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Subject: Public consultation on BEREC draft updated Guidelines on Geographical surveys of network deployment Version 2.0- BoR (25) 184

Fastweb welcomes the opportunity to submit our comments on BEREC's draft updated Guidelines on Geographical Surveys of Network Deployment.

While the existing Guidelines have provided a solid foundation for the harmonised implementation of geographical surveys across European countries, as reflected in the BEREC implementation report[1], BEREC has identified the need for updates in order to improve the mapping of broadband networks. These updates take into account recent technological developments, relevant changes in EU legislation, in particular the Gigabit Infrastructure Act, as well as more recent EU and European Commission soft-law instruments, including Annex I to the EU State Aid Guidelines on mapping and measurement and the Digital Decade Key Performance Indicators.

The updates proposed by BEREC of its Guidelines focus specifically on the introduction of a definition of "premises activated", the optional declaration of speeds for fixed broadband, Fixed Wireless Access (FWA) networks, technological aspects, alignment with the Very High-Capacity Networks (VHCN) Guidelines, the treatment of cell area coverage versus cell-edge coverage, and indoor coverage. They also address the role of geographical surveys in providing end users with clear information on service availability, thereby facilitating informed choices of electronic communications service providers.

[1] Implementation report on the BEREC Guidelines on Geographical surveys of network deployments-BoR (24)146, page 2;

While we acknowledge the importance of updating the geographical surveys related to network deployment, we consider that initiating such updates at this stage may be premature. This is due to the significant changes currently underway in the telecommunications regulatory framework, notably following the recent publication of the Digital Networks Act proposal[2], as well as the ongoing public consultations on the review of the Digital Decade Programme[3] and the European Commission's draft methodology for mapping the quality of service (QoS) of 5G mobile and fixed wireless access networks across the EU[4]. In this context, a postponement of the public consultation until these regulatory processes are finalised would be advisable in order to avoid potential uncertainty and confusion for operators.

In the event that contributions are requested at this stage of the consultation, the decision to make optional the requirements for service providers to report maximum upload speeds, expected download speeds, and peak-time upload and download speeds, as set out in paragraphs 50, 58, and 67 of the Guidelines, is welcomed. This approach is consistent with the findings of the Implemented Report on Geographical Surveys[5], which highlighted the difficulties faced by national authorities in reliably collecting such data. However, we remain seriously concerned about several other changes proposed by BEREC, which are outlined below.

Concerning fixed networks, we wish to express our serious concerns regarding the following updates:

1. **<u>Premises Activated Indicator</u>**

Paragraph 28 of the updated Guidelines requires National Authorities to request retail operators to provide information on "*premises activated*," defined as "*premises having in place an active subscription to a fixed broadband service*[6]." We are concerned that this requirement may not fully align with the objectives of Article 22 of the European Electronic Communications Code. It could also impose significant technical and procedural burdens on operators.

[2] Refer to the European Commission's website https://digital-strategy.ec.europa.eu/en/library/proposal-regulation-digital-networks-act-dna

[3] Refer to the European Commission's website: https://digital-strategy.ec.europa.eu/en/policies/digital-decade-policy-programme and https://digital-strategy.ec.europa.eu/en/consultations/survey-opens-future-digital-decade-policy-programme

[4] Refer to the European Commission's website: https://digital-strategy.ec.europa.eu/en/events/mapping-5g-quality-service-europe-draft-methodology-presentation

[5] Implementation report on the BEREC Guidelines on Geographical surveys of network deployments-BoR (24)146, page 14;

[6] Paragraph 24 of the draft updated BEREC Guidelines on geographical surveys of networks deployment version 2.0, page 12;

The objective of Article 22 is to facilitate the collection of data on broadband network coverage and to enable forecasts of the deployment of very high-capacity networks, geographically referenced and relevant for regulation and policy in each Member State. It is not intended to mandate the collection of subscription-level data from retail operators, which are inherently confidential[7]. Requiring publication of such data would effectively disclose the geolocation of individual customers, creating substantial competition and privacy concerns. Moreover, the continuous updating necessary to maintain the accuracy of such data would entail considerable costs and operational challenges for operators.

In light of these considerations, we would encourage BEREC to remove the references to the optional "premises activated" indicators in the Guidelines (paragraphs 24, 28, 50, 58, and 67), in particular for competitive and confidentiality issues.

2. Fixed Wireless Access Networks

Regarding the geographical reach of fixed wireless access (FWA) networks, paragraph 64 of the updated Guidelines states that *"NRAs may consider issues such as network capacity for FWA networks when determining FWA coverage.*[8]*"* It is unclear why this provision applies specifically to FWA, while no similar guidance is provided for other technologies. Furthermore, the nature of the "issues" and the specific meaning of "capacity" remain undefined.

As currently formulated, the provision could be interpreted as allowing authorities to limit or challenge the speeds offered by operators on FWA networks by referencing total capacity in a given area—particularly if shared with mobile networks. This could inadvertently constrain the performance of FWA networks.

For the sake of neutrality and consistency across technologies, we suggest that BEREC remove the inclusion of this provision from the Guidelines.

3. Transport layer payload protocol

Paragraph 69 of the Guidelines proposes calculating the QoS1 speed indicator based on the transport layer protocol payload, as set out in the recent BEREC Very High-Capacity Networks (VHCN) Guidelines.

[7] Implementation report on the BEREC Guidelines on Geographical surveys of network deployments-BoR (24)146, page 24 provides that "(…) *Other information treated as confidential is* ***(…) for fixed networks the number and existence of active accesses (provided services****, number of premises passed at address level)"*

[8] Draft updated BEREC Guidelines on geographical surveys of networks deployment version 2.0, page 22;

While this approach may be appropriate in some contexts, we believe that for fixed networks, the transport layer payload may not provide the most accurate reflection of network performance. It introduces variable application-level overhead (such as TCP headers), which can mask the true physical performance and stability of the infrastructure.

We therefore suggest that BEREC reconsider allowing speed calculation for fixed networks to be based either on the IP packet payload (network layer) or transport layer payload (transport layer), in line with the methodology applied to mobile networks (paragraph 88) [9]**.**

Regarding mobile networks, we would like to share some concerns about the following update

1. **<u>Indoor coverage</u>**

Paragraph 81 of the Guidelines specifies that mobile broadband speed measurements should primarily focus on outdoor, static environments, while allowing NRAs, if they choose, to take indoor coverage into account by applying additional speed classes based on assumed indoor attenuation levels.

While we understand the intention behind including indoor coverage, we believe that it may not be necessary or appropriate for the purposes of geographical surveys. Indoor coverage conditions can vary significantly depending on building-specific characteristics, which are beyond the control of mobile network operators and difficult to model reliably or consistently. Including indoor coverage could therefore introduce additional complexity and uncertainty without substantially improving the assessment of network availability and may result in disproportionate obligations and costs for operators.

Focusing on outdoor coverage provides a clearer and more proportionate basis for coverage assessment. **We would therefore respectfully encourage BEREC to reconsider the proposed addition to paragraph 81 or, alternatively, to provide further clarification regarding the attenuation model.**

[9] Paragraph 88 of the draft updated BEREC Guidelines on Geographical survey of network's deployments provides that "*QoS-1 speed indicators relevant to Article 22 should be reflective of the speed achievable rather than the speed actually experienced by end-users. BEREC suggests to calculate speed based on the IP packet payload layer (network layer) or the transport layer protocol payload (transport layer).*