

Public consultation on draft BEREC Common Position on Mobile Infrastructure Sharing

DNA Plc is grateful for the opportunity to provide insight to this Common Position. The subject is generally interesting and topical and we highly appreciate publicity around this matter.

From our point of view, it is vital that regulators understand that there are many situations where replicating existing physical infrastructure is not economically profitable. In some cases it is also virtually impossible to get a construction permit for a new mast if there is already a mast serving the area. There are also wide geographical areas in EU where infrastructure-based competition is not and will not be technically and economically realistic. Infrastructure sharing and access to others' physical infrastructure enable service-based competition and are therefore a reasonable solution in this kind of situation. Potential benefits, especially "Benefit 3", in the draft describe this well.

However, commercial negotiations between the operator which owns the infrastructure and the operator which seeks the access are not always easy and fair sharing agreements may be difficult to negotiate. The BCDR is mentioned a couple of times in this draft as a legal tool which requires MNOs to give access to their physical infrastructure. For this reason we would like to shortly introduce our experience on it.

Last year DNA contacted the Finnish NRA Ficora in order to solve mast related pricing problems it had with another operator. From our point of view the matter belongs to the scope of BCDR. However, Ficora decided that it had no competence over the contractual issues between operators and did not investigate our complaint. The administrative court established the decision.

We hope that BEREC and NRAs will take account of all the benefits that infrastructure sharing and access to others' physical infrastructure cause and will not focus on infrastructure-based competition when it is not a real option. As we have not found BCDR as a useful tool to the real problems concerning access to the physical infrastructure and fair pricing of access to masts we look forward further discussions on different possibilities to facilitate access via regulation. Since roll-out of 5G networks will require a significant amount of new mast and equipment sites as well as fiber, it is of utmost importance to ensure fair pricing of shared mast and equipment sites and leased fiber to these sites.

Best regards,



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