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AIIP comments on "Draft BEREC Progress Report on managing copper network switch-off" of December 5, 2024 - BoR (24) 181

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Associazione Italiana Internet Provider ("AIIP") has been established in 1995 and represents more than 60 (sixty) Italian ECS providers, mainly SMEs and a couple of large ones, many of which provide Very High-Capacity Networks ("VHCN") and Ultra-Broadband ("UBB") electronic communications services, by installing VHCN with both fiber and wireless access technologies.

AIIP has an interest to participate to this public consultation as many of its associated operators install and provide to the public VHCNs access networks but, on the other side, many of its associates are still relying upon wholesale access products provided by incumbent operator upon its legacy copper network (including some of the VHCN access providers for completing the footprint of their network coverage).

Therefore, AIIP has an interest in clear deadlines and proportionate set of rules and conditions for copper switch-off.

1. As it appears from the "*overview of the status quo and plans of the SMPO's copper switch-off*" (par. 2) and the " *current status of the SMPO's copper switch-off*" (par. 3), in spite of all provisions and recommendations on copper network decommission, the large majority of EU member States (21 out of 27) are not ready for the 2028 (for 80%) and 2030 (100%) copper switch-off milestones set forth by the European Commission.

Furthermore, the lack of a clear regulatory framework addressing the coexistence of copper and fiber infrastructures in transitional phases raises concerns. For example, there is no harmonized guidance on managing the cohabitation of both networks in urban versus rural areas, where the pace of migration may differ significantly, and also complex use scenarios for IoT, business, and public smart home applications often involve environments where fiber infrastructure is already present but copper is still utilized as a backup. In such cases, there is frequently no immediate substitute technology available, nor is it straightforward to implement a fiber optic ring to restore the same level of high availability in the

mixed use of legacy and modern technologies (copper and fiber). Such discrepancies risk creating market inefficiencies and service gaps for end-users.

This, in spite of the fact that copper is progressively being substituted by fibre and other VHCNs technologies. As a matter of fact, as stated by BEREC, copper "*saw more than 20% drop in multiple countries*" (Draft Report, pag. 8).

In addition, in case of partial switch-off, there is no clarity as to the parts of the network which is going to be switched-off (p. 9).

2. It also appears that within the EU member States there are no uniform processes and/or deadlines for SMPO's plans for copper network switch-off nor enough information on such topic, as 14 member States did not provide such information (see par. 4 and fn. 17) and enough information are provided only as to 14 Countries, as per table no. 3.

Also, within EU member States it is rather different the level and the scope of the rules relating to the switch-off of the copper, as in some States it will be switched-off at the level of the MDF, while in other at the level of the street cabinet and in others at different granular level (par. 5.2).

Differences between the different member States are also evident as far as to whether minimum coverage threshold are set forth or not in order to allow then the switch-off of copper network as well as to the minimum notice period that shall be given to other operators by the incumbents before switching off its copper network, which varies between six months and two years for the majority of the member States (par. 5.4 and 5.5).

Similarly, only 12 Countries provide an obligation to notify in advance the commercial closure before technical closure of copper network, with the rules differing from each other as to the advance notice term (par 5.6). In addition, although all NRA request the existence of alternative products before any switch-off according to article 81 of the EECC, such products are different from Country to Country and some of which - such as copper SLU (an alternative wholesale access products in three Countries)- are however based upon the copper network (par 5.7).

The lack of harmonisation is also evident as to regulation of migration costs from legacy copper wholesale access products to the alternative wholesale access products in their substitution (par 5.9).

Finally, no Country has ruled the after switch-off (for example by providing obligations to remove copper cables, or so on) (par 5.13).

Of course, NRA may take further measures in order to favour the switch-off from copper, especially as far as information and transparency are concerned (par. 6).

3. According to BEREC the overall perspective is transparency for the switch-off process with advanced notice of the same and the need to give more support to the end users in the final stages of the switch-off (par 7 and 7.3).

BEREC notes that transparency and notice periods as well as the introduction of alternative wholesale access products have been also the most common obligation introduced by NRAs and it concludes its Draft Report by stating that "*BEREC finally wants to stress that it is of utmost importance to achieve migration to VHCNs and copper switch-off but the process must not be rushed due to the need for an appropriate level of end-user protection, which requires to foresee adequate notice periods, end-user information and availability of adequate alternative access products at a comparable price*" (par. 8).

However, AIIP suggests that BEREC also considers the broader implications of copper switch-off on network resilience and redundancy. Copper networks, while being progressively outdated, have historically provided a layer of fallback infrastructure in emergencies. Any migration strategy should evaluate and mitigate potential risks arising from the removal of such redundant systems.

In this way, BEREC seems to try to cope the need to harmonize the approach to copper switch-off within the European Union with the option to leave to the market to define terms and deadlines for SMPO's copper switch-off.

4. In these conditions, it is possible that further interventions to accelerate copper switch-off will be put in place.

According to AIIP, any such intervention should be based upon the following pillars:

- copper network switch-off terms left, as much as possible, to the “invisible hands of the market” and regulatory intervention left only to cases of market failure and only after a public consultation procedure involving all market players;

- in the event of a regulatory intervention towards copper switch-off, full respect of the "neutrality" principle;
- in the event of a regulatory intervention towards copper switch-off with the support State Aid interventions, such interventions should be made by promoting demand through vouchers.

Moreover, AIIP highlights the potential for targeted educational campaigns aimed at end-users and SMEs to facilitate the adoption of fiber-based technologies. These campaigns should emphasize the importance of localized education, recognizing that regional cultures and specific needs require tailored approaches rather than broad national initiatives. To this end, it is crucial that states allocate specific funds to non-profit associations already active at the local level, particularly those with high ethical standards, such as those promoting free software and digital literacy. These organizations can act as amplifiers for the migration towards superior technologies, while also addressing the challenges and issues associated with them, fostering a more informed and responsible use of these advancements. Such locally distributed and customized efforts are more likely to resonate with diverse communities and achieve meaningful engagement.

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Should you need any clarification on the above contribution, please do not hesitate to contact us at presidenza@aiip.it, segre@aiip.it and andrea.valli@vallimancuso.it

Kindest regards,

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