

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

2013/0080(COD) - 27/06/2018 - Follow-up document

The Commission adopted a report on the implementation of 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.

The Directive consists of **four pillars**: (1) access to existing infrastructure and transparency; (2) coordination of civil works and transparency; (3) permit granting procedure; (4) in-building infrastructure. It includes additional requirements to set up a single information point and a dispute settlement body. These apply to all the pillars, as well as requirements to lay down penalties.

The report was drafted less than two years after the deadline for application of the Directive (1 July 2016) and most Member States have been late in transposing the Directive. Its application in practice has only recently begun and experience so far remains limited.

Impact and progress achieved: evidence from Member States which previously applied provisions similar to those in the Directive and from undertakings which have engaged in cross-sectoral collaboration confirms that there could be **significant benefits**, including the expansion of high-capacity broadband to underserved areas, if other Member States follow suit.

Electronic communications operators believe that there have been improvements in access to physical (including in-building) infrastructure and the information relating to them since the Directive was applied. However, there is **still room for improvement**, with operators indicating that limited progress has been made in supporting the coordination of civil works, easing the process of applying for civil works permits, or facilitating access to buildings for the installation of in-building infrastructure.

Recommended actions: the Commission believes that effective and timely implementation of the Directive is crucial, not only for ensuring that its objectives are achieved, but also for achieving the Gigabit Society strategic objectives, along with other actions envisaged by the Commission to **support broadband deployment**, such as the toolkit for broadband in rural areas.

In the light of the experience gained so far, the Commission recommends the following actions:

(1) Ensure transparency as a prerequisite for the shared use of physical infrastructure and co-deployment:

- **single information points** should not only be established in all Member States, but should also be adequately equipped to enable them to perform their tasks effectively;
- for existing infrastructure, the single information point could further be enhanced to a mapping exercise and include data on availability and capacity;
- in the case of co-deployment, Member States should consider a pro-active approach, whereby relevant public (and if relevant private) actors are required to pre-notify deployment plans and invite interested parties to respond;
- the national and regional Broadband Competence Offices could be an additional source of information, coordination and exchange of best practices.

(2) Enhance regulatory certainty in relation to terms and conditions, including prices and cost apportionment: NRAs or other bodies could do this by drawing up guidelines, indicating which methodology would be used to resolve disputes, how costs for sharing infrastructure or co-deployment would be apportioned and the extent to which regulated utilities could benefit from any cost savings or profits arising out of collaboration.

(3) Ensure greater overall efficiency of permit-granting:

- information on permits should be centrally available from single information points;
- the relevant authorities should strictly enforce deadlines for granting permits;
- Member States should consider making it possible to electronically apply for permits via the single information point.

(4) Develop standards for and clear rules on access to in-building physical infrastructure: Member States that have not already done so could consider putting in place standards for in-building infrastructure and associated broadband labelling schemes. Pro-active measures should be taken (for instance by NRAs) to ensure that clear rules are established concerning the terms, conditions and price of access to in-building infrastructure.

(5) Promote better cooperation amongst regulators: coordination amongst regional and local authorities and sectoral regulators is particularly important for the coordination of civil works or access to municipal infrastructure. BEREC, ACER and other sectoral regulatory groups at EU level could also consider developing guidelines on best practice contractual terms and pricing/cost apportioning approaches.

(6) Ensure efficient data gathering on key performance indicators: to enable continuous monitoring and a future evaluation of the implementation of the Directive, NRAs and/or dispute settlement bodies should gather data on the scale of access to physical infrastructure under the Directive, as well as the proportion of high-speed networks deployed in co-deployment. Member States should gather data from local authorities on the timeframes for permit granting, and the number of buildings certified as deployed with high-speed-ready in-building infrastructure.