

# Review of the Recommendation on Relevant Markets

Fields marked with \* are mandatory.

## 1

### Introduction

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Under Article 64(1) of the Directive (EU) 2018/1972 establishing the European Electronic Communications Code (the Code) the Commission shall adopt a Recommendation on relevant product and service markets. It shall identify those electronic communications product and service markets the characteristics of which justify the imposition of ex-ante regulation, without prejudice to markets that may be defined in specific cases under competition law. The Commission shall define markets in accordance with the principles of competition law.

The last Recommendation was adopted in 2020. Previous Recommendations were adopted in 2003, 2007, and 2014, respectively. In a sector that is undergoing constant technological and market developments such as the electronic communications sector it is necessary to assess periodically if the currently recommended markets continue to display such market characteristics that justify continued imposition of ex-ante regulatory obligations or if there are other markets that should be included in the list. For this reason, the Code further stipulates that the Commission shall review the Recommendation regularly.

One of the aims of the regulatory framework is to progressively reduce ex-ante sector-specific rules as competition in the markets develops and, ultimately, to ensure that electronic communications markets are governed only by competition law.

This review is conducted in parallel to the preparation of the DNA proposal and it is based on the current framework. A separate and dedicated [call for evidence on the future DNA](#) has been launched on 6 June 2025. However, the evidences and data gathered in this process may also be used for grounding the DNA proposal.

#### **Objectives of the targeted consultation**

This consultation is carried out to inform the Commission's work in order to ensure that a revised Recommendation is adopted within this deadline, on the basis of the best available knowledge of the markets across the EU.

According to Article 67(1) of the Code, the Recommendation on relevant markets includes those products and services markets which, at the Union level, demonstrate the following market characteristics (so called 'three criteria test'):

(a) the presence of high and non-transitory structural, legal or regulatory barriers to entry;

- (b) a market structure which does not tend towards effective competition within the relevant time horizon, having regard to the state of infrastructure-based competition and other sources of competition behind the barriers to entry; and
- (c) competition law alone is insufficient to address adequately the identified market failure(s).

The aim of the consultation is to collect evidence and the position of BEREC, national regulatory authorities (NRAs), electronic communications operators and services providers, industry associations, individuals. This is to enable the Commission to assess whether, and if yes to which extent, the current list of relevant markets should be subject to a revision or to update, if necessary, the recommended list of markets susceptible to ex-ante regulation in the electronic communications sector. The updated list will reflect the overall market trends observed in the Union to be used by NRAs to identify and define relevant markets under the specific national circumstances in line with the Code and in accordance with competition law.

### **Replying to the public consultation**

All questions are optional. You can also pause at any time and continue later. Once you have submitted your answers, you can download a copy of your contribution.

Please note that there is no limit for number of characters for each reply, but you can also attach a file before submitting your answers.

In case you need assistance please contact DG Connect, Unit B.3 at [CNECT-PROJECT-RRM@ec.europa.eu](mailto:CNECT-PROJECT-RRM@ec.europa.eu).

## **2 About you**

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### **\* 2.1 Language of my contribution**

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☐ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian

- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

\* 2.2 I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

2.3 Please specify.

2.4 Is your company providing or authorized to provide Electronic Communications Network, services or an associated facility?

- ☐ YES
- ☐ NO

2.5 What type of an electronic communications network undertaking?

- ☐ Fixed Network Operator
- ☐ Mobile Network Operator
- ☐ Mobile Virtual Network Operator
- ☐ Convergent Operator
- ☐ Other

2.6 Please specify.

2.7 Has your company been designated as an operator with significant market power (SMP) on at least one electronic communications market in the EU?

- ☐ YES
- ☐ NO

2.8 Please indicate on which market your company has been designated with SMP.

*1000 character(s) maximum*

\* 2.9 First name

\* 2.10 Surname

\* 2.11 Email (this won't be published)

\* 2.12 Scope

- ☐ International
- ☐ Local
- ☐ National
- ☐ Regional

\* 2.13 Level of governance

- ☐ Local Authority
- ☐ Local Agency

\* 2.14 Level of governance

- ☐ Parliament
- ☐ Authority
- ☐ Agency

## \* 2.15 Organisation name

255 character(s) maximum

## \* 2.16 Organisation size

- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

## 2.17 Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

## \* 2.18 Country of origin

Please add your country of origin, or that of your organisation.

*This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.*

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| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt              | <input type="radio"/> Macau            | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar       | <input type="radio"/> São Tomé and Príncipe            |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                     |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea            | <input type="radio"/> Malaysia         | <input type="radio"/> Senegal                          |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia            | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                           |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini           | <input type="radio"/> Mali             | <input type="radio"/> Seychelles                       |
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| <input type="radio"/> Armenia             | <input type="radio"/> Falkland Islands   | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore                        |

<input type="radio"/> Aruba	<input type="radio"/> Faroe Islands	<input type="radio"/> Martinique	<input type="radio"/> Sint Maarten
<input type="radio"/> Australia	<input type="radio"/> Fiji	<input type="radio"/> Mauritania	<input type="radio"/> Slovakia
<input type="radio"/> Austria	<input type="radio"/> Finland	<input type="radio"/> Mauritius	<input type="radio"/> Slovenia
<input type="radio"/> Azerbaijan	<input type="radio"/> France	<input type="radio"/> Mayotte	<input type="radio"/> Solomon Islands
<input type="radio"/> Bahamas	<input type="radio"/> French Guiana	<input type="radio"/> Mexico	<input type="radio"/> Somalia
<input type="radio"/> Bahrain	<input type="radio"/> French Polynesia	<input type="radio"/> Micronesia	<input type="radio"/> South Africa
<input type="radio"/> Bangladesh	<input type="radio"/> French Southern and Antarctic Lands	<input type="radio"/> Moldova	<input type="radio"/> South Georgia and the South Sandwich Islands
<input type="radio"/> Barbados	<input type="radio"/> Gabon	<input type="radio"/> Monaco	<input type="radio"/> South Korea
<input type="radio"/> Belarus	<input type="radio"/> Georgia	<input type="radio"/> Mongolia	<input type="radio"/> South Sudan
<input type="radio"/> Belgium	<input type="radio"/> Germany	<input type="radio"/> Montenegro	<input type="radio"/> Spain
<input type="radio"/> Belize	<input type="radio"/> Ghana	<input type="radio"/> Montserrat	<input type="radio"/> Sri Lanka
<input type="radio"/> Benin	<input type="radio"/> Gibraltar	<input type="radio"/> Morocco	<input type="radio"/> Sudan
<input type="radio"/> Bermuda	<input type="radio"/> Greece	<input type="radio"/> Mozambique	<input type="radio"/> Suriname
<input type="radio"/> Bhutan	<input type="radio"/> Greenland	<input type="radio"/> Myanmar/Burma	<input type="radio"/> Svalbard and Jan Mayen
<input type="radio"/> Bolivia	<input type="radio"/> Grenada	<input type="radio"/> Namibia	<input type="radio"/> Sweden
<input type="radio"/> Bonaire Saint Eustatius and Saba	<input type="radio"/> Guadeloupe	<input type="radio"/> Nauru	<input type="radio"/> Switzerland
<input type="radio"/> Bosnia and Herzegovina	<input type="radio"/> Guam	<input type="radio"/> Nepal	<input type="radio"/> Syria
<input type="radio"/> Botswana	<input type="radio"/> Guatemala	<input type="radio"/> Netherlands	<input type="radio"/> Taiwan
<input type="radio"/> Bouvet Island	<input type="radio"/> Guernsey	<input type="radio"/> New Caledonia	<input type="radio"/> Tajikistan
<input type="radio"/> Brazil	<input type="radio"/> Guinea	<input type="radio"/> New Zealand	<input type="radio"/> Tanzania
<input type="radio"/> British Indian Ocean Territory	<input type="radio"/> Guinea-Bissau	<input type="radio"/> Nicaragua	<input type="radio"/> Thailand
<input type="radio"/> British Virgin Islands	<input type="radio"/> Guyana	<input type="radio"/> Niger	<input type="radio"/> The Gambia
<input type="radio"/> Brunei	<input type="radio"/> Haiti	<input type="radio"/> Nigeria	<input type="radio"/> Timor-Leste
<input type="radio"/> Bulgaria	<input type="radio"/> Heard Island and McDonald Islands	<input type="radio"/> Niue	<input type="radio"/> Togo
<input type="radio"/> Burkina Faso	<input type="radio"/> Honduras	<input type="radio"/> Norfolk Island	<input type="radio"/> Tokelau
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Burundi	Hong Kong	Northern Mariana Islands	Tonga
○ Cambodia	○ Hungary	○ North Korea	○ Trinidad and Tobago
○ Cameroon	○ Iceland	○ North Macedonia	○ Tunisia
○ Canada	○ India	○ Norway	○ Türkiye
○ Cape Verde	○ Indonesia	○ Oman	○ Turkmenistan
○ Cayman Islands	○ Iran	○ Pakistan	○ Turks and Caicos Islands
○ Central African Republic	○ Iraq	○ Palau	○ Tuvalu
○ Chad	○ Ireland	○ Palestine	○ Uganda
○ Chile	○ Isle of Man	○ Panama	○ Ukraine
○ China	○ Israel	○ Papua New Guinea	○ United Arab Emirates
○ Christmas Island	○ Italy	○ Paraguay	○ United Kingdom
○ Clipperton	○ Jamaica	○ Peru	○ United States
○ Cocos (Keeling) Islands	○ Japan	○ Philippines	○ United States Minor Outlying Islands
○ Colombia	○ Jersey	○ Pitcairn Islands	○ Uruguay
○ Comoros	○ Jordan	○ Poland	○ US Virgin Islands
○ Congo	○ Kazakhstan	○ Portugal	○ Uzbekistan
○ Cook Islands	○ Kenya	○ Puerto Rico	○ Vanuatu
○ Costa Rica	○ Kiribati	○ Qatar	○ Vatican City
○ Côte d'Ivoire	○ Kosovo	○ Réunion	○ Venezuela
○ Croatia	○ Kuwait	○ Romania	○ Vietnam
○ Cuba	○ Kyrgyzstan	○ Russia	○ Wallis and Futuna
○ Curaçao	○ Laos	○ Rwanda	○ Western Sahara
○ Cyprus	○ Latvia	○ Saint Barthélemy	○ Yemen
○ Czechia	○ Lebanon	○ Saint Helena	○ Zambia
		Ascension and Tristan da Cunha	
○	○ Lesotho	○	○ Zimbabwe

Democratic  
Republic of the  
Congo

Saint Kitts and  
Nevis

☐ Denmark

☐ Liberia

☐ Saint Lucia

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.**

Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* 2.19 Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ **Anonymous**

The type of respondent that you responded to this consultation as, your country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself.

☐ **Public**

Your name, the type of respondent that you responded to this consultation as, your country of origin and your contribution will be published.

### \* 2.20 Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ **Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☐ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the



organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☐ I agree with the [personal data protection provisions](#)

### 3 Technological and Regulatory Trends

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In order to be able to assess whether, and if yes to which extent, the current list of relevant markets should be revised, it is crucial to identify the relevant technological and commercial trends that have an impact on the definition of the relevant markets from an ex-ante perspective. When answering the questions below, please consider those present and future changes in the structure and functioning of the relevant markets that will impact the susceptibility of the markets for ex-ante regulation in the next 5-10 years.

#### 3.1

What are the technological developments in the electronic communications sector at the EU level that influence how the markets should be defined in the upcoming Recommendation?

#### 3.2

What are the changes in structure and functioning of the relevant markets (such as bundling, convergence, competitive constraints of Over-The-Top (OTTs), 5G deployment, etc.), that have an influence on how the markets should be defined in the upcoming Recommendation? How do the changes in structure and functioning of the relevant markets contribute to the development of competition?

#### 3.3

What impact has regulation on new models of network and service provision, which do not rely only on traditional electronic communications equipment, network and service providers but also on a complex ecosystem of cloud, edge, content, software and component suppliers?

#### 3.4

What are the legal/regulatory developments that have an influence on how the markets should be defined in the upcoming Recommendation?

3.5 How should the legal/regulatory developments be reflected in the Recommendation?

**The current Recommendation includes the Market for Wholesale Local Access (Market 1).**

3.6 What is the state of competition in downstream retail mass markets for broadband connectivity?

3.7 How is it addressed by ex-ante regulation at wholesale level?

3.8 To what extent the access services that are below very high capacity network “VHCN” standard should still be subject to ex ante regulation?

**The current Recommendation includes the Market for Wholesale Dedicated Capacity (Market 2).**

3.9 What is the state of competition in downstream retail business connectivity markets?

3.10 How is it addressed by ex-ante regulation at wholesale level?

3.11 On a forward-looking basis how it would be affected by the removal of wholesale regulation?

3.12 In both markets what is the current and foreseen level of take-up of different access products both at wholesale and retail level?

3.13

How ex-ante obligations, currently imposed on some operators, ensure the development of a competitive market(s), the conditions of which favour the deployment and take-up of VHCN and services, and the maximisation of end-users' benefit? Provide concrete examples.

3.14 How ex-ante obligations negatively impacted – if at all – investments and take-up of VHCN and services? Provide concrete examples.

3.15 What kind of symmetric regulation is in effective use or has been imposed to promote efficient VHCN investments and under which conditions?

3.16 Based on your experience, what was to date the effect of symmetric regulation on the market(s) functioning and in which cases would you consider the symmetric regulation alone to be sufficient?

3.17 In particular, what in your view is the expected impact of the Gigabit Infrastructure Act (GIA) and how will the application of GIA impact the assessment of the need for asymmetric regulation?

## 4 Scope of the relevant markets

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It should be established, on the basis of competition law principles, whether the scope of the markets contained in the 2020 Recommendation should be changed in order to reflect relevant trends in the electronic communications sector from an ex-ante perspective. Factors such as technological or regulatory developments, changes in the structure or functioning of markets, differences among various geographic areas should be considered, over specified time horizon of 5-10 years.

4.1 Should the scope of Market 1 – Wholesale local access provided at a fixed location identified in the 2020 Recommendation be changed?

☐ YES

☐ NO

4.2 Please explain based on the three criteria test.

Please also specify the qualitative and quantitative impact of any proposed change in scope of Market 1 on promoting connectivity and access to, and take-up of, very high capacity networks, promoting competition in the Digital Single Market, contributing to the development of the internal market for electronic communications networks and services, and promoting the interest of the citizens of the Union in line with Article 3 of the Code and taking into account the Digital Decade targets.

4.3 Market 2 – Wholesale high-quality access provided at a fixed location

☐ YES

☐ NO

4.4 Please explain based on the three criteria test.

Please also specify the qualitative and quantitative impact of any proposed change in scope of Market 2 on promoting connectivity and access to, and take-up of, very high capacity networks, promoting competition in the Digital Single Market, contributing to the development of the internal market for electronic communications networks and services, and promoting the interest of the citizens of the Union in line with Article 3 of the Code and taking into account the Digital Decade Targets.

## 5 Geographical Analysis of the Markets

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5.1 On forward-looking basis, should the current recommended markets, or any eventual new market be defined at national level or other (e.g. sub-national level or pan-EU level)?

5.2 If yes, at what level ex-ante regulation (European/national/sub-national) is /should be imposed?

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Please reply to the following questions taking into account in particular indicators such as (a) the number of competing networks, (b) their distribution of market shares, (c) a preliminary analysis of pricing and price differences at regional level and (d) behavioral patterns.

5.3 Which are in your view the relevant criteria and thresholds to be used in the geographical analysis of the markets?

5.4 Which conditions should give rise to a geographic differentiation of relevant markets?

5.5 What kind of criteria would be the most appropriate for the geographic segmentation of markets, including the behavioral ones?

5.6 Could geographical segmentation of relevant markets be used by NRAs to take into account rapidly changing competitive conditions, by reviewing their boundaries –potentially periodically – in between market review periods? In such a case, how and when should the criteria for such a review be specified?

5.7 How do you see the interaction between the ex-ante regulation and the possible access obligation imposed on publicly financed infrastructure under the State Aid regime?

## 6 Potential removal from the list of the relevant markets listed in the 2020 Recommendation

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The markets listed in the Recommendation were defined in 2020, according to the three criteria test carried out at EU level. From an ex-ante perspective, some of the listed markets may no longer fulfil the three criteria, due to the above-mentioned technological or regulatory developments, or other changes in the structure or functioning of markets; in such a case such markets should no longer be subject to ex-ante regulation.

6.1 On the basis of the three criteria test, should Market 1 -Wholesale local access provided at a fixed location - be removed from the list in the revised Recommendation?

- ☐ YES
- ☐ NO

6.2 Please explain

6.3 On the basis of the three criteria test, should Market 2 - Wholesale dedicated capacity - be removed from the list in the revised Recommendation?

- ☐ YES
- ☐ NO

6.4 Please explain

## 7 Markets to be potentially added to the revised Recommendation

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7.1 Do you consider that, at the EU level, the market for physical infrastructure access could be potentially included in the revised Recommendation?

- ☐ YES
- ☐ NO

7.2 Please explain

7.3 Which other market(s), at the EU level, could be potentially included in the revised Recommendation on a forward-looking basis?

7.4 Do you consider that the three criteria test provided by Article 67 of the Code is sufficient to identify the markets still warranting ex-ante regulation?

- ☐ YES
- ☐ NO

7.5 Please explain

7.6 Do you consider that the three criteria test is sufficiently developed in the regulatory experience of National Regulators to ensure predictability?

- ☐ YES  
☐ NO

7.7 Please explain

## 8 Transnational Markets

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8.1 Given the currently applicable market conditions, can any transnational market (s) be identified in the revised Recommendation?

- ☐ YES  
☐ NO

8.2 If yes, should those markets be identified based on the three criteria test?

In the answer please specify the qualitative and quantitative impact of defining any transnational market(s) on promoting connectivity and access to, and take-up of, very high capacity networks, promoting competition in the Digital Single Market, contributing to the development of the internal market for electronic communications networks and services, and promoting the interest of the citizens of the Union in line with Article 3 of the Code. If possible, please elaborate whether the existence of pan-EU wholesale products would trigger the emergence of transnational markets.

## 9 Other issues

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9.1 You are invited to raise any other issues relating to the subject of this consultation.

### 9.2 Please upload your file(s)

Please submit any supporting documents that will help inform the consultation process. Your input is valued and appreciated.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

