



Connect Europe views on the BEREC Guidelines on geographical surveys of network deployments

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Connect Europe welcomes the opportunity to provide comments on the BEREC Guidelines on **geographical surveys of network deployments**. The revision of the Guidelines and the public consultation comes at a time when the EECC is to undergo a **fundamental review through the upcoming Digital Networks Act (DNA)**. As Europe's telecoms sector increasingly trails behind other developed economies in availability of state-of-the-art digital infrastructure while facing mounting global competition and massive investment gaps, the need for a bold and future-proof reform – encompassing not only the DNA but also of the guidelines adopted based on today's EECC – has never been more urgent. As highlighted by the Letta and Draghi reports, without decisive action, Europe risks falling further behind in technological leadership, innovation, and digital infrastructure development. **Simplifying the overall framework, reducing the regulatory burden and prioritizing speed and agility must be priorities.**

Moreover, the security environment has worsened, and all regulatory transparency requirements must therefore be comprehensively and critically reassessed. Attacks on critical power lines (which recently occurred in Germany), acts of sabotage targeting natural gas pipelines, and multiple disruptions to the communication networks illustrate the increasing and tangible threat to critical infrastructures. The protection of telecommunications networks as critical infrastructure is of paramount importance for social cohesion, the economy, the healthcare system, and public security. This essential role must be effectively and comprehensively reflected in the design and scope of transparency obligations.

In view of the DNA proposal, **simplification and reduction of transparency obligations and information requests** is also of the utmost importance. Reporting obligations should be simplified and harmonised within the EU to avoid differing requirements, excessive obligations and security harms. For this purpose, a **substantial reduction and simplification of the current provisions set out in Articles 20 and 22 EECC would be necessary**. It is essential to follow the principles of data minimization and data avoidance, ensuring that the collection and provision of information — in terms of scope, format, and purpose — are **strictly limited to what is necessary** (e.g. monitoring rollout progress).

From this perspective of the upcoming reform, this BEREC consultation is also highly relevant. While the current legal framework will continue to apply until the implementation of the DNA, the revision of the Guidelines **should already be guided by the overarching objectives of simplification and the reduction of transparency and reporting obligations**. BEREC should not wait until the DNA legislative process has been completed. Aligning the updated Guidelines with these principles is a chance to reduce red tape and would ensure consistency with the policy direction underpinning the forthcoming legislative framework. **From this perspective, the current proposals by BEREC do not seem ambitious enough.**

1) Upload speeds

Gathering data on maximum **upload speed** class is proposed to be optional. It can be assumed that information regarding the upload capacity of a connection constitutes an important piece of

information for consumers. It is therefore **advisable to continue collecting upload speed data**.

Upload speeds of broadband connections in Europe are becoming increasingly important due to a structural shift in how customers work and consume digital services. In a nutshell, sufficient and reliable upload speed is not a niche technical requirement anymore—it is economic, social, and strategic. Historically, broadband demand in Europe focused on consumption (web browsing, streaming, downloads). That model is changing rapidly.

Today, households and SMEs increasingly produce data: cloud collaboration (Microsoft 365, Google Workspace), video conferencing and virtual meetings, and remote work, content creation (video, streaming, design). These activities are upload-intensive. According to OECD, around 12–20% of the EU workforce now works remotely or hybrid. For knowledge-intensive sectors, this proportion is likely to be much higher. Cloud, AI use, and data sovereignty including real time backups to EU based cloud infrastructure all require strong uplink capacity. Especially AI-intensive workloads increasingly involve continuous data uploads (training data, telemetry, sensor feeds). Against this background, making upload speed optional is inconsistent.

2) Publication of data (section 2.8)

The proposed changes seem to suggest that the publication of data from a geographical survey is considered an additional important instrument as an information tool for end customers. It should be emphasized that **there are already various options available on the market** for end customers to obtain information about coverage and service offerings. For instance, network operators already provide extensive detailed information. In addition, there are comparison portals through which end customers can obtain relevant information. Given that **Article 22 also requires consideration of information tools already available on the market**, the **proposed changes do not appear necessary or proportionate**.

3) Designation of areas

The wording of the BEREC Guidelines in two instances insinuates that the **designation of areas** where no undertaking or public authority has deployed or is planning to deploy a very high capacity network or significantly upgrade or extend its network to a performance of at least 100 Mbps download speeds according to Article 22 (2) EEC is a requirement (“*shall*” (p. 4); “*the need to designate areas...*” (p. 24, in para 69). Yet, Article 22 (2) EEC foresees that such **designation of areas is optional**. This must be reflected in the wording in chapter 1.1 (p. 4, second paragraph) and in paragraph 69 of the BEREC Guidelines.

4) Forecasts of appropriate characteristics

Paragraph 101 (b) suggests that a detailed and updated survey of **forecasts of appropriate characteristics** may assist the relevant authority to anticipate some of the information required by the State Aid Guidelines in the context of the obligatory public consultation. With a view to the new EU Commission’s **goal to reduce bureaucracy and red-tape** for undertakings, this suggestion **should be deleted**. Rather, it is to be recommended that, as stated alternatively in para 101 (b), it is **sufficient to gather information about forecasts solely by means of a public consultation mechanism** (i. e., data submission is voluntary) on the areas where public intervention is envisaged. Paragraph 109 refers to “unwanted litigiousness and uncertainty” in cases where private investors do not declare their future rollout plans in the framework of public consultations for State Aid without subsequent verification. However, this is no reason to conduct forecasts in the first place: It

is sufficient if (as also mentioned in paragraph 101), for the purposes of State Aid, that **public consultations on the respective areas** are conducted, thus guaranteeing that crowding-out is prevented if private investors declare future rollout plans for that area.

Additionally, mobile forecasts are becoming increasingly meaningless, as network coverage is now close to 100% nationwide or is being closely monitored by the NRA via coverage obligations. In the interest of reducing workload and bureaucracy, such forecasts can therefore be dispensed with.

5) Broadband

We do not agree with the new proposal in section 2.4.2.2 to request **indoor mobile broadband coverage data for each building or single point within grid**, as there are no clear benefits to doing so. The generated data are not representative, since each building differs in how it impedes the propagation of spectrum based on each buildings' characteristics and the signal strength and speed varies from place to place within the same building (for example, basement versus living area, near the window versus the middle of the building).

In the second paragraph of section 2.5 the draft updated guidelines also add a minimum required accuracy of 95% for broadband maps. In our view, this addition conflicts with guidelines for verification of information, namely BoR (21) 82. However, the first paragraph of section 2.5 requires that, for verification of information, these guidelines should be followed.

6) Cell-edge

In section 2.4.2.1, the draft Guidelines refer to the relationship between cell-area coverage probability and cell-edge coverage probability, and indicate that cell-edge may be used as a modelling approach.

While cell-edge can be a useful internal modelling proxy to derive probabilistic area coverage, it should not be treated as a standalone regulatory objective nor as a directly measurable requirement. Cell-edge performance varies significantly depending on network topology, spectrum configuration and deployment density, and is not a stable or homogeneous reference across geographies.

Any reference to **cell-edge should therefore remain strictly framed as a modelling tool**, and should not lead to implicit obligations of result or verification approaches based on isolated edge conditions. We therefore support the designation of this procedure as optional within the draft guidelines.

7) Expected peak-time download and upload speeds

Without prejudice for the use of these KPIs for other purposes, Connect Europe considers that **the inclusion of expected peak-time download and upload speed parameters in the BEREC Guidelines is neither necessary nor proportionate** for the purposes of geographical surveys under Article 22 EEC.

Peak-time performance indicators are inherently dynamic and highly sensitive to traffic load, local usage patterns and short-term network conditions. As a result, the same network segment may

exhibit significantly different peak-time speeds depending on the time of day, the day of the week, or temporary usage concentrations, even though the underlying network architecture and capacity remain unchanged.

This makes peak-time speeds unsuitable as a basis for stable, reproducible and harmonised geographical mapping across Member States. In practice, operators do not calculate expected peak-time DL/UL speeds as part of mandatory QoS commitments, and there is no common, agreed methodology to define what constitutes “peak time” in a consistent way across networks, technologies or countries.

Including such parameters in the Guidelines would therefore introduce a high risk of inconsistent interpretations by NRAs, divergent national methodologies and additional reporting burdens, without providing commensurate regulatory value. **Geographical surveys should instead focus on structural and technology-based network characteristics that are stable over time and directly relevant for policy objectives** such as rollout monitoring and investment planning.

For reasons of proportionality, legal certainty and data minimisation, Connect Europe therefore recommends removing expected peak-time download and upload speed parameters from the Guidelines altogether.

8) Premises activated & premises passed

The draft guidelines provide for the optional collection of “premises activated”, in addition to “premises passed”.

Firstly, the current **definition of premises passed** requires inter alia *“the operator must be able to technically connect the end user, usually within 4 weeks from the date of the request.”* and additionally provides that *“This **four-week period** does not take into account delays due to external, non-technical factors, such as delays from the end user side, delays arising from operator administrative reasons, or delays due to extreme weather conditions).”* It is correct that the definition takes into account a number of factors and exceptions that may affect the technical connection. In addition to the factors already mentioned (such as external, non-technical factors, including delays on the end-user side, delays arising from operators’ administrative processes, or delays due to extreme weather conditions), factors such as resource availability should also be considered. However, **the definition should refrain from specifying a concrete time period, and the four-week-reference should be deleted.**

The definition in the case of Fixed Wireless Access (FWA) networks, *“a given premise is passed when there is an existing access point (typically the mast with antenna) nearby, typically with direct visibility to the end-user location and that a potential commercial offer can be accessible for end-users”*. **In our view, the definition should add that the declared premises passed reflect the potential capacity of this existing access point.** This should be emphasized in order to avoid inconsistent mapping. The guidelines should also advise the NRA’s to cross check the existence of this access point in a physical infrastructure atlas or other suitable database.

Additionally, the original 2020 guidelines justify the collection of premises passed with Article 22 of the EECC, which prescribes surveys of the geographical reach of broadband networks in their territory. The draft updated guidelines do not justify the collection of premises activated per address

or per grid. However, **Article 22 of the EEC can no longer be invoked as a justification because premises activated are not suitable for analyzing the geographical reach of networks, as only a portion of the addresses for which the network is available (premises passed) actually have active customers (premises activated) connected.** The draft updated guidelines are lacking any other justification. In paragraph 13, it is even justified that premises activated (i.e. data on broadband demand or take up) do not fall within their scope.

Lists of active broadband subscriptions from operators also involve very detailed, confidential information that must be handled with appropriate precautions, and compiling such lists will cause additional workload and burden for fixed operators. For instance, we would like to underline that premises activated:

- Is commercially sensitive data, directly reflecting customer volumes, and may reveal where an operator is gaining or losing market share.
- Can be misinterpreted, since a low number of activated premises does not necessarily indicate limited coverage but may simply reflect strong competition or customer choice.

Also, in many cases, this information is not held by the infrastructure operator but only by the commercial operator, which raises additional questions on data availability, consistency and reporting responsibilities.

More generally, **the primary purpose of geographical surveys should remain to be the assessment of network coverage and availability, and not the systematic collection of data that do not directly inform on geographical reach.**

For these reasons, **further clarification on the purpose of collecting this data is needed in the context of geographical surveys.** Without this clarification, there is a risk of inconsistency, especially given that take-up is otherwise considered out of scope in the guidelines and should be removed. “Premises passed” seems more stable over time, and more relevant from an infrastructure deployment perspective.

Last not the least, we would like to stress that we appreciate the BEREC decision to **present the draft amendments in practical “track changes” mode**, thereby allowing stakeholders to clearly discern proposed amendments.