

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

2013/0080(COD) - 15/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 639 votes to 18 with 20 abstentions, a legislative resolution 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.

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the proposal as follows:

Legal instrument: as Members suggested, the regulation has been changed to a **directive of the European Parliament and of the council aiming to facilitate the deployment of high-speed electronic communications networks**. “High-speed electronic communications network” was defined as an electronic communication network which was capable of delivering broadband access services at **speeds of at least 30 Mbps**.

The Directive established **minimum requirements** relating to civil works and physical infrastructure, with a view to approximating certain aspects of the laws, regulations and administrative provisions of the Member States in those areas.

Access to existing physical infrastructure: the amended text stipulated that every network operator had the **right to offer to undertakings providing electronic communications networks access to its physical infrastructure** - pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, antenna installations, towers and poles etc -with a view to deploying elements of high-speed electronic communications networks. Reciprocally, Member States may provide for the right of public communications network operators to offer access to their physical infrastructure for the purpose of deploying networks other than electronic communications networks. Cables, including dark fibre, as well as elements of networks used for the **provision of water intended for human consumption**, were not physical infrastructure within the meaning of the Directive.

Granting access: upon written request of an undertaking providing public communications networks, any network operator must have the **obligation to meet all reasonable requests for access** to its physical infrastructure under fair and reasonable terms and conditions, including price. Such written request should specify the elements of the project for which the access is requested, including a specific time frame.

The obligation to grant access was **without prejudice to the right to property of the owner of the physical infrastructure**.

Every refusal of access must be based on objective, transparent, and proportionate criteria, such as: (i) **safety and public health concerns**; (ii) **integrity and security** of any network, in particular of critical national infrastructure;

The network operator should state the reasons for the refusal within two months from the date of the receipt of the complete request for access.

The national dispute settlement body should resolve the dispute, within the shortest possible time frame and in any case within four months from the date of the receipt of the complete request except in

exceptional circumstances. Any price set by the dispute settlement body should ensure that the access provider has a **fair opportunity to recover its costs**.

Transparency: Member States may allow access to the minimum information to be limited only if necessary in view of the security of the networks and their integrity, national security, public health or safety, confidentiality or operating and business secrets.

Furthermore Member States may require every public sector body holding, in electronic format, by reason of its tasks elements of the minimum information concerning the physical infrastructure of a network operator to make it available via **the single information point** by electronic means before 1 January 2017.

Minimum information made available to a single information point should be accessible promptly, via the single information point, in electronic format and under proportionate, non-discriminatory and transparent terms. Undertakings providing public communications networks that obtain access to information must take appropriate measures to ensure **respect for confidentiality, and operating and business secrets**.

New provisions are also inserted by Parliament and Council on **transparency concerning planned civil works**

In-building physical infrastructure: all newly constructed multi-dwelling buildings, for which applications for building permits have been submitted **after 31 December 2016**, must be equipped with an access point. The same obligation applied in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after 31 December 2016.

Buildings equipped in such a way should be eligible to receive the **voluntary “broadband-ready” label** in Member States that have chosen to introduce such a label.

There may be **exemptions** for categories of buildings in cases in which the fulfilment of those obligations is disproportionate, such as in terms of costs for individual or joint owners or in terms of type of building, such as specific categories of monuments, historic buildings, holiday homes, military buildings or other buildings used for national security purposes.

Access to in-building physical infrastructure: every public communications network provider must have the right to roll out its network at its own costs, up to the access point. It must also have the right to access any existing in-building physical infrastructure with a view to deploying a high-speed electronic communications network if duplication is technically impossible or economically inefficient.

Member States may lay down rules on adequate **financial compensation** of persons suffering damage as a result of the exercise of these rights.

Review: the Commission should present a report by **1 July 2018** on the implementation of the [Directive](#). The report must include a summary of the impact of the measures provided by this Directive and an assessment of the progress towards achieving its objectives, including whether and how the Directive could **further contribute to achieving more ambitious broadband targets than those set out in the Digital Agenda** - namely to bring basic broadband to all Europeans by 2013, and to ensure that, by 2020, all Europeans have access to much higher internet speeds of above 30 Mbps and 50% or more of Union households subscribe to internet connections above 100 Mbps.