

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

2013/0080(COD) - 15/05/2014 - Final act

PURPOSE: to make it easier and cheaper to establish high-speed electronic communications networks.

LEGISLATIVE ACT: Directive 2014/61/EU of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks.

CONTENT: Member States have endorsed the ambitious broadband targets set out in the Communication from the Commission entitled [A Digital Agenda for Europe](#), 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.

This Directive aims to **facilitate the roll-out of high-speed electronic communications networks by promoting the joint use of existing physical infrastructure** (for example, gas and electricity pipes and drainage systems) by enabling a more efficient deployment of new physical infrastructure so that such networks can be rolled out at lower cost.

The Directive also establishes 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. Member States may maintain or introduce measures in conformity with Union law which go **beyond the minimum requirements** established by this Directive.

The Directive contains, among others, the following provisions:

Access to existing physical infrastructure: every network operator – that is to say, telecommunications operators or enterprises active in other sectors, such as electricity supply or sewage treatment plants - has the right to offer to undertakings providing or authorised to provide electronic communications networks access to its physical infrastructure 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.

Network providers should have the obligation to give reasonable access to their infrastructure under fair and reasonable terms, including price level. The **grounds for refusal** that may be invoked include technical inadequacy, security, public health or the security of the network.

The obligation to give access to the physical infrastructure should be **without prejudice to the rights of the owner of the land** or of the building in which the infrastructure is located.

Where access is refused or agreement on specific terms and conditions, has not been reached within two months from the date of receipt of the request for access, Member States shall ensure that either party is entitled to refer the issue to **the competent national dispute settlement body**.

Access to information on the infrastructure: telecommunications operators should have the right to receive, **via a single information point**, the following minimum information on an infrastructure: i) location, and route; ii) type and current use of the infrastructure; iii) as well as a contact point.

Where the minimum information is not available via the single information point, network operators may be **directly required** to provide access to such information. Member States shall ensure that access to the minimum information is made available via the single information point **by 1 January 2017**.

When obtaining access to information, undertakings providing or authorised to provide public communications networks should ensure **respect for confidentiality**, and operating and business secrets.

If access to information gives rise to a dispute, each party may bring the case before a national dispute resolution body, which will adopt a binding decision. This does not prevent one of the parties applying to a court.

Coordination of civil works: any network operator has the right to negotiate agreements with regard to the coordination of civil engineering work with telecommunications operators for the deployment of high-speed electronic communications networks.

If an agreement on the coordination of civil works is not achieved within one month from the date of receipt of the formal request to negotiate, each of the parties may refer the issue to the competent national dispute settlement body which shall resolve the dispute within two months from the date of the receipt of the complete request, without prejudice to the possibility for any party to refer the case to a court.

In-building physical infrastructure: the Directive provides that **all newly constructed buildings** – and those subject to major renovation works - for which applications for building permits have been submitted **after 31 December 2016** should be equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points.

Buildings so equipped may obtain a **voluntary ‘broadband-ready’ label** in the Member States that have decided to introduce such a label.

Member States may provide for **exemptions** from the obligations provided for categories of buildings, in particular single dwellings, or major renovation works 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.

Competent bodies: each of the tasks assigned to the national dispute settlement body shall be undertaken by one or more competent bodies. Member States may allow the national dispute settlement body to charge **fees** to cover the costs of carrying out the tasks assigned to it.

Review: by 1 July 2018 the Commission shall present a report on the implementation of this Directive.

ENTRY INTO FORCE: 12.06.2014.

TRANSPOSITION: no later than 01.01.2016. The provisions shall apply from 01.07.2016.