as the European Green Deal and the Green Deal Industrial Plan. This study aims to explore how to ensure the alignment between the various policies in the most effective manner.

Could there be benefits from introducing an environmental sustainability objective and/or provisions related to environmental sustainability in the legal framework for electronic communications?

- Yes
- No
- No opinion

Please explain your answer.

There is a natural progression away from copper and towards fiber networks. The cost of regulation and the power shift towards incumbent operators with old inherited copper networks likely outweigh the benefits of this.

Do you see a need for a wider cross-industrial collaboration to promote environmentally sustainable use of networks (e.g. via traffic optimisation, codecs, etc)?

- Yes
- No
- No opinion

Please explain why, in your view, no benefits would result from adding an environmental sustainability objective and/or provisions related to sustainability in the legal framework for electronic communications.

Such a regulatory intervention would run contrary to the goal of reducing carbon emissions. Content and Applications Providers (CAPs) already invest heavily in building out data center that are caching content close to consumers so as to reduce the distance data has to travel. Creating an intensive for eyeball ISPs to push CAPs towards paid interconnection agreements would make it economically viable for them to provide their traffic over transit connections. This would increase the distance data has to travel and thereby the environmental impact of these connections. Such a shift would also deteriorate the quality of service for consumers. This is exactly what happened in South Korea after similar regulation to Sending Party Pays was adopted. Now data is handed over at other internet exchanges whereby it has to travel longer with higher environmental impact, higher costs of South Korean telecom operators and deteriorating quality of service for consumers.

What would be the consequences of not taking any new measures related to environmental sustainability in the legal framework for electronic communications?

After repealing the anti-greenwashing proposal that already was in trialogue stage and justifying repeals of essential fundamental rights protections like the GDPR and delaying the AI Act with "cutting red tape", the Commission isn't in a position to credibly propose new rules on environmental matters. We don't believe that these reasons for proposing the DNA are genuine. Such a regulatory intervention has a very low chance

of reducing carbon emissions and a very high chance of distorting the interconnection market to the benefit of a few powerful industry players. Logic would dictate that there are many other avenues to reach this goal but not the proposal that the Commission puts forward.

## Section 9: Universal services

The Universal service obligations (USO) in the European Electronic Communications Code (EECC) provide a social safety net that seeks to support the availability, affordability and accessibility of basic electronic communications services. However, other horizontal measures such as State aid measures, the provision of Services of General Economic Interest or social welfare contributions, could in principle be used to address the same objectives.

Do you consider that the universal service provisions could be completely withdrawn from the EECC without undermining the underlying objectives which they set out to achieve?

- Yes, the USO provisions could be withdrawn
- No, the USO provisions should not be withdrawn
- No opinion

Information gathered by the study team suggests that there is limited use of the USO **availability** provisions in Member States because end-users' needs for safety net broadband solutions are typically met by commercial means, or will be addressed through public funding. Options may be either to remove this provision (regarding availability) or to update it in way that would mean that it may be relevant in more cases. What do you consider are the relative costs and benefits of the following options?

	1 - Costs significantly outweigh benefits	2	3	4	5	6	7	8	9 - Benefits significantly outweigh costs
Maintain the status quo	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Phase-out of existing (optional) provisions in the EECC regarding availability of adequate broadband	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the definition of adequate broadband so that it more closely matches the targets established in the Digital Decade policy programme	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate your response and provide quantitative evidence where possible of the costs and benefits that might be associated with each of these options.

Information gathered by the study team suggests that the provisions relating to **affordability** of adequate broadband are used in some cases, but can be costly to apply and in many cases have limited take-up. If the costs are met by the industry, this could result in excessive burdens. What would be your preferred option when comparing the relative benefits compared with costs?

	1 - Costs significantly outweigh benefits	2	3	4	5	6	7	8	9 - Benefits significantly outweigh costs
Maintain the status quo without any changes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Phase-out of existing provisions in the EECC regarding affordability and address affordability solely through social welfare system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain the existing scope of provisions and update the definition of adequate broadband to align with the Digital Decade targets/ VHCN	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Update adequate broadband definition by updating Annex V to reflect forward-looking use cases (falling short of VHCN) while providing more guidance on the relation between adequate broadband and broadband speeds enjoyed by the majority with aim of highlighting the role of universal service as a safety net	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain the current rule of limiting affordability measures to consumers with low income, or special social needs (including those in remote areas for whom a connection is available but not affordable) and ensuring support to consumers with	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

disabilities. Clarify that the provisions should be used only where other public policy tools (measures such as vouchers or social allowances), would not address objectives									
Remove SMEs and not-for-profit organisations from the (optional) scope of the affordability provisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Remove the option of an industry fund (so that any unfair burden would need to be met from public funds)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate your response and provide quantitative evidence where possible of the costs and benefits that might be associated with each of these options.

USOs are an essential tool for ensuring affordable access. They cannot be substituted by other national instruments like social welfare or State aid. Vulnerable groups would be put at risk if USOs are withdrawn and this risks further widening the digital divide.

The current EECC allows the use of industry funds to finance the costs of universal service provision (availability if implemented and affordability). Do you think that this option should be kept?

- Yes, maintain the status quo including the option of an industry fund
- No, remove the option of an industry fund (so that any unfair burden would need to be met from public funds)
- No opinion

Please elaborate your response and provide quantitative evidence where possible of the costs and benefits that might be associated with each of these options.

## Section 10: End-user protection

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This study aims to explore whether the effectiveness and benefits of the end-user protection rules can be streamlined and simplified to reduce administrative burden for operators while strengthening protection for consumers in key areas.

### Streamlining consumer protection provisions

In your view, are there examples at national level of the end-user rights rules that go beyond or fall short of the end-user protection measures set in the EECC? Please provide examples if available.

What is the average duration of consumer contracts (in other words, how long on average does a consumer maintain a contract)? Please indicate in number of months.

*Only values of at least 0 are allowed*

Could you provide an example of (or a link to) a contract summary in your country?

Are the EECC provisions that extend certain end-user rights beyond consumers to also cover all other end-users, including **businesses**, beneficial?

- Yes
- No
- No opinion

Please explain the benefits resulting from keeping such provisions.

Are the **sector specific pre-contractual information** requirements in the EECC (Art. 102 and Annex VIII EECC) which on the requirements in horizontal consumer rules beneficial?

- Yes
- No
- No opinion

Is the obligation of Art. 105(3) EECC that requires providers to offer end-users the best tariff information (at least annually and after automatic prolongation) beneficial?

- Yes
- No
- No opinion

Please explain what benefits result from keeping this obligation.

Is the provision (Art. 103 and Annex IX EECC) requiring National Regulatory Authorities to ensure that providers of internet access and interpersonal communications services, which make their services subject to terms and conditions, publish certain related information beneficial?

- Yes
- No
- No opinion

Please explain what benefits result from this obligation.

Is the provision (in Art. 103 EEC) that requires NRAs to ensure that end-users have access to an independent comparison tool free-of-charge beneficial?

- Yes
- No
- No opinion

Please explain what benefits result from this obligation.

Should this obligation also cover bundled offers?

- Yes
- No
- No opinion

Is the required **contract summary** beneficial to end-users?

- Yes
- No
- No opinion

Please explain your answer.

The provisions concerning access to emergency communications (Art. 109 EEC) have been transposed by Member States, but further implementation is needed to ensure effective access to emergency services. The Commission's 112 implementation report shows that diverging national solutions are implemented with regard to caller location criteria and access to emergency services for end-users with disabilities.

Do you consider that more harmonisation with regard to emergency communications is needed?

- Yes
- No
- No opinion

Do you have views on the benefits of the **EEC's accessibility** provisions for the electronic communications sector?

Regarding the list of **additional facilities** specified in Art. 115 EEC, are the facilities listed in Annex VI beneficial to end-users?

- Yes



- No
- No opinion

Fraud perpetrated through ECSs /ECNs leads to growing threats to end-users in terms of loss of personal data or financial losses. In order to combat fraud Article 97(2) allows for competent authorities to order ECNs/ECSs to block numbers or access to services and in such cases to require from ECSs to withhold relevant interconnection or other service revenues. Which of the following do you consider true?

- This provision is sufficient to effectively combat fraud perpetrated through ECNs/ECSs such as interpersonal communications services (voice communications, SMS, MMS, instant messaging services, web-based e-mails)
- This provision does not allow to apply preventive measures to act swiftly and effectively against fraud schemes
- This provision does not allow processing of content data for such purposes in accordance with the existing data protection and privacy legislation

Do you consider that ECS/ECN providers responsibilities should be further extended and specified?

- Yes
- No
- No opinion

Are there areas in electronic communications service where in your view, the end-user protection should be increased?

## Section 10: End-user protection

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### Reducing fragmentation

In order to avoid fragmentation of the internal market, the EECC provides for maximum harmonisation of end-user protection rules, while leaving the Member States the possibility to go beyond several of the obligations set by the EECC.

Please indicate how beneficial would be the following changes to improve the effectiveness of end-user protection rules:

	1 - Not beneficial	2	3	4	5	6	7	8	9 - Most beneficial
Status quo	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Increase protection of end-user with updates to sector-specific rules	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Update to directly applicable rules and reduce possibilities for national derogations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Update to directly applicable rules and reduce possibilities for national derogations and excluding business users from most end-user protection provided to consumers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Partial removal of EU level sector-specific rules combined with full harmonisation of remaining sector-specific rules (e.g. Art 106 on switching and number portability), where rules (without sector specificities) already exist under horizontal consumer law, adopted by Member States in conformity with the applicable directives	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Full removal of sector specific rules, move to protection of consumers only under horizontal consumer law	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

For the measures ranked 7-9, please explain what benefits are expected from the selected measures.

	Benefits
Status quo	
Increase protection of end-user with updates to sector-specific rules	
Update to directly applicable rules and reduce possibilities for national derogations	
Update to directly applicable rules and reduce possibilities for national derogations and excluding business users from most end-user protection provided to consumers	
Partial removal of EU level sector-specific rules combined with full harmonisation of remaining sector-specific rules (e.g. Art 106 on switching and number portability), where rules (without sector specificities) already exist under horizontal consumer law, adopted by Member States in conformity with the applicable directives	
Full removal of sector specific rules, move to protection of consumers only under horizontal consumer law	

As a company or authority for the measures you ranked 7-9, would you expect any cost savings? Please quantify if possible.

	Cost savings (Company or authority)	Quantifying the cost savings (Company or authority)
Status quo		
Increase protection of end-user with updates to sector-specific rules		
Update to directly applicable rules and reduce possibilities for national derogations		
Update to directly applicable rules and reduce possibilities for national derogations and excluding business users from most end-user protection provided to consumers		
Partial removal of EU level sector-specific rules combined with full harmonisation of remaining sector-specific rules (e.g. Art 106 on switching and number portability), where rules (without sector specificities) already exist under horizontal consumer law, adopted by Member States in conformity with the applicable directives		
Full removal of sector specific rules, move to protection of consumers only under horizontal consumer law		

For the measures ranked 1-3, please explain why these measures would not be beneficial. If an additional burden is expected, please identify it and quantify, if possible.

	Why not beneficial	Potential additional burden	Quantifying the additional burden
Status quo			
Increase protection of end-user with updates to sector-specific rules			
Update to directly applicable rules and reduce possibilities for national derogations			
Update to directly applicable rules and reduce possibilities for national derogations and excluding business users from most end-user protection provided to consumers			
Partial removal of EU level sector-specific rules combined with full harmonisation of remaining sector-specific rules (e.g. Art 106 on switching and number portability), where rules (without sector specificities) already exist under horizontal consumer law, adopted by Member States in conformity with the applicable directives			
Full removal of sector specific rules, move to protection of consumers only under horizontal consumer law			

What would be the consequences of maintaining the current end-user protection rules without changes?

Please indicate which of the following issues should be (in combination with any of the changes above), in your view, addressed with an update (whether simplification, removal, clarification, increased protection) of the current end-user rights rules of the EECC.

	1 - No need to change	2	3	4	5	6	7	8	9 - Urgent need to change
Quality of service information	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contractual information	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mechanisms for complaints and compensation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effectiveness of monitoring tools (where available, pursuant to Art. 4 OIR)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Relation with horizontal rules	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Price indexation in contracts	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provider switching in case of embedded internet connectivity (IoT, including in cars)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fraud in electronic communications services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Harmonised caller location criteria for emergency communications	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Must carry obligations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Directory enquiry services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interoperability of car radio and consumer radio receivers and digital television equipment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information on the environmental sustainability of the product	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Section 10: End-user protection

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### Improving the effectiveness of transparency provisions

Do you think the information end-users currently receive on quality of service, e.g. internet speed (fixed and mobile), is sufficiently clear?

- Yes, the information that consumers receive about quality of service (e.g. Internet speeds) for fixed and mobile is clear
- No, the information that consumers receive about quality of service (e.g. Internet speeds) for fixed and mobile is not clear or not clearly presented
- No opinion

## Section 10: End-user protection

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### Facilitating switching

Switching provider can be particularly complex in the case of bundles and in some cases also regarding connected devices (IoT). Should the DNA include more measures to improve switching processes?

- Yes the DNA should include more measures to improve switching processes
- No further measures are needed to improve switching processes
- No opinion

## Section 11: Regulatory governance

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The aim of the present study is to explore possible enhancements of regulatory governance in the area of electronic communications in view of simplification and possible new harmonized tasks, e.g., in the area of general authorisation, definition of a harmonised wholesale access product, tasks related to satellite access to EU market and enforcement of common requirements, cloud switching.

Do you think that EU-level governance (i.e. the interplay of NRAs and competent authorities, BEREC and the BEREC Office, RSPG, European Commission) could benefit of amendment?

- Yes
- No
- I don't know / No opinion

Please explain why you think no changes are required to the current regulatory governance at the EU level.

We are worried about the assumption of the Commission in the call for evidence and this questionnaire that the existing regulatory setup has shown limitations. The independence of regulatory agencies is vital for ensuring fair market conditions for all participants and a healthy competitive environment for consumers that leads to freedom of choice and low prices.

The suggestion in the Call for evidence to provide “interpretative guidance” to the Open Internet rules resembles the 2013 Telecom Single Market proposal in which the Commission gave itself many of the

powers that the lawmakers entrusted to BEREC in the final legislation (See Article 24(3), Article 25(2) or Article 26(4) of COM (2013) 627). This would turn back the clock and undermine the role of BEREC as an expert institution known to act impartial and evidence based.

The current regulatory setup was discussed in the reform of the BEREC regulation in 2018 and both the Council and Parliament came to the conclusion not to change it. BEREC and NRAs have proven their ability to provide expert and impartial analysis in light of a changing technological landscape that leads to effective regulation. All telecommunication networks are inherently local and the national regulatory agencies are best suited to decide on matters concerning their member states. Hence, it would be unfounded to centralize telecom regulation on EU level.

Importantly, BEREC is a sober voice that speaks truth to power – also in light of proposals by the European Commission that appear to cater more to the special interest of powerful industry players instead of being guided by facts and the interests of citizens. Any impairment on the independence of BEREC risks undermining an important source of independent analysis that all stakeholders – particularly citizens and the European Parliament rely upon.

Please indicate which of the following measures would be beneficial to improve the effectiveness of the RSPG.

	1 - Not beneficial	2	3	4	5	6	7	8	9 - Most beneficial
No changes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Provide RSPG with more administrative support (e.g. BEREC Office could also be used to support RSPG, thereby replacing also the Commission which is currently providing RSPG secretariat)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Make RSPG a body (no longer a high-level advisory group on radio spectrum policy), but without legal personality	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Make RSPG a fully-fledged agency with legal personality and decision-making powers on selected cross-border spectrum issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



For the measures ranked 1-3, please explain why these measures would not be beneficial. If additional burden/ costs are expected, please identify and quantify them, if possible.

	Not beneficial	Additional burden	Quantifying the additional burden
Provide RSPG with more administrative support (e.g. an EU agency could also be used to support RSPG, thereby replacing also the Commission which is currently providing RSPG secretariat)			
Make RSPG a body (no longer a high-level advisory group on radio spectrum policy), but without legal personality			
Make RSPG a fully-fledged agency with legal personality and decision-making powers on selected cross-border spectrum issues			

Please indicate which of the following measures would be beneficial to improve the effectiveness of BEREC and the BEREC Office (considering that BEREC is a network of European regulators whereas the BEREC Office is currently an EU decentralised agency administratively supporting BEREC with no competence on substance)?

	1 - Not beneficial	2	3	4	5	6	7	8	9 - Most beneficial
No changes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Make BEREC Office an agency supporting both BEREC and RSPG	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Merge BEREC and BEREC Office in a single EU decentralised agency; such agency could also have decision-making powers on selected cross-border issues and become a secretariat to RSPG	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Merge RSPG and BEREC into one single fully-fledged agency with legal personality, where both BEREC and the RSPG would have decision-making powers on selected cross-border issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

For the measures ranked 1-3, please explain why these measures would not be beneficial. If additional burden/ costs are expected, please identify and quantify them, if possible.

	Not beneficial	Additional burden	Quantifying the additional burden
Make BEREC Office an agency supporting both BEREC and RSPG			
Merge BEREC and BEREC Office in a single EU decentralised agency; such agency could also have decision-making powers on selected cross-border issues and become a secretariat to RSPG			
Merge RSPG and BEREC into one single fully-fledged agency with legal personality, where both BEREC and the RSPG would have decision-making powers on selected cross-border issues			

Do you see the need to improve the coordination at national level among national regulatory authorities and other competent authorities?

- Yes
- No
- No opinion

Do you see the need to improve the coordination at EU level among BEREC and other bodies established in other interrelated areas of digital policies?

- Yes
- No
- No opinion

What would be the consequences and benefits of keeping the regulatory governance in the area of electronic communications as it exists today?

## Section 12: Finalisation

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Could you please share any relevant documents and data that would be useful for the purposes of our evaluation? (please add documents here or contact the project team Gilles.Van.Cappellen@be.ey.com)

[17531821-2b4a-47b9-83fc-8ad1d32e4413/epicenter.works\\_-\\_DNA\\_call\\_for\\_evidence.pdf](https://17531821-2b4a-47b9-83fc-8ad1d32e4413/epicenter.works_-_DNA_call_for_evidence.pdf)

Thank you for your contribution!

### Background Documents

[Letter of support](#)

[Questionnaire](#)

### Contact

[gilles.van.cappellen@be.ey.com](mailto:gilles.van.cappellen@be.ey.com)

