

# Public Consultation BoR (21)129 Draft BEREC Report on the regulatory treatment for fixed and mobile backhaul

Fields marked with \* are mandatory.

## General information

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During the 48th BEREC plenary meeting (29 September 2021), the Board of Regulators has approved the [Draft BEREC Report on the regulatory treatment for fixed and mobile backhaul](#) for public consultation.

The objectives of this report are to present the legal provisions applicable to mobile and fixed backhaul, the regulation in force and use of different types of backhaul networks and services in Europe, as well as views expressed by operators on their current and future needs for backhaul.

## Your details

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\*Language of your contribution

English

\*First Name

Christian Vonger

\*Surname

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Organisation name (in case you are replying on behalf of your organisation)

European Local Fibre Alliance (ELFA - [www.e-lfa.eu](http://www.e-lfa.eu))

\*Country of origin

Belgium

\* I agree with the [personal data protection provisions](#).

## Practical details of the public consultation

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Stakeholders are invited to comment and provide their views on the different chapters of the draft report following its structure:

Chapter 1 - Executive summary

Chapter 2 - Introduction and objectives

Chapter 3 - EU legal framework for backhaul

Chapter 4 - Stakeholders input on backhaul

Chapter 5 - Regulatory treatment of fixed and mobile backhaul by NRAs

Chapter 6 - Conclusions

Chapter 7 - Future work

Annex I: Additional charts on mobile backhaul

Annex II: Additional charts on fixed backhaul

Annex III: NRAs and stakeholders responding to the questionnaires

Annex IV: Questionnaire sent to NRAs

Annex V: Questionnaire sent to operators

Stakeholders may also upload a document as a part of their contribution, see below.

In order to facilitate the processing of the responses, the comments provided should clearly refer to certain sections/subsections/paragraphs of the draft report.

Contributions should preferably be sent in English.

Stakeholder may submit their contributions **by 5 November 2021 close of business**.

In accordance with the BEREC policy on public consultations, BEREC will publish all contributions and a summary of the contributions, respecting confidentiality requests. Any such requests should clearly indicate which information is considered confidential.

## Public consultation

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The European Local Fibre Alliance (ELFA - [www.e-lfa.eu](http://www.e-lfa.eu)) welcomes the public consultation on the draft BEREC Report on the regulatory treatment for fixed and mobile backhaul.

ELFA is the shared voice of alternative fibre network operators and regional public utility companies in the EU. ELFA members deploy full fibre networks in both urban and rural areas across Europe in order to shape the green and digital transition envisaged by the EU. With competition as the key driver for investments and open access as a means to fast, efficient and sustainable deployment, we are committed to the only future-proof technology fulfilling the needs for today's and tomorrow's digital infrastructure.

According to the responses provided by the operators to BEREC's questionnaire there will be a significant shift from radio links to fibre connections driven by the rollout of 5G in the upcoming years. These fibre connections are expected to be to a large extent self-supplied. However, alternative MNOs emphasize the need for future regulation of mobile backhaul (Ethernet Services of very high bandwidth or dark fibre) and/or access to passive infrastructure (where available) - mainly in rural areas - to allow the deployment of own dark fibre links to connect 5G mobile stations.

ELFA would like to stress that introducing a new market for mobile backhaul across the EU would create greater uncertainty on fibre investments and would clearly have negative impacts on future deployment. Moreover, it would most likely negatively affect the fibre rollout in rural areas making it even harder for Member States to fulfill the new digital target that all European households are covered by a Gigabit network by 2030.

To build the enormous amount of fibre connections indispensable for 5G base stations, it is necessary for fibre operators to negotiate their terms with the 5G network operators. Such agreements with 5G operators have been successfully concluded by our member associations. Providing mobile backhaul connections is actually an important part of the fibre business model - especially in rural areas - where the business case often is more challenging.

From ELFA's point of view, the fibre connection of 5G base stations is a functioning market that should not be impaired by regulation. Fibre operators have a strong interest to cooperate with 5G network operators. The connection of 5G base stations is part of their business models. The imposition of regulation on this market segment would distort the existing balance regarding negotiation power. Seeking regulatory instead of negotiated solutions, would most likely cause a significant delay the connection of 5G base stations

ELFA is promoting solutions negotiated by market participants prior to the

imposition of regulatory measures regarding the roll-out of all-fibre networks. Thus, we strongly argue to give operators of emerging fibre networks the opportunity to negotiate solutions regarding mobile backhaul. For instance, in Sweden, local and regional fibre operators rents out dark fibre to mobile operators through a common purchasing platform (CESAR). The fibre operators and mobile operators have cooperated for more than a decade now and today, Sweden has one of the fastest and most reliable 4G networks in the world.

In Denmark, the local and regional fibre-utilities are working on a technical harmonized fibre product for mobile operators as they upgrade to 5G.

In Germany, framework agreements between the German fibre associations (BREKO and BUGLAS) and the national mobile network operators are governing a market-driven rental of fibre lines to 5G base stations.

Furthermore, the introduction of a new market for mobile backhaul would inevitably lead to excessive and conflicting market regulation, since the Broadband Cost Reduction Directive (BCRD) already established respective regulatory measures.

#### Please indicate comments on Chapter 3 - EU legal framework for backhaul

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Please see our comments to Chapter 1 and Chapter 2

#### Please indicate comments on Chapter 4 - Stakeholders input on backhaul

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Please see our comments to Chapter 1 and Chapter 2

#### Please indicate comments on Chapter 5 - Regulatory treatment of fixed and mobile backhaul by NRAs

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Please see our comments to Chapter 1 and Chapter 2

#### Please indicate comments on Chapter 6 - Conclusions

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Please see our comments to Chapter 1 and Chapter 2

Please indicate comments on Chapter 7 - Future work

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ELFA pays high attention on the impact of EC's telecom regulation (including EECC and BCRD) on local and regional fibre operators across Europe, as well as concrete market decisions by NRAs. We would be delighted to attend an upcoming BEREC stakeholder workshop on mobile backhaul to present and discuss the cooperation between local fibre operators and mobile operators in a more detailed manner.

Please indicate your comments on Annex I: Additional charts on mobile backhaul

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Please indicate your comments on Annex II: Additional charts on fixed backhaul

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Please indicate your comments on Annex III: NRAs and stakeholders responding to the questionnaires

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Please indicate your comments on Annex IV: Questionnaire sent to NRAs

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Please indicate your comments on Annex V: Questionnaire sent to operators

*10000 character(s) maximum*

Please upload your file (max file size is 1MB)

Please specify which part of your response should be treated as confidential, if any.

THANK YOU FOR YOUR CONTRIBUTION

**Contact**

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