CONSUMER RECOMMENDATIONS

The European Consumer Organisation

The Consumer Voice in Europe

Response to BEREC's consultation - Further Guidance on 5G network slicing

Co-funded by the EU. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or EISMEA. Neither the European Union nor the granting authority can be held responsible for them.

The European Consumer Organisation (BEUC) is the largest organisation promoting the general interests of Europe's consumers. Founded in 1962, it proudly represents more than 40 independent national consumer organisations from over 30 European countries. Together with our members, we inform EU policies to improve people's lives in a sustainable and fair economy and society.

Publication date	4 August 2026
Contact:	digital@beuc.eu
Document coordinator:	Srikar Govindaraju
Reference:	BEUC-X-2026-074

BEUC, The European Consumer Organisation
Bureau Européen des Unions de Consommateurs AISBL | Der Europäische Verbraucherverband
Rue d'Arlon 80, B-1040 Brussels • Tel. +32 (0)2 743 15 90 • www.beuc.eu
EC register for interest representatives: identification number

MAIN RECOMMENDATIONS

1. Guidance on network slicing should be driven primarily by the demand from end-users and must remain technologically neutral, without being influenced by current market dynamics or regulatory trends.

2. The right to privacy and protection of personal data, as laid out in the GDPR and ePrivacy Directive should be strictly respected. Telecom operators do not require access to personal data to manage network traffic.

3. Fair competition must be considered at all times, as the deployment of network slices could result in unjustified restrictions hindering competition between operators.

4. BEREC should expand its guidance to determine the maximum bandwidth to be allocated for certain services, as well as how network slices can be implemented without impacting current or future competition.

CONTENTS

Introduction 4
Consumer concerns on network slicing 5
The need for technological neutrality 5
Risks to privacy and data protection.. 5
Competition must be preserved for consumer welfare 6
General remarks 7
Are there any limitations to network slicing? 7
What further guidance could BEREC provide? 7
Do the different examples reflect the expected use cases in the sector and are more use cases needed? 8
Conclusion.. 8

INTRODUCTION

BEUC welcomes this timely opportunity to contribute to BEREC's work on additional guidance on 5G network slicing, given the Digital Networks Act proposal and the review of the EU merger guidelines set to update the EU telecoms regulatory framework. In this context, large and incumbent telecom companies are increasingly calling for the EU telecoms framework to be relaxed, including the rules to provide specialised services (e.g. telemedicine, Voice over LTE, IPTV broadcasting etc.). It is essential that any changes to the current regulation preserves the principles of net neutrality and established case law. Furthermore, we must look closely at the potential impacts of network slicing on privacy and personal data protection, as well as possible harms to fair competition principles.

BEUC has consistently reiterated the fundamental importance of net neutrality and the access to an open internet, having responded to past BEREC consultations on the topic (i.e. the updated guidelines on the implementation of the Open Internet Regulation[1], the incorporation of CJEU judgements on the Open

1 BEUC response to the updated BEREC guidelines on the Open Internet Regulation, available at: https://www.beuc.eu/sites/default/files/publications/beuc-x-2022-038_beuc_response_updated-berec_guidelines_oir.pdf

Internet Regulation into BEREC Guidelines[2], the update to Net Neutrality Guidelines[3], and the initial Net Neutrality guidelines[4]).

CONSUMER CONCERNS ON NETWORK SLICING

The need for technological neutrality

The case for innovation on network slicing should depend on clear demands from consumers and address identified needs for the market. Any potential change in these rules should ensure that telecom operators cannot replicate the examples of the zero-rating business case, being allowed to make favourable agreements with providers of certain services for their own commercial benefit, and to the detriment of fair competition and consumer interests.

BEUC's concerns rest on clear examples where consumer "demand" remains to be established. Over the past years, certain technologies have come into the spotlight with calls for supply side measures to be implemented when there is no real evidence of consumer demand:

- **The metaverse** was widely considered to be a fast-developing technology that would change the way consumers would engage with work, education, and social activities. The Commission developed a strategy for virtual worlds[5], claiming that "by 2030, many people will be using them daily." In reality, the demand for virtual worlds failed to meet the investments from the supply side, and the planned use cases for consumers are rarely implemented.[6]

- **AI uptake** is frequently cited as a reason to enable more high-speed connectivity to drive competitiveness. Still, in this area there are also more supply side solutions than there are demand side use cases. For consumers, use cases for AI are not yet at the scale where dedicated spectrum is warranted.

Risks to privacy and data protection

BEREC's guidance should restate the importance of preserving the right to privacy and data protection when implementing any network slicing. Telecom operators do not require access to any personally

---

2 BEUC response, BEREC call for stakeholder input on Incorporation of CJEU judgments on Open Internet Regulation in BEREC Guidelines, 20 October 2021, available at: https://berec.europa.eu/eng/document_register/subject_matter/berec/public_consultations/10086-contribution-of-beuc-to-the-call-for-input-to-feed-into-the-incorporation-of-the-ecj-judgments-on-the-open-internet-regulation-in-the-berec-guidelines

3 BEUC response, BEREC public consultation on its Draft Updated Net Neutrality Guidelines Rules, 21 November 2019, available at: https://www.beuc.eu/publications/beuc-x-2019-075_berecs_public_consultation_on_its_draft_updated_net_neutrality_guidelines.pdf

4 BEUC position on BEREC's Draft Guidelines on European Net Neutrality Rules, 14 July 2016, available at: https://www.beuc.eu/publications/beuc-x-2016-075_implementation_of_eu_net_neutrality_rules_berec_draft_guidelines_1.pdf

5 European Commission, Virtual Worlds policy - https://digital-strategy.ec.europa.eu/en/policies/virtual-worlds

6 "The Long Farewell to Mark Zuckerberg's Metaverse," The New York Times, March 19 2026.

identifiable information when managing traffic. Similarly, content from any messaging or other communication services must remain strictly confidential.

The right to privacy and data protection are enshrined in the Charter of the EU[7], and enabled via the General Data Protection Regulation (GDPR)[8] and ePrivacy Directive.[9] However, the Commission's Digital Omnibus proposal plans to clarify and expand the situations in which the provider does not need to request consent from the user to access and store information that is, (a) to carry out the transmission, (b) provide a service explicitly requested by the user, (c) maintain or restore the security of such service, and (d) perform audience measurement). As noted in our position on the Digital Omnibus[10], the scope of these exceptions for consent should be clearly limited through strict criteria, and be accompanied by additional safeguards to limit the risk of abuse by providers.

Operators should also demonstrate compliance with the ePrivacy Directive and ensure that information, in particular metadata, is not processed under broad legal grounds and for unspecified purposes. They should also guarantee that storage of electronic communication data in the terminal equipment without end-user consent remains limited to the specific technical purposes listed in the Directive and ensure that access remains strictly limited and precisely defined[11]. As a representative of Europol stated[12], operators don't need to compromise privacy to manage traffic or even to detect fraud.

Competition must be preserved for consumer welfare

Regarding the upcoming review of the EU merger guidelines, the European Commission's proposal could result in a more lenient framework that enables further consolidation in the EU telecommunications sector. BEUC worries that the growing trend for consolidation in the EU telecoms markets inherently leads to less competitors, less consumer choice, higher costs, lower quality of service, and reduced incentives to invest in improving network infrastructure.[13]

Further changes to relax the EU regulatory framework should take a holistic approach and consider the needs of the market and end-users and not merely focus on scale for the purpose of scale. Network slicing should respond to clearly identified market bottlenecks and consumer demands, not just enable the creation of "fast lanes" paid for by the highest bidder for purely commercial purposes.

Without clear rules and detailed guidance, certain network slicing use cases could result in disadvantageous scenarios for consumers and competitors. For instance, an operator may make a commercial agreement with one service provider and offer bundles to consumers. This incentivises consumers to use that service, even though others may provide a better offer (even if specific parts of a bundled offer can be cancelled as proposed in the Digital Networks Act). This issue would be amplified if the service provider has a dedicated spectrum band, giving it a clear advantage over competitors. Such a

---

7 Articles 7 and 8 of the Charter of Fundamental Rights of the EU
8 General Data Protection Regulation, 2016/679
9 ePrivacy Directive, 2002/58
10 BEUC, "Protecting EU data and privacy rights in the digital omnibus," February 2026
11 See Art.6 ePrivacy Directive
12 Summary Report on the BEREC Workshop on practical issues preventing number misuse and possible fraudulent activities, 21 May 2025, p.15
13 BEUC, "Mind the (connectivity) gap: making digital infrastructure work for consumers," June 2024, see p.17

scenario is similar to zero-rating offers, which were deemed unlawful by the Court of Justice across numerous cases.[14]

Secondly, an operator could offer fast lanes to access their own services that are vertically integrated, such as cloud services or content platforms. This would again discourage consumers from seeking other services that may offer them better value for money or a more tailored service.

Combined with the possibility of fewer players in a given market, the competition impacts of any network slicing use cases must be carefully considered to ensure that there is no harm to users, in particular individual consumers and SMEs.

GENERAL REMARKS

Are there any limitations to network slicing?

At present, there appear to be few, if any, regulatory barriers preventing operators from offering specialised services based on network slicing. The current framework allows such services as long as they comply with the non-discrimination requirements and technical conditions set out in the Open Internet Regulation. The challenge therefore is not in the regulatory framework, but rather the lack of demonstrated market demand for such services.

The limited demand from consumers for specialised services is not a reason for the EU to weaken the Open Internet Regulation or the principles of net neutrality. BEREC's guidance is clear that any impact on consumer access to services, identified via changes in quality parameters (latency, packet loss, jitter etc), must be avoided. Further, the guidance notes that consumer complaints can be a relevant criterion to assess whether operators are complying with these rules. BEUC considers that this guidance clearly sets out operators' obligations when offering specialised services.

What further guidance could BEREC provide?

Firstly, BEREC could issue guidance to Member States on how to effectively distribute the spectrum for specialised services without impacting quality of service. This could include specific guidance on which bands are best suited for which applications, as well as setting maximum necessary bandwidths that can be allocated to prevent any loss in quality of service for end-users.

Secondly, BEREC could develop guidance on the parameters for distributing the spectrum for specialised services in a way that does not harm fair competition. This could, among other things, include guidance on how to apply for network slicing, and suggest time limits on network slicing that incorporate a "use it or lose it" principle for when consumer demand does not meet supply.

[14] See C807/18 (Teneor Magyarorszag), C-854/19 Vodafone (roaming), C-5/20 Vodafone (tethering), and C-34/20 Telekom Deutschland (throttling)

Do the different examples reflect the expected use cases in the sector and are more use cases needed?

From an end-user perspective, BEREC’s examples are reflective of the products that could be offered within the existing framework. However, they do not necessarily reflect real consumer demand or current market bottlenecks. For instance, example 2b for “all immersive applications” does not reflect the lack of demand from end-users for so-called “metaverse” products, which remain a niche interest at best.

BEREC's guidance should reflect real world use cases where additional protections are required and prioritise the demand from end-users.

CONCLUSION

BEUC welcomes BEREC's continued work on networking slicing and reiterates the importance of ensuring end-user rights, quality of service, and fair competition. While the examples provided are largely in line with potential use-cases, the level of consumer demand should remain a key factor for assessments.

Network slicing should always reflect the needs of consumers (whether individual or business users) and not merely enable operators to deploy supply side products which reduce available bandwidth with no clear audience.

ENDS