



Liberty Global response to BEREC draft Guidelines on the coordination of civil works according to Article 5(6) of the Gigabit Infrastructure Act

Liberty Global welcomes this opportunity to provide feedback on BEREC's draft Guidelines on the coordination of civil works according to Article 5(6) of the Gigabit Infrastructure Act. We strongly support regulatory policies that facilitate private deployment of Gigabit networks (VHCN) and see ourselves as having a key role in the investment and deployment of Gigabit networks in Europe. Liberty Global has invested significantly and continue to invest in upgrading our networks, including investing in new equipment, backend capacity and technology improving the reliability of our services.

All regulatory policies should respect the principles of appropriateness, proportionality as well as technology neutrality. Regulation favouring any specific technology is likely to chill investment.

Liberty Global appreciates the continued commitment of BEREC to engage with stakeholders on topics that are relevant to them. Feedback from relevant stakeholders is key to ensure that BEREC's work is proportionate and in line with market developments. Therefore, we strongly encourage BEREC to give stakeholders enough time to assess BEREC's work, including by setting deadlines that do not overlap with other deadlines set by BEREC itself or by the European Commission, especially when close to the Summer break, and possibly granting extensions where needed.

Introduction

Liberty Global welcomes guidance from BEREC to facilitate the coordination of civil works based on simplified procedures, so that operators can deploy civil infrastructure and/or associated facilities in an efficient manner. When coordination take place between two ECN operators or between an ECN operator and a non-ECN operator, we believe that the requesting operator should bear only the incremental costs of the civil works for which they require coordination – applying to both new and existing civil infrastructure. If a conflict arises, the dispute resolution process should be clear, transparent and efficient, in order to avoid creating unnecessary backlog on the network rollout. Dispute Settlement Bodies (DSBs) should determine disputes on a case-by-case basis, while trying to provide enough predictability to its decisions.

Section 2 – Apportioning costs associated with coordination of civil works

BEREC's Guidelines should be clear and practical to assist parties in developing costs in a fair and reasonable way. When it comes to the apportioning of *additional and directly attributable costs*, we agree with BEREC that additional costs should be borne by the party requesting coordination, in accordance with the cost causation principle. It is fair and proportionate for costs that each party bears cost that can be directly attributed to them.

For the purpose of the apportioning of *shared and non-directly attributable costs* between two ECNs deploying in the same trench, BEREC considers different methodologies that DSBs could apply on a case-by-case basis in order to settle disputes.

In principle Liberty Global is in favour of an "equality" approach, i.e. 50:50 equal split, especially when there is a clear-cut cost division and the approach would facilitate a quick dispute resolution in order to meet the one-month timeframe for the DSB to make a decision.

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In cases where an equal split of shared and non-directly attributable costs may be deemed as unfair and unreasonable, DSBs can allocate them proportionally. In this case, BEREC suggests three formulas that DSBs can apply based on a case-by-case assessment. The formula “*Based on the used capacity of the trench*” applies today in the Flanders region of Belgium, where the cost is allocated based on the relationship between the attributed weight for the infrastructure to be deployed underground and the dimensions of trench (depth & width). Similar principle of cost appropriation applies also in the Brussels region.

The other two formulas suggested by BEREC, i.e. “Based on the hypothetical stand-alone cost” and “Based on capacity of infrastructure” do not provide regulatory predictability that is instrumental to investment in Gigabit networks – the former is too arbitrary and subjective to be a good basis for cost allocation, and the latter has limited applicability when dealing with coordination between ECN operator and non-ECN operator.



About Liberty Global

Liberty Global (NASDAQ: LBTYA, LBTYB and LBTYK) is a world leader in converged broadband, video and mobile communications services. Liberty Telecom delivers next-generation products through advanced fibre and 5G networks, and currently provides over 80 million* connections across Europe. Our businesses operate under some of the best-known consumer brands, including Telenet in Belgium, Virgin Media in Ireland, UPC in Slovakia, Virgin Media-O2 in the U.K. and VodafoneZiggo in The Netherlands. Through our substantial scale and commitment to innovation, we are building Tomorrow's Connections Today, investing in the infrastructure and platforms that empower our customers to make the most of the digital revolution, while deploying the advanced technologies that nations and economies need to thrive.

Liberty Global's consolidated businesses generate annual revenue of more than \$4 billion, while the VMO2 JV and the VodafoneZiggo JV generate combined annual revenue of more than \$18 billion.**

Liberty Growth, our global investment arm, has a portfolio of more than 75 companies and funds across the content, technology and infrastructure industries, including stakes in companies like ITV, Televisa Univision, Plume, AtlasEdge and the Formula E racing series.

* Represents aggregate consolidated and 50% owned non-consolidated fixed and mobile subscribers. Includes wholesale mobile connections of the VMO2 JV and B2B fixed subscribers of the VodafoneZiggo JV.

** Revenue figures above are provided based on full year 2023 Liberty Global consolidated results and the combined as reported full year 2023 results for the VodafoneZiggo JV and full year 2023 U.S. GAAP results for the VMO2 JV. Telenet, the VMO2 JV and the VodafoneZiggo JV deliver mobile services as mobile network operators.

Virgin Media Ireland delivers mobile services as a mobile virtual network operator through third-party networks. UPC Slovakia delivers mobile services as a reseller of SIM cards.

Liberty Global Ltd. is listed on the Nasdaq Global Select Market under the symbols "LBTYA", "LBTYB" and "LBTYK".