

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

2013/0080(COD) - 10/12/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Edit HERCZOG (S&D, HU) on the proposal for a regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks.

The committee recommended that the position of the European Parliament adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

**Legal instrument:** the committee changed the proposal **from a regulation to a directive.**

**Access to existing physical infrastructure:** the amended text stipulated that every network operator should have the right to offer access to its physical infrastructure in view of deployment of elements of high-speed electronic communications networks, while ensuring the safety and security of the network. Reciprocally, **electronic communications network operators should have the right to offer access to their physical infrastructure** with a view to the deployment of other networks, provided that the deployment has the approval of the owners and the authorities responsible.

Any network operator shall, subject to the availability of network capacity, have the **obligation to meet all reasonable requests for access to its physical infrastructure**, on condition that no problems will arise in connection with the security and safety of the network and bearing in mind the principle of reciprocity, in view of deploying elements of high-speed electronic communications networks. The obligation of network operators to meet all reasonable access requests under fair terms and conditions should be without prejudice to their obligation to respect **Union rules on State aid** in case of government funded or guaranteed investment in infrastructure.

**Refusal of access:** Members set out indicative grounds of refusal such as: (i) safety and public health concerns; (ii) the security of critical national infrastructure; (iii) current and future availability of space; (iv) the proportional usage of the available space, so that a network operator that owns the physical infrastructure could reserve space for its own future investments; (v) conditions whereby granting access to underground transport systems could result in disruption to long-term investment and upgrades and/or result in travel disruption with a disproportionate economic impact.

The committee stated that if tasks have to be carried out which are connected with the shared use of the infrastructure, they might only be carried out by the network operator or by a party to which the network operator has contracted the task out.

**Unsuitable infrastructure:** if existing infrastructure is not considered technically suitable to deploy high-speed electronic communications networks, Member States may provide **exemptions** from the obligations laid down regarding transparency of information on access to infrastructure. Such measure shall be notified to the Commission and reasons duly given with all interested parties given the opportunity to comment on the draft measure.

Furthermore, with a view to safeguarding national security and the security and the integrity of certain elements of, and or areas on a network, Member States may decide to **exempt certain areas from the**

**obligation to grant the set of minimum information** in electronic form. In those cases the access to minimum information may be limited to an examination in the offices of the network operator. Any such measure shall be notified to the Commission.

Subject to limitations with a view to the physical security of the networks or operating and business secrets, the single information point **may offer private individuals access** to the minimum information for a specified area upon request or via its website.

Lastly, with the aim of **protecting commercial secrets**, the inventory of planned civil works shall not be integrated into the same database as that of the general infrastructure inventory.

In all cases, the undertaking requesting access to information should limit the number of persons having access to such data, guarantee the confidentiality of the data, and shall not transfer it to any third-party.

**Coordination of civil works:** every effort shall be made by undertakings performing civil works and undertakings authorised to provide electronic communications networks to coordinate civil works with those of energy distribution system operators in order to minimise the works needed and to install, maintain or upgrade ICT and energy infrastructures concurrently.

**Dispute settlement body:** if the Member States decides to appoint the national regulatory authority as the national dispute settlement body, that body shall be obliged to seek the opinion of the sector regulators before adopting any binding decision concerning the determination of fair terms, conditions or prices.

**Broadband-ready label:** a new Union broadband-ready label should be introduced for buildings and apartments to help buyers and renters to identify buildings with access to a high-speed electronic communications networks. The Union broadband-ready label should be a voluntary label promoting high-speed readiness of in-house infrastructures.