



**GSMA response to the BEREC public consultation on  
the Draft BEREC Guidelines on Geographical surveys of network deployments  
Article 22 (2), 22 (3) and 22 (4)**

November 2020

The GSMA, which represents the interests of mobile operators worldwide, welcomes the opportunity to comment on BEREC’s draft Guidelines on Geographical surveys of network deployments. We hope the following comments can serve as a constructive contribution to BEREC’s deliberations on its draft.

### **General remarks**

The GSMA believes that these guidelines require a particular attention and caution, specifically with regards to forecasts of deployments. The Guidelines should ensure that the applied measures would avoid introducing the unnecessary regulatory burden. The related workload should be reasonable and proportionate. This is particularly important in view of the consideration of procedures for declaration of intention to deploy VHCNs over the duration of the relevant forecast period. The GSMA would like to underline that VHCN is at the core of the EU’s ambition towards a Gigabit Society, therefore these Guidelines should outline only the necessary and proportionate measures to safeguard the progress of future connectivity and take-up of VHCNs.

Previous GSMA comments on the guidelines related to this Article 22, as well as on the Guidelines related to VHCN should be also considered in the context of these guidelines, as they will also have consequences on further steps of the Article 22.

### **GSMA comments on Designation of areas**

With regards to the point 32:

- The GSMA welcomes the point 32 as it is currently drafted: “The Core Guidelines recognize that operators’ roll-out plans may change over time, due to unforeseen events, or as a result of changes in the strategies of investors. Because of this, longer term forecasts are more uncertain in nature than forecasts over a shorter period of time”.
- Consequently, instead of “NRAs and OCAs who carry out surveys of forecasts of broadband reach would benefit from establishing verification mechanisms so that the forecast information

is as reliable as possible.”, we strongly recommend that the guidelines requires a lower level of granularity for the forecast after the first year.

With regards to the point 43 on delimitation of designated areas:

- This point is related to the duty of the competent authority to define the territorial boundaries. Therefore, the GSMA questions what could be the link between these boundaries and the ones used, in possible case when geographic segmentation applies for remedies. The GSMA would like BEREC to clarify what would be the logic between both, if any?
- Also, the link with state aid definition of white, grey and black areas is not clear. Point 29 provides that the competent authority may use information from state aid registry of funded very high capacity network investments. In this regard, we believe that the competent authority shall ensure a consistency with state aid and plans already communicated by operators in the mapping for state aid purposes, even if the objective of the two measures remain separate.

With regards to the point 44:

- As far as the size of the areas is concerned, an important element - the economic sustainability of potential project in these areas - must also be taken into account. Point 47 refers to the possible Inclusion of economic and investment conditions, however the GSMA believes such conditions should be clearly outlined in point 44, in order to properly determine the appropriate geographic level of designated areas.

With regards to the point 51:

- BEREC should clarify that the addresses/grids already covered or with plans to be covered by VHCNs&100 Mbps shall not be in any case object of the call for interest, even if the coverage proportion of the area is relatively small.

## **GSMA comments on Invitations to declare investment intentions**

With regards to the point 81:

- GSMA considers that the time proposed by BEREC for the expression of interest (30 days) is too short in order to allow operators a thorough assessment of their willingness to invest, therefore GSMA recommends that the period is at least 60 days. Moreover, further clarification is required on whether it is also linked to the information level that will be requested by the NRAs. (Also see point 82)
- In several Member States such processes exist under the supervision of the Government or a competent authority. This should be taken into account by the NRAs in order to avoid adding any superfluous process, as well as any surcharge for the operators in terms of information to be provided.