



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Geographic Surveys on Broadband Network Deployments - Guidance to Network Operators on the Collection and Use of Data

Information Notice

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Commission for Communications Regulation

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1 Introduction and Background

- 1.1 In May 2022 ComReg published an Information Notice¹ (**'ComReg Document 22/37'**) in relation to its approach to conducting geographic surveys of broadband network deployments under Article 22(1) of the European Electronic Communications Code (the **'Code'**).
- 1.2 While at that time the Code had not yet been transposed into Irish law, it has since been transposed by commencement, in June 2023, of the European Union (Electronic Communications Code) Regulations 2022, SI No. 444 of 2022 (the **'ECC Regulations'**)². Regulation 100 of the ECC Regulations effectively mirrors Article 22 of the Code.
- 1.3 ComReg Document 22/37 highlighted that one of ComReg's functions under Article 22 of the Code (now Regulation 100 of the ECC Regulations) is the conduct of a geographic survey of the reach of broadband networks (the **'Geographic Survey'**). It also provided notice to undertakings providing electronic communications networks and services capable of delivering broadband (**'Electronic Communications Undertakings'**) of ComReg's intended approach with respect to the collection of geographic and other information to facilitate the conduct of the Geographic Survey.
- 1.4 The information collected by ComReg for Geographical Survey purposes must be at an appropriate level of local detail and include sufficient information on quality of service (**'QoS'**) parameters. The Geographic Survey may also include a forecast, for a period determined by ComReg, of the reach of broadband networks, including very-high-capacity network (**'VHCN(s)'**)³, and any forecast must include all relevant information, including information on planned deployments by any undertaking or public authority, of VHCNs and significant upgrades or extensions of networks to at least 100 Mbps download speeds.
- 1.5 The purpose of this Information Notice (which should be read in conjunction with

¹ Information Notice, Conduct of Geographic Surveys under Article 22 of the European Electronic Communications Code, May 2022, [ComReg Document 22/37](#).

² European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022) (the **'ECC Regulations'**).

³ Under Regulation 2 of the ECC Regulations a VHCN means “*either an electronic communications network which consists wholly of optical fibre elements at least up to the distribution point at the serving location, or an electronic communications network which is capable of delivering, under usual peak-time conditions, similar network performance in terms of available downlink and uplink bandwidth, resilience, error-related parameters, and latency and its variation; network performance can be considered similar regardless of whether the end user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.*”

ComReg Document 22/37) is to:

- (a) Describe ComReg's and other competent authorities' activities that rely on the use of the information gathered under the Geographic Survey;
- (b) Set out the data sets and collection procedures relating to ComReg's collection of Geographic Survey information from Electronic Communications Undertakings;
- (c) Advise Electronic Communications Undertakings as to the inclusion of Electronic Communications Undertakings' fixed broadband coverage information on ComReg's online information tools, including Broadband Checker⁴; and
- (d) Set out the basis upon which the results of the Geographic Survey are required to be shared with other authorities.

1.6 ComReg may update the details in this Information Notice, as appropriate.

⁴ <https://www.comreg.ie/broadbandchecker/>.

2 Conduct of the Geographic Survey

- 2.1 As noted above, Regulation 100 of the ECC Regulations requires ComReg to conduct the Geographic Survey.

2.1 Activities and Functions Relying on the Geographic Survey Data

- 2.2 As set out in Regulation 100(2) of the ECC Regulations, the Geographic Survey is carried out for the purpose of supporting the tasks of ComReg and the Minister for the Environment, Climate and Communications⁵ (the '**Minister**') as assigned under the regulations, including for the surveys required for the application of State aid rules.

- 2.3 Regulation 100(10) also requires that ComReg and other competent authorities with responsibility for:

- (a) the allocation of public funds for the deployment of electronic communications networks;
- (b) for the design of national broadband plans;
- (c) for defining coverage obligations attached to rights of use for radio spectrum; and
- (d) for verifying availability of services falling within the universal service obligations in their territory,

to take into account the results of the Geographical Survey and any areas designated in accordance with Regulation 100(7) as not having a VHCN.

- 2.4 Insofar as the design of public broadband interventions are concerned, Regulation 100(7) provides that the Minister may, having consulted with ComReg, designate an area with clear territorial boundaries where, on the basis of the information gathered by ComReg and any forecast, it is determined that, for the duration of the relevant forecast period, 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. ComReg is required to publish the designated areas.

- 2.5 Following a request by the Minister, ComReg must invite undertakings and public authorities to declare their intention to deploy VHCNs over the duration of the relevant forecast period. Where this invitation results in a declaration by an

⁵ ComReg notes that the Government intends to move the Communications portfolio to a new Department of Arts, Media, Communications, Culture and Sport.

undertaking or public authority of its intention to do so, ComReg, following a request by the Minister, must require other undertakings and public authorities to declare any intention to deploy VHCNs, or significantly upgrade or extend its network to a performance of at least 100 Mbps download speeds in this area.

- 2.6 ComReg must specify the information to be included in such declarations, in order to ensure at least a similar level of detail as that taken into consideration in any forecast. ComReg must also inform any undertaking or public authority expressing its interest whether the designated area is covered or likely to be covered by a next-generation access network offering download speeds below 100 Mbps on the basis of the information gathered by ComReg.
- 2.7 The information obtained for the Geographic Survey is also used by ComReg for several of its other functions, including those relating to the publication of statistical information⁶ via its Quarterly Key Data Report ('**QKDR**')⁷, carrying out market analyses⁸ and for making available information tools to enable end users to determine the availability of connectivity in different areas (such as ComReg's Broadband Checker⁹ and Compare¹⁰ online information tools).

2.2 Collection of Data for the conduct of the Geographic Survey

- 2.8 In determining the scope of information that is collected for the Geographic Survey, ComReg has regard to, *inter alia*, its functions under Regulation 100 of the ECC Regulations, as well as the legislative functions that rely on the use of information gathered for the purpose of the Geographical Survey. ComReg also has regard to the guidelines adopted by BEREC on Geographic Surveys in accordance with Article 22(7) of the Code (as may be updated from time to time). In this respect, to assist National Regulatory Authorities ('NRA(s)') and/or other competent authorities on the consistent implementation of obligations under that Article, BEREC has already issued three sets of guidelines on the geographical surveys of network deployments (referred to collectively as the '**BEREC**

⁶ Pursuant to section 10(da) of the Communications Regulation Act 2002.

⁷ See <https://www.comreg.ie/industry/electronic-communications/market-information/>.

⁸ Pursuant to Regulation 49 of the ECC Regulations.

⁹ Pursuant to Regulation 100(13) of the ECC Regulations. See <https://www.comreg.ie/broadbandchecker/> ('**Broadband Checker**'). For queries in relation to the operation of Broadband Checker please contact industry@comreg.ie.

¹⁰ See <https://www.comreg.ie/compare/> ('**Compare**'). Compare is online interactive tool which presents a list of a broad range of service providers' plans for home phone, mobile, broadband and bundled services. For queries in relation to the operation of Compare please contact industry@comreg.ie.

Guidelines¹¹⁾.

- 2.9 At a practical level, data to support the conduct of the Geographic Survey is collected quarterly by ComReg (using its statutory information gathering powers) from certain Electronic Communication Undertakings through a QKDR Fixed Broadband Network Questionnaire¹². As noted above, this data feeds into the conduct, by ComReg, of a number of its regulatory activities, including the QKDR and its Broadband Checker and Compare information tools. The templates and timetable for the collection and provision of Geographic Survey data are available on ComReg's website¹³.
- 2.10 Amongst the information that is gathered for the Geographical Survey is data concerning whether or not a premises is passed or planned to be passed by a broadband network, the type of broadband network available, details on the broadband service available etc. In this respect, characteristics on broadband availability for individual premises is gathered at an Eircode or Latitude/Longitude level.
- 2.11 In terms of the types of broadband network for which data is collected for the Geographic Survey, these include Electronic Communications Undertakings operating:
- (a) **Cable broadband networks:** using a cable TV network to provide the broadband service to the premises.
 - (b) **Copper broadband networks:** using a copper line to provide the broadband service to the premises.
 - (c) **Fibre broadband networks:** using a fibre optic cable to provide the broadband service to the premises.
 - (d) **(Part) Fibre broadband networks:** using fibre lines up to a local street cabinet and then copper from there to provide the broadband service to the premises.
 - (e) **Fixed Wireless Access ('FWA') broadband networks:** using radio signals to connect to an externally mounted antenna at the premises in order to provide the broadband service.

¹¹ See the "Handbook BEREC's Guidelines on Geographical Surveys of Network Deployments, BOR, (21) 104.

¹² See ComReg's website <https://www.comreg.ie/industry/electronic-communications/market-information/qkdr-guidance-documents/>.

¹³ See ComReg's website <http://www.comreg.ie/industry/electronic-communications/market-information/>.

2.3 Inclusion of fixed broadband coverage information on ComReg's Online Information Tools

- 2.12 As noted above, ComReg has developed Broadband Checker which is an online information tool to help consumers determine whether fixed broadband (being broadband provided at a fixed location) is available or planned to be available at a premises¹⁴. Consumers can search using their Eircode and the information presented lists the network operators that have fixed broadband available (or planned to be available) at a premises, the type of broadband and some service characteristics such as the broadband download speeds. Consumers are also provided with a list of retail service providers offering broadband services over the networks available.
- 2.13 The types of broadband networks for which data can be represented on the Broadband Checker are those as set out in paragraph 2.11 above. For FWA networks, given the shared nature of the local access component of this network medium, in order to assess whether or not a premises is passed by such broadband networks, ComReg requires additional network/coverage details in order to portray coverage and will put in place arrangements, in discussion with the FWA operator, regarding the ongoing collection of information regarding its coverage. This may include (but is not limited to):
- (a) The location of individual radio sites.
 - (b) The number and type of antennae at each radio site.
 - (c) The maximum number of users capable of being served from the site having regard to the parameters of the broadband service offered and the capacity available at the radio site.
 - (d) The measures the FWA operator has in place in order to ensure the actual number of customers served with broadband services from a radio site does not exceed the capacity available.
 - (e) Other information as may be required by ComReg to verify coverage.
- 2.14 Network operators can contact marketdata@comreg.ie in relation to queries about providing data for the Geographic Survey and potential inclusion of their network coverage on Broadband Checker.

2.4 Sharing of Geographic Survey Results with Other Authorities

- 2.15 ComReg is also required to share the results of the Geographic Survey with the

¹⁴ Information about outdoor mobile coverage is separately available at <https://coveragemap.comreg.ie/map>.

Minister and other competent authorities.

- 2.16 In this respect Regulation 100(11) of the ECC Regulations requires ComReg to supply the results of the Geographical Survey (and any declaration referred to in Regulation 100(8)) to the Minister, subject to the Minister ensuring the same level of confidentiality and protection of business secrets as required of ComReg. Where information is to be supplied by ComReg it is required to inform the parties which provided the information.
- 2.17 Regulation 100(11) also provides that ComReg may, subject to the same confidentiality requirements set out in paragraph 2.16 above, supply the results of the Geographic Survey to other national regulatory or competent authorities. Similarly, the results of the Geographic Survey must also be made available by ComReg to BEREC and the European Commission upon their request.
- 2.18 The Department of the Environment, Climate and Communications ('**DECC**') has confirmed to ComReg that it will ensure the Geographic Survey data provided to it will be treated in a confidential manner. ComReg has corresponded with relevant Electronic Communications Undertakings to inform them that it intended to provide DECC with the results of the Geographic Survey, with ComReg subsequently doing so, via its secure file transfer platform at the end of November 2024. The data provided covered the period ending Q2 2024. Subsequent to this ComReg has also provided Geographic Survey data to DECC for the period ending Q3 2024.
- 2.19 ComReg will continue to provide the Geographic Survey results to DECC on a quarterly basis for the latest available quarterly period, typically 2-5 business days after the publication of the QKDR.

2.5 Data relating to Individual Electronic Communications Undertakings

- 2.20 Owing to reasons of confidentiality and commercial sensitivity ComReg does not make available or make public the underlying data of individual Electronic Communication Undertakings' that is gathered for the purpose of the Geographic Survey (and the related activities).