An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Call for Inputs

Broadband Cost Reduction Directive
Single Information Point Best Practices

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Content

1 Introduction

1.1 Background

1.1 The Digital Agenda for Europe[1], in 2010, set out ambitious broadband targets with the aim of bringing basic broadband to all Europeans by 2013 and *"to ensure that, by 2020, all Europeans had access to much higher internet speeds of above 30 Mbps with 50 % or more of Europeans having access to internet connections above 100 Mbps".* The Digital Agenda for Europe noted that to deliver telecommunications infrastructure to all, that is fit for purpose, operators need timely and cost-effective access to existing infrastructure and expedited planning permission decisions.

1.2 It was in this context that in 2014 the European Parliament and the Council adopted Directive 2014/61/EU[2] (the '**Directive**' or the '**BCRD**'), on measures to reduce the cost of deploying high-speed electronic communications networks ('**ECN**'s) across the European Union. The BCRD sets out the rights and obligations aimed at facilitating and reducing the cost of rolling out high-speed public communications networks.

1.3 A number of papers have been produced by the European Commission regarding actions aimed at reducing the cost of the roll-out of ECN's which includes the development of a Single Information Point ('**SIP**'). A SIP for Ireland was put in place by the Commission for Communications Regulation ('**ComReg**') in 2016.

1.4 More recently, in 2021, the European Commission has brought forward a number of recommended Best Practices for the SIP that would result in some significant changes to it. The purpose of this document is to seek the views from interested parties about these Best Practices.

1.2 The Broadband Cost Reduction Directive and Regulations

1.5 Article 3 of the BCRD relates to access to existing physical infrastructure and sets out that Member States must ensure that every "…*network operator has the right to offer to undertakings providing or authorised to provide electronic communications networks access to its physical infrastructure with a view to deploying elements of high-speed electronic communications networks".*

[1] COM(2010)245 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Digital Agenda for Europe https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0245&from=en

[2] Directive 2014/61/EU of The European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0061&from=en

1.6 Articles 2(1) and 2(2) define 'network operator' and 'physical infrastructure' for the purpose of the BCRD:

> "*(1) 'network operator' means an undertaking providing or authorised to provide public communications networks as well as an undertaking providing a physical infrastructure intended to provide: (a) a service of production, transport or distribution of: (i) gas; (ii) electricity, including public lighting; (iii) heating; (iv) water, including disposal or treatment of waste water and sewage, and drainage systems; (b) transport services, including railways, roads, ports and airports;*
>
> *(2) 'physical infrastructure' means any element of a network which is intended to host other elements of a network without becoming itself an active element of the network, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, antenna installations, towers and poles; cables, including dark fibre, as well as elements of networks used for the provision of water intended for human consumption, as defined in point 1 of Article 4 of Article 2 of Council Directive 98/83/EC (1) are not physical infrastructure within the meaning of this Directive*;".

1.7 Therefore, in the context of the BCRD, a 'network operator' includes

(a) undertakings providing or authorised to provide public communications networks, and

(b) undertakings providing the other physical infrastructure noted at Article 2(1)(a) and (b).

1.8 For this Call for Inputs, the term "**ECN Operators**" will refer to undertakings providing or authorised to provide public communications networks. The term "**Non-ECN Operators**" will refer to undertakings providing other physical infrastructure. The term "**Network Operators**" will refer collectively to both ECN Operators and Non-ECN Operators.

1.9 Article 4.1 of the BCRD relates to transparency concerning physical infrastructure and sets out that Member States must ensure that "…*every undertaking providing or authorised to provide public communications networks has the right to access, upon request, the following minimum information concerning the existing physical infrastructure of any network operator: (a) location, and route; (b) type and current use of the infrastructure; and (c) a contact point."*

1.10 The BCRD was transposed in Ireland as the European Union (Reduction of Cost of Deploying High-Speed Public Communications Networks) Regulations 2016[3] (the

[3] S.I. No. 391/2016 - European Union (Reduction of Cost of Deploying High-Speed Public Communications Networks) Regulations 2016.

'BCRR'). The definitions of network operator and physical infrastructure used in the BCRR mirror those in the BCRD.

1.11 The BCRD or the BCRR did not impose extra mapping obligations on Network Operators regarding the minimum information for their physical infrastructure nor did it require that the SIP provide access to the minimum information on physical infrastructure held by Network Operators. In accordance with Regulation 10(1)(c) of the BCRR, ComReg is required to carry out the functions of the SIP by facilitating access to information regarding statutory permits for civil works required to develop elements of a high-speed public communications networks.

1.12 In accordance with the requirements of the BCRD and the BCRR, the SIP[4], published on ComReg's website, facilitates access to relevant information regarding:

(a) permits, licenses or consents for civil works required to develop elements of a high-speed electronic communications network; and

(b) the procedures applicable to granting permits, licenses or consents,

(c) where access is requested to the minimum information under Article 4 of the BCRD, this will also be published on the SIP.

1.13 In 2018, a report by the European Commission[5] (the '**Report**'), identified a number of problems in terms of the BCRD's effectiveness across the EU, including the transparency of the SIP, lack of guidelines for disputes and the inefficient processing of planning for civil works. The Report recommended actions to maximise the effective implementation of the BCRD and to facilitate the achievement of its objectives.

1.14 The European Commission launched a process for reviewing the BCRD in 2020 and carried out a Consultation in Q1 2021[6]. The public consultation sought stakeholders' views and inputs on the implementation of the current provisions of the BCRD. A summary report[7] on responses was published on 12 May 2021 and the European Commission has noted that it will carry out a deeper analysis of the responses and prepare a revised legislative proposal.

1.3 European Commission Recommendation

1.15 On 18 September 2020, the European Commission adopted the Commission Recommendation (EU) 2020/1307 on a common European Union toolbox for

[4] Single Information Point - https://www.comreg.ie/media/2016/11/Single-Information-Point-PDF-28-11-16.pdf

[5] European Commission Report COM(2018) 492 - https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=53109

[6] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12463-High-speed-broadband-in-the-EU-review-of-rules_en

[7] Broadband Cost Reduction Directive: summary report of the consultation for its review: https://ec.europa.eu/newsroom/dae/redirection/document/76131

reducing the cost of deploying Very High-Capacity Networks ('**VHCN's**') and ensuring timely and investment-friendly access to 5G radio spectrum, and to foster connectivity in support of economic recovery from the COVID-19 crisis in the European Union (the '**Recommendation**')[8].

1.16 The Recommendation seeks the development of a common European Union approach, based on **'Best Practices'**, with the purpose of incentivising the timely deployment of VHCN's to contribute directly to the European Union's economic recovery.

1.4 The Common Union Toolbox for Connectivity

1.17 The COVID-19 pandemic caused a sudden change in the working practices of many people, which highlighted the need for modern, secure, sustainable, and high-performance electronic communication networks.

1.18 The Recommendation from the European Commission states the need for a *"common Union approach, a 'Toolbox', based on best practices"* (the '**Connectivity Toolbox**')[9] to incentivise the timely deployment of VHCN's, to support digital processes and applications, and contribute to growth and employment in the European Union.

1.19 The Recommendation stated that Member States should work together to agree on the Connectivity Toolbox to ensure consensus on the best ways to improve digital connectivity. The development of the Connectivity Toolbox included a questionnaire sent to all Member States, collation of the responses and the use of drafting groups to develop the content of each Best Practice.

1.20 In light of the wide-ranging scope of potential best practices, extending beyond the remit of any single agency in Ireland, the Department of the Environment, Climate and Communications ('**DECC**') assumed the role as coordinator on behalf of Ireland. DECC engaged with the relevant agencies, assessed their statutory remits, competencies and capability to respond and allocated responsibility for providing input accordingly.

1.21 ComReg was allocated responsibility for the following aspects of the Recommendation:

(a) Articles[10] 11 – 13: "*Improving transparency through the single information point*".

[8] European Commission Recommendation (EU) 2020/1307 - https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020H1307&from=EN

[9] Connectivity Toolbox - https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=75185

[10] The Connectivity Toolbox uses the term "Recommendation" to refer to Articles of the Recommendation.

(b) Article 14: "*Expanding the right of access to existing physical infrastructure*".

(c) Article 15: "*Dispute resolution mechanism*".

(d) Articles 18 – 19 "*Schedule of spectrum authorisation procedures*".

(e) Articles 21 – 22 "*Enhanced coordination at Union level on Spectrum assignment for cross-border industrial use*".

1.22 ComReg participated in the drafting groups, providing input on any Best Practices relevant to the matters noted at paragraph 1.21 above.

1.23 The Connectivity Toolbox, published in March 2021, contains 39 '**Best Practices**' under the following nine headings, of which Best Practices 11-15 are the subject of this Call for Inputs:

(a) Streamlining permit granting procedures for the deployment of electronic communications

1. Introduce permit exemptions and fast track procedures and promote the application of existing lighter permit granting procedures.
2. Provide model regulations on electronic communications network deployment.
3. Provide informative materials and workshops for municipalities and other competent authorities.
4. Ensure the use of electronic means for permit applications.
5. Digital administrative portal/SIP coordination.
6. Tacit approval for rights of way.
7. Fast track procedures for rights of way.
8. Establish broadband coordinators.
9. Use of joint preparatory coordination procedures for granting rights of way and permits necessary for civil works.
10. Legal requirements with regard to the appropriateness of fees.

(b) Improving transparency through the single information point

11. Ensure the availability of information from different sources and enhance transparency of planned civil works.
12. Ensure the availability of information via the single information point ('**SIP**') in electronic format.
13. Include georeferenced information (maps and digital models) in the data made available via the SIP.

14. Make available indicative information on the occupation level of the infrastructure and/or the existence of dark fibre.

15. Ensure the provision via the SIP of transparent information regarding the conditions of access to the existing physical infrastructure.

(c) Expanding the right of access to existing physical infrastructure owned by public bodies

16. Ensure access to physical infrastructure controlled by public bodies.

17. Entrust a body with a coordinator and/or promoter role.

18. Development of guidelines for all governance levels.

(d) Dispute resolution mechanism under the BCRD

19. Include an optional prior/parallel conciliation mechanism.

20. Ensure transparency, awareness and trust in the dispute resolution mechanism by issuing guidelines.

21. Ensure electronic communication and submission for parties.

(e) Reducing the environmental footprint of networks

22. Limit the negative environmental footprint of the electronic communications networks.

(f) Environmental impact assessment of wireless communications networks

23. Assessment of environmental effects.

(g) Incentives for investment in relation to Spectrum

24. Promote adequate reserve prices.

25. Timely availability of 5G harmonised bands.

26. Review National Spectrum Plans on a regular basis.

27. Enable payments of award fees in instalments.

28. Individual authorisation regime for the 24.25-27.5 GHz frequency band.

29. Combine coverage obligations with financial incentives.

30. Promote the opportunity of infrastructure sharing.

31. Structure of recurrent spectrum fees to incentivise roll-out.

32. Use financial aid as a complement to incentivise investments.

(h) Enhanced coordination at Union level on Spectrum assignment for cross-border industrial use

33. Use coherent practice for granting rights of use for radio spectrum based on the European Electronic Communications Code.

34. Facilitate interoperability through the development and application of standards.

35. Make use of harmonised technical conditions developed by the European Conference of Postal and Telecommunications Administrations (CEPT) / Electronic Communications Committee (ECC), if common dedicated frequency ranges are deemed necessary.

36. When identifying the appropriate authorisation regime Member States should pay particular attention to any specificities resulting from a cross-border dimension.

(i) Aspects related to electromagnetic fields and public health.

37. Promote continuous scientific research on electromagnetic field ('**EMF**') emissions carried out by credible and independent institutions.

38. Coordinated and targeted communication for informing and educating on 5G implementation.

39. Inform the public on the compliance of Radio Base Stations installations with applicable EMF safe limits.

1.24 Under the Recommendation, Member States were required to report in May 2021, to the European Commission on the national roadmap to implement the Connectivity Toolbox (the '**National Roadmaps**'[11]). In Ireland, DECC has acted as a central point, allocating responsibility for providing input on implementation based on an agency or body's statutory remit or competency, and has coordinated the agencies' responses as regards the implementation of each Best Practice, to produce a consolidated national roadmap[12].

1.25 ComReg was assigned the responsibility of considering the implementation of the following Best Practices[13] on the basis that they fall within ComReg's statutory remit:

(a) **Improving transparency through the single information poin**t – Best Practices 11 – 15, which are the subject of this Call for Inputs.

[11] The National Roadmaps of all Member States are available here - https://digital-strategy.ec.europa.eu/en/library/connectivity-toolbox-member-states-develop-and-share-roadmaps-toolbox-implementation

[12] https://ec.europa.eu/newsroom/dae/redirection/document/76378

[13] Responsibility for other Best Practices was assigned by DECC to other bodies or agencies with the relevant competency or remit. Consequently, ComReg's review was limited to the assigned Best Practices falling within ComReg's own competency and remit. The Best Practices falling outside of ComReg's remit were not considered by ComReg.

(b) **Dispute resolution mechanism under the BCRR** – Best Practices 19 – 21.

(c) **Incentives for investment in relation to Spectrum** – Best Practices 24 – 32.

(d) **Enhanced coordination at Union level on Spectrum assignment for cross-border industrial use** - Best Practices 33 – 36.

(e) **Aspects related to electromagnetic fields and public health** – Best Practices 37 – 39.

1.26 Of relevance to this Call for Inputs, is the action in Ireland's National Roadmap for Best Practices 11 – 15 as follows:

"*Engage with relevant stakeholders and function-owners to explore in the Irish context, the feasibility/ need for the integration of information in respect of existing physical infrastructure and planned civil works into a single data portal, managed by the SIP.*"

1.27 For the other Best Practices falling within ComReg's remit (items (b) to (e) in 1.25 above) various actions have already been committed to in the National Roadmap for Ireland (see footnote 12) and are therefore out of scope for this paper. As a general comment, many of these best practices have already been implemented by ComReg in Ireland.

1.5 Call for Inputs

1.28 The purpose of this Call for Inputs is to enable ComReg to understand the needs and views of stakeholders in order to consider if there is a need for an enhanced SIP with more extensive information. It will also consider if it is desirable to have a single portal, managed by ComReg, that would collate and manage large amounts of data from multiple Network Operators.

1.29 Several questions are posed in Section 3 of this document. ComReg would welcome the views and opinions of interested parties and encourages all stakeholders to respond.

1.30 ComReg intends to use this Call for Inputs to feed into Ireland's response to the European Commission on the implementation of the Connectivity Toolbox and to determine any next steps that may be necessary. ComReg will carefully consider the responses received and will use them to inform its next steps.

1.31 This Call for Inputs proceeds as follows:

(a) Section 2 summarises the Best Practices under consideration in this Call for Inputs.

(b) Section 3 sets out Other relevant factors to consider.

(c) Section 4 sets out the Questions being asked in this Call for Inputs.

(d) Section 5 sets out the next steps and how stakeholders may respond to this Call for Inputs.

2 Connectivity Toolbox Best Practices

2.1 Of the 39 Best Practices in the Connectivity Toolbox, this Call for Inputs focuses on the five Best Practices falling under the heading of *"Improving transparency through the Single Information Point"*.

2.2 As detailed at paragraphs **Error! Reference source not found.** and 1.12 above, the scope of the SIP required by the BCRD and the BCRR is limited. As noted at paragraph **Error! Reference source not found.** above, the BCRD is currently under review by the European Commission, and in the interim, the Recommendation and the Connectivity Toolbox have proposed Best Practices that may be implemented in Member States, some of which, if implemented, would increase the scope of the SIP under the BCRR. This would have the effect of increasing the amount of information within the SIP regarding Network Operators physical infrastructure (as defined in the BCRR) and would likely require that Network Operators invest the necessary resources to provide detailed information on physical infrastructure for inclusion in an expanded SIP.

2.3 In this section ComReg describes the Best Practices and notes and what it considers are relevant factors for consideration by those responding to this Call for Inputs.

2.4 As a general comment ComReg notes that there has been very limited use of the BCRD and the BCRR in Ireland thus far. ComReg is interested in understanding the reasons for this. Also of interest is whether the enhancements envisaged by the various Best Practices under discussion in this document would increase the BCRD's and BCRR's usefulness and whether the benefits would be justified by any associated costs.

2.5 ComReg also notes that currently its information gathering powers are restricted to electronic communications providers. ComReg would therefore have to rely on the voluntary co-operation of non-ECN operators unless legislative changes were introduced.

2.1 Best Practice 11: Ensure the availability of information from different sources and enhance transparency of planned civil works

2.6 Best Practice 11 of the Connectivity Toolbox states that all information regarding existing physical infrastructure and civil works, as defined in the BCRD and BCRR, as well as planned civil works should be regularly provided by all relevant (public/private) entities and should be integrated into a single data portal, to the greatest extent possible and is made available via the SIP (e.g. web based geographic information system).

2.7 The aim of this Best Practice is to accelerate the deployment of electronic communications networks more efficiently and at a lower cost, by utilising existing physical infrastructure.

2.8 Currently as detailed at paragraph 1.11 above the ComReg SIP currently provides links to platforms hosting existing electronic information provided by Network Operators and Public Bodies with responsibility for planning of civil works[14]. Where information is requested by an ECN Operator wishing to seek access to physical infrastructure under the BCRR, the information provided to the ECN Operator will also be made available via the SIP. This meets the full scope of the SIP as required by the BCRD and BCRR. Best Practice 11 proposes that the scope of the SIP would be considerably expanded requiring mapping functionality, georeferenced data for physical infrastructure, updated regularly by Network Operators and Public Bodies with responsibility for planning of civil works.

2.9 Best Practice 11 notes that this would be an additional feature of the SIP compared to the provisions and requirements of the BCRD and that "…*the provision and processing of georeferenced information via the SIP requires investments not only by the body that operates the SIP but also by the network operators and public sector bodies, especially if the relevant data is not already digitalized"*.

2.10 ComReg notes that at present, many Network Operators have publicly available network maps or can provide network maps under agreement. All planning applications, past and future, are available publicly via the ePlans website[15] which coordinates Ireland's planning applications data and all applications for road openings are coordinated through the MapRoad Licensing website[16].

2.11 In that respect, it appears to ComReg that there may be sufficient information already available regarding Network Operators existing physical infrastructure and planned civil works via several different channels. It may not be necessary to reproduce this information in the SIP and more efficient for Network Operators and those wishing to access networks to ensure that network data is kept up-to-date and that those wishing to access data can do so either through existing public websites or on request[17].

2.12 Expanding the SIP to include physical infrastructure information may require extra human, technical and financial resources to implement. (some information is provided regarding costs in other jurisdictions in section 3.2 below).

[14] E.g., County Councils, Road Authorities etc.

[15] https://www.eplanning.ie/

[16] https://maproadroadworkslicensing.ie/MRL/

[17] Under the BCRR, operators have the right to request such data, Network Operators are obliged to provide the data.

2.13 As noted in Best Practice 11 of the Connectivity Toolbox, the Networks Operators could also expect to see sizeable costs associated in delivering the required information to the SIP. Network Operators and Public Bodies with responsibility for civil works would have to invest in systems to provide a feed of their data with the SIP. Public Bodies in particular may also be subject to other requirements with the effect that they would also need to continue to maintain their own electronic platforms in parallel to the SIP.

2.14 ComReg also notes, based on its interactions with ECN Operators, ECNs often include a degree of legacy physical infrastructure which is often not georeferenced.

2.2 Best Practice 12: Ensure the availability of information via the SIP in electronic format, including information by public sector bodies and the electronic accessibility for stakeholders.

2.15 Best Practice 12 of the Connectivity Toolbox states that the electronic access to the information and the format of available data should preferably be done through certain formats to enable an easy upload/download of the information (such as *.xls, *.shp, *.kmz or other formats). ComReg and those feeding data into (or providing data via) the SIP should use a unified format and facilitate the automatic conversion from different data formats and georeferenced coordinates into the unified format when data is integrated into or sent via the SIP.

2.16 The aim of this Best Practice is to improve accessibility to information by having it in the same electronic format and in one place.

2.17 All information regarding planned civil works and physical infrastructure should be available in electronic format and should be readily accessible.

2.18 ComReg notes that where information is available in electronic format, the current SIP facilitates access to this information on the platform of the Network Operator or Public Body with responsibility for civil works. This information may be available in different electronic formats but there are many free and easily accessible online tools for transforming data, including GIS Data Conversion and Transformation tools. These tools allow recipients of data to easily convert and transform the data into their required format, making it accessible.

2.3 Best Practice 13: Include georeferenced information (maps and digital models) in the data made available via the SIP.

2.19 Best Practice 13 of the Connectivity Toolbox states that the information made available through the SIP on physical infrastructure, as defined in the BCRD and the BCRR, and planned civil works, should be georeferenced. Where this information is

not already available in a georeferenced format, the SIP should provide the necessary tools to transform this information.

2.20 The main objective of this Best Practice is to better utilise existing infrastructure which in turn will improve the efficiency of the roll-out of networks which should lower costs and reduce the environmental impact of the networks.

2.21 Georeferenced information will be of benefit those who wish to use physical infrastructure to roll out their own network as it provides more detailed information regarding the area in which the physical infrastructure is available. However, up to now there does not appear to have been any demand from ECN Operators for such georeferenced information under the BCRD and the BCRR. Existing network maps from Network Operators already provide details and information such as to allow operators to roll out their own networks. ComReg is interested in respondents' views in this regard.

2.22 The question of cost is also relevant here and is addressed further at section 3.2 below.

2.23 According to the BEREC Opinion, *"digital modelling might also be a helpful information for ECN operators. However, network operators may have only some (or even no) information with regard to this available. Data collection also might be rather complex and if this data changes frequently than it also would be necessary to update this information regularly. Some NRAs pointed out the heavy burden on the owners of physical infrastructure to digitally map their infrastructure. Therefore, BEREC considers that the extra information for digital modelling should not be obligatory."*

2.4 Best Practice 14: Make available indicative information on the occupancy level of the infrastructure and/or the existence of dark fibre

2.24 Best Practice 14 of the Connectivity Toolbox recommends that the information on the occupancy level of physical infrastructure, as defined in the BCRD and the BCRR, on the SIP should be provided, where available, along with information on the existence or absence of dark fibre. This Best Practice is presented as optional.

2.25 The aim of this Best Practice is to improve the transparency of the information on the SIP.

2.26 ComReg notes that the occupancy level of physical infrastructure and the presence or absence of dark fibre could be useful tools for those seeking access to physical infrastructure under the BCRR. Again, ComReg is interested in hearing views as to whether this potential benefit would be worthwhile and justified in light of the likely cost.

2.5 Best Practice 15: Ensure the provision via the SIP of transparent information regarding the conditions of access to the existing physical infrastructure

2.27 Best Practice 15 of the Connectivity Toolbox recommends that the terms and conditions of access to physical infrastructure, as defined in the BCRD and the BCRR, is made available on the SIP.

2.28 The aim of this Best Practice is to improve operator's accessibility to information by having it in the same electronic format and in one place.

2.29 The Best Practice would require that the SIP capacities are expanded to allow a repository (or the provision) of information concerning several documents regarding a Networks Operators terms and conditions of access to its physical infrastructure under the BCRD and BCRR (e.g. technical and price conditions, regulations, reference offers).

2.30 Network Operators may already provide the necessary data via their platforms and can ensure that the data is up-to-date and accessible to anyone who needs it. Collating this data in a single data portal, that is already publicly available, could lead to unnecessary duplication of resources resulting in inefficiencies and inaccuracies in the data.

3 Other relevant factors

3.1 Resourcing

3.1 As noted above ComReg anticipates that were it to implement the proposed Best Practices, significant extra resources would likely be required by both ComReg and Network Operators although the precise implications are difficult to quantify

3.2 In the Body of European Regulators for Electronic Communications ('**BEREC**') opinion paper in 2021 on the revision of the BCRD (the '**BEREC Opinion'**)[18] BEREC provided examples of the technical, financial and human resources needed to perform the functions of the SIP including, *"In Austria, after a rough estimate, the capex was 250 000 euros and the opex was 50 000 euros per year plus 2 employees full time equivalent. Poland spent about 1 million euros to create and implement SIP and spends 10% annually on maintenance. The system has been created with participation of 5 members of steering committee, 12 team members and team of external advisors. In Portugal 12 human resources from NRA with different skills were involved at the tender stage. At the implementation stage there were 8 human resources from the supplier, project manager, a coordinating director and an external consultant from NRA.*"

3.3 In relation to the SIPs in the examples above, these reflect the recommendations in the Best Practices for the SIP. The scope of these SIP's are more than was contemplated by the BCRD (and the BCRR). The costs shown in the examples above would be indicative of the costs to be incurred by ComReg in expanding the SIP to align with the Best Practices.

3.2 EECC Article 22

3.4 Article 22 of the **EECC**, requires NRA's to *"conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband ('broadband networks')".*

3.5 The scope of Article 22 differs from the scope of information on physical infrastructure relevant to the BCRD and the BCRR. Article 22 relates to broadband reach, in effect, active services. The BCRD and the BCRR relates to passive physical infrastructure. Further the scope of the BCRD and BCRR extends to Non-ECN Operators, whereas the scope of Article 22 is limited to ECN Operators only.

[18] https://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/9887-berec-opinion-on-the-revision-of-the-bro_0.pdf

3.6 In the recent BEREC Guidelines on the implementation of Article 22 of the EECC[19], BEREC drew a distinction between the BCRD and Article 22 of the EECC.

"BEREC considers that data on physical infrastructures (such as ducts, conduits, masts, manholes and so on) and data on broadband demand or take up do not fall within the scope of these Guidelines, because they do not fall within the concept of broadband reach. These kinds of data can also be geo-referenced, and it would be advisable for NRAs and OCAs to consider the value of maintaining a system of integrated spatial data of different kinds. Physical infrastructures support and enable the provision of electronic communication services, but the presence of a physical infrastructure does not imply the presence of an electronic communication network.[7] Information on broadband take-up or demand can be very relevant for regulatory and policy functions, but broadband reach is a wider concept, as it implies the availability of connectivity, regardless of whether this connectivity is demanded or not.

Footnote 7

The Broadband Cost Reduction Directive ('BCRD') contains provisions related to physical infrastructure without generically mandating their mapping, as it establishes an obligation to make available to the single information point (but not as such to map) information regarding all existing physical infrastructures (not only those related to ECNs) for which the information has been requested by operators (not the rest)."

[19] Paragraph 13 of BoR (20) 42 https://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/9027-berec-guidelines-to-assist-nras-on-the-c_0.pdf

4 Questions

4.1 ComReg is seeking your answers to the following questions which apply to the five Best Practices, as described in section 2 of this Call for Inputs. When answering the following questions please reference the relevant question/s in your answers. In all cases, please provide supporting evidence and/or reasons.

1. Do you have any opinions as to why the BCRD has been so little used in Ireland up to now?
2. Which of the Best Practices discussed in this paper, would make a worthwhile contribution to the roll out of VHCNs in Ireland?
3. What benefits would result from the Best Practices? Do you believe these would outweigh any associated costs?
4. What, if any, operational or other difficulties do you foresee with the proposed Best Practices?
5. If you are a prospective user of physical infrastructure under the BCRD, would the Best Practices, if implemented, influence how you operate?
6. Please provide any additional comments you may have regarding this Call for Inputs that are not covered by the Questions 1-5. Please provide supporting evidence and/or detailed reasons for your response.

5 Next Steps

5.1 ComReg welcomes all written responses from stakeholders by 5pm on Monday 31 January 2022. It will make the task of analysing responses easier if comments reference the relevant question numbers from this document. In all cases, please provide evidence and/or detailed reasons in support of your views.

5.2 Responses must be submitted by email to the following email address clearly marked "Submissions to ComReg 21/133":

Email: wholesaleconsult@comreg.ie