



GSMA Comments on BEREC's Draft 2015 Work Programme

INTRODUCTION

The GSMA welcomes the opportunity to submit its views on BEREC'S draft Work Programme for 2015. We would like to congratulate BEREC for its efforts to improve the transparency and visibility of its work, and to strengthen its interaction with stakeholders. BEREC plays an increasingly important role as an advisory body in ensuring a consistent and proportionate regulatory approach in the European Union and we look forward to a continued and enhanced cooperation. This contribution follows the structure of the proposed Work Programme, addressing each of the strategic pillars and highlighting some of the most important planned work actions. It should be read in conjunction with our response to BEREC's draft Strategy for 2015-17. The GSMA remains at BEREC's disposal for any follow up questions and would welcome the opportunity to meet with BEREC representatives to further discuss any of the points raised in these two papers.

STRATEGIC PRIORITY 1 – PROMOTING COMPETITION AND INVESTMENT

- **Challenges and drivers of NGA roll-out and infrastructure competition (3.1.3)**

We welcome BEREC's focus on this issue as we are in a period of technological revolution which requires that all operators make high investments for the deployment of next generation fixed and mobile networks, whilst revenues have been declining due to increased competition and negative economic trends. In particular, mobile operators are undertaking huge investments to deploy 4G infrastructure, and increasing efforts are required in the next years to achieve 2020 targets for ultra broadband coverage (30 Mbit/s for all) and adoption (100 Mbit/s for 50% households).

- **Preparing migration to "all IP networks" (3.1.4)**

This work stream should be a priority for BEREC during 2015 but should not be limited to translating current regulatory obligations into the new IP environment. The scope should be broadened to include an analysis of the whole value chain.

- **Oligopoly analysis and regulation (3.1.5)**

We consider that this issue should be deprioritised given that the European Commission chose not to address it in its Recommendation on the revision of the relevant markets. If work is undertaken in this area, it should not be limited to the telecoms industry but should be broadened in scope to cover the whole value chain. This is particularly important given that most M&A activity is taking place in the OTT arena, establishing some very strong market positions.

- **Facilitation of access to radio spectrum (3.1.6)**

We welcome the importance BEREC attaches to this area, as well as its close collaboration with the Radio Spectrum Policy Group. Europe needs a long-term roadmap on a coordinated approach to harmonised spectrum release, together with harmonised best practice on spectrum licensing, licence conditions, and licence renewals.

STRATEGIC PRIORITY 2 – PROMOTING THE INTERNAL MARKET

- **Preparation of the next framework review (3.2.3b)**

BEREC's engagement and input into the review will be very important and we would call for this work to be advanced in close cooperation with the European Commission. We look forward to a continuing exchange of views in this area and believe that BEREC is right to identify the scope of the framework and the role of OTTs as key elements in the review. Europe needs a refreshed and reformed approach to regulation in order to incentivise the infrastructure investments that will power Europe's economy and deliver for its businesses and citizens.

- **International roaming (3.2.4)**

GSMA would like to underline the importance of regulatory certainty and legal clarity in the field of roaming. We welcome the constructive engagement that BEREC has developed between its Working Group and relevant stakeholders, and call for this to continue. Such an approach will be key to addressing and defining the relevant safeguards needed before any RLAH obligation can be implemented. In this context please also refer to our submission in response to BEREC's Preliminary Analysis of "Roam like at home".

- **Report on OTT services (3.2.5)**

A better understanding of OTT business models and how they impact the market and current regulatory framework is vital towards informing many of BEREC's initiatives across its various work-streams. We would therefore suggest that the report be brought forward with a public consultation after P1/2015 rather than P3. Due to the complexity of the issue, it would also be useful to organise a workshop with stakeholders on the deliverables expected from the report. Finally we would propose a public consultation on new indicators for bundles and OTT services, before the report is published.

- **Advance connectivity of devices, systems and services (3.2.6)**

GSMA welcomes BEREC's proposed workshop on its preliminary findings on the M2M market, and would also call for a public consultation on the BEREC proposed report on M2M before it is adopted in plenary.

The GSMA estimates that cellular Machine to Machine (M2M) connections will account for almost 1 billion of the 10 billion total mobile connections expected worldwide by 2020. The IoT services enabled by these connections will provide significant positive socio-economic benefits to citizens, consumers, businesses and governments in Europe and around the world.

Governments and regulators can realise significant social and economic benefits through the growth of IoT services by ensuring policies and regulations are, flexible, balanced and technology neutral. Excessive, prescriptive or technology-biased regulation risks stifling innovation, raising costs, limiting investment and harming overall citizen welfare.

- **Cross-border regulatory cooperation within the scope of Art.28 (2) of the Universal Service Directive (3.2.7)**

Fraud is an area of major concern for the electronic communications sector given its increasing prevalence and constantly evolving nature. It negatively impacts both operators and their customers, and managing cross border fraud is even more complex. We would propose that BEREC undertake two initiatives:

- An analysis of current NRA best practice in tackling fraud;
- An assessment of proposal for actions that may be taken to address cross border/international fraud.

STRATEGIC PRIORITY 3 – EMPOWERING AND PROTECTING END USERS.

- **Feasibility study of QoS monitoring in the context of NN (3.3.1a)**

The GSMA would urge BEREC to organise a public workshop or consultation before taking a final decision on the scope and details of a monitoring system.

Mobile operators need to deal with continually changing traffic patterns and congestion, within the limits imposed by finite network capacity. The quality of service experienced by mobile consumers is affected by many factors, not all of which are under the control of operators, including device type, application and propagation environment. The best outcomes are delivered by competitive markets with differentiated commercial offers and information that allow consumers to make an informed choice.

- **Traffic management investigation (3.3.1c)**

The first BEREC report published in mid-2012 was based on information collected during late 2011 and early 2012, and has often been referenced during the debate on the net neutrality provisions in the Connected Continent proposals.

We therefore agree that there is value in repeating the exercise to ensure that the current debate is informed with up to date information that accurately reflects the status of traffic management practices today.

Ever increasing data traffic is intelligently and actively managed by network operators to ensure the best possible experience for all users, and this is becoming even more important as increasing pressure is put on network capacity.

About GSMA

The GSMA represents the interests of mobile operators worldwide. Spanning more than 220 countries, the GSMA unites nearly 800 of the world's mobile operators with 250 companies in the broader mobile ecosystem, including handset and device makers, software companies, equipment providers and Internet companies, as well as organisations in industry sectors such as financial services, healthcare, media, transport and utilities. The GSMA also produces industry-leading events such as Mobile World Congress and Mobile Asia Expo. In the European Union the GSMA represents over 100 operators providing more than 600 million subscriber connections across the region. www.gsma.com