

Measures to reduce the cost of deploying high-speed electronic communications networks

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The Council **took stock of the state of play** concerning proposed measures to facilitate investment in high-speed electronic communication networks by reducing the costs involved.

The proposal sets rights and obligations with regard to: access to existing physical infrastructure; transparency on physical infrastructure; permit granting; coordination of civil works; in-building physical infrastructure, and dispute settlement.

Delegations generally support the objective of cutting down civil engineering costs, which can make up to 80% of the total deployment costs, and on **fully exploiting synergies** between electronic communications networks and the networks of other utilities.

However, not all delegations are convinced that the **proposed measures are proportionate to the objective pursued**; they have doubts as to whether the benefits would outweigh the costs and administrative burden. Many delegations have pointed to the consequences for building owners and landlords, the implications for property rights, and potential implementation difficulties in countries with a federal structure.

For these reasons, **the form of the legal act - regulation vs. directive** – has been a recurring issue in the discussions, resulting in very broad support for a directive as an appropriate instrument.

Other questions that still need further clarification relate, inter alia, to:

- **Definitions used:** delegations are seeking clarifications on the definitions used and their link to those contained in other relevant pieces of EU legislation, such as in the EU regulatory framework for electronic communications. Further discussion will be needed on the definitions of 'network operator' (e.g. should drinking water utilities and telecoms networks be included, the latter already being subject to the telecoms rules?) and '(in-building) physical infrastructure' (e.g. includes active /non-active and underground/above the ground elements?) in particular as well as on the meaning of 'permit', 'major renovation works', 'civil works', and 'high speed electronic communications' networks'.
- **The single information point (SIP):** rather than centralising access to information in such a SIP, some delegations appear to prefer to see the SIP more as a 'portal' for the exchange of (contact and registration) information on physical infrastructure, which would be less costly and less cumbersome from an administration point of view. In general, further discussion on this point will be required, taking into account the current practice in Member States as well as the general orientation of the delegations of keeping costs and administrative burden to the minimum.

A number of delegations believe that the list of criteria to refuse access to networks should be extended, e.g. for reasons of protection of property rights, the environment, public safety and security, or public health.

Lastly, the discussion on the **modalities for the settlement of disputes** under the auspices of a 'competent national dispute settlement body' has not come to a conclusion.