



Liberty Global response to BEREC Draft Guidelines on the access to in-building infrastructure according to Article 11(6) of the Gigabit Infrastructure Act

Liberty Global welcomes this opportunity to provide feedback on BEREC's draft Guidelines on the access to in-building infrastructure according to Article 11(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 solutions 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

In relation to access to in-building physical infrastructure, the situation is quite fragmented across the markets Liberty Global operates in. The most frequent problem we encounter is the lack of clarity on the ownership of the in-building physical infrastructure and permission is often needed from multiple sources to make progress on the access request. Access negotiations are difficult and take a long time to solve, preventing an effective shared use of physical in-building infrastructure in the market.

Other problems we encounter include:

- Difficulties acquiring information about the network path or additional network elements location;
- Long procedures to come to an agreement with the building manager or owner – often the identity of the owner is unclear;
- Difficulties to come to an agreement over access fees and technical conditions;
- Risk to incur in delays and additional administrative costs.

In this context, Liberty Global welcomes guidance from BEREC on this topic under the GIA. Guidelines providing clarity regarding the ownership of the in-building infrastructure and fostering information sharing should help to facilitate an efficient use of in-building physical infrastructure for the deployment of VHCNs.

Section 2 - The terms and conditions of access to in-building physical infrastructure, including on the application of fair and reasonable terms and conditions

2.4 Access to the in-building physical infrastructure - Process and timeline:

Liberty Global supports the goal of making the access request process streamlined, straightforward, and effective. However, regarding the proposed timeline in points (32) and (33) of the BEREC proposals, which suggest a one-month deadline to round up the process to reach access agreements, we believe this period may be challenging, especially if the timeline referred to is supposed to cover the entire end-to-end process. A more feasible timeline would align with the timelines outlined in Annex 1 (in the Polish example, approximately 3 months), which we consider more practical and workable for the end-to-end process, from access request to agreement closure.

2.5 Price related terms and conditions for access to the in-building physical infrastructure

In scenario (1), where the owner or holder of rights of the fibre-ready in-building physical infrastructure is not an ECN operator, we agree with BEREC that in principle access to the infrastructure (i.e. ducts, micro-ducts and conduits) should be given to all access seekers without any charges, given the fact that this access is to the benefit of the property owner or its residents. Only in very specific circumstances, Member States may decide to allow owners/holders of infrastructure to recover their costs for providing access to their infrastructure with reference to benchmarks, pricing principles and documents evidencing incurred costs.

Under scenario (2), in case the owner of the in-building physical infrastructure is an ECN operator, we believe it is crucial that compensation mechanisms preserve the first mover advantage. As BEREC indicates *"fair and reasonable prices should not reduce or unduly deplete a first mover advantage. Similar to the approach under scenario (1), the operator must be able to prove the costs incurred for building the infrastructure with appropriate documentation and level of detail; that value should be discounted according to a depreciation period that could be harmonized with the expected lifetime of the optical fibres, typically no more than 30 years"*. On this specific point, we would appreciate more clarity from BEREC on the following – and the opportunity to respond in later stage:

1. What happens once the 30 years has passed and what that implies to price;
2. Whether costs other than costs incurred for building infrastructure can be accounted for, e.g. costs of maintenance.

Additionally, when it comes to upgrading the network in pre-existing MDUs from legacy networks to fibre, GIA in principle requires operators to go through the access requests process to install in-building fibre wiring, which may be challenging for the reasons outlined above. In order to solve this issue in a timely manner, we believe that ECN operators that currently deploy existing in-building physical infrastructure in any MDU building should have automatic access rights to overbuild their current infrastructure with in-building fibre wiring free of charge.

2.6 Fibre access

Article 10(1) of the GIA states that *“All newly constructed buildings and buildings undergoing major renovation works, including elements under joint ownership, for which applications for building permits have been submitted after 12 February 2026, shall be equipped with a fibre-ready in-building physical infrastructure and in-building fibre wiring, including connections up to the physical point where the end user connects to the public network.”*. This means that in all buildings which are newly constructed or undergoing major renovations, buildings will be equipped not only with in-building physical infrastructure but also with in-building fibre wiring.

In this regard we would like to raise the below:

- **Technology neutral approach:** Regulation favouring any specific technology is likely to chill investment and deployment of Gigabit networks in Europe. Only a mixed technology approach will maximise scope for innovation and infrastructure competition. In this regard we urge BEREC to make sure that its Guidelines abide by the principles of appropriateness, proportionality as well as technology neutrality and do not favour fibre over any other Gigabit network technology. In-building physical infrastructure should be rolled- out in a way that allows for the deployment of alternative networks in MDUs and national practices that today allow to do so should be maintained (for example, in the Netherlands the practice of rolling out multiple empty ducts), as otherwise other Gigabit networks can no longer be connected to in-building fibre infrastructure going forward. Excluding any Gigabit network technology would result in unfair competitive disadvantages and distort competition.
- **Access to fibre-ready in-building physical infrastructure and in-building fibre wiring in new MDUs:** guidance from BEREC and from national regulatory authorities regarding access and deployment of fibre-ready in-building physical infrastructure and in-building fibre wiring in new MDUs should duly take into account national specificities, as every European national market has its own characteristics. ECN operators should be allowed to compete on a level playing field and consumers should have the ability to choose from a variety of offers provided by different ECN operators.



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".