

Measures to reduce the cost of deploying gigabit electronic communications networks

2023/0046(COD) - 23/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 594 votes to 7, with 15 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 gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter

The proposed Regulation aims to facilitate and **stimulate the roll-out of very high-capacity networks** by promoting the joint use of existing physical infrastructure and by enabling a more efficient deployment of new physical infrastructure so that such networks can be rolled out faster and at a lower cost. It aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high-capacity networks and cross-sector coordination, including backbone and next-generation wireless high-speed networks with performance at least equivalent to that of 5G.

Access to existing physical infrastructure

Member States may provide that owners of private commercial buildings which are not owned or controlled by a network operator are to meet, upon the written request of an operator, reasonable requests for access to those buildings, including their rooftops, with a view to installing elements of very high-capacity networks or associated facilities under fair and reasonable terms and conditions, and at a price reflecting market conditions. Prior to such a request from the access seeker all of the following conditions should be met:

- the building is located in a **rural or remote area** as defined by Member States;
- there is no very high-capacity networks of the same type - fixed or mobile - as that the access seeker intends to deploy available in the area for which the request for access is made, and there is no plan to deploy such a network according to the information collected via the single information point available at the date of the request,
- there is no physical infrastructure in the area for which the request for access is made that is owned or controlled by network operators or public sector bodies and is technically suitable to host elements of very high-capacity networks.

Network operators and public sector bodies owning or controlling physical infrastructure may **refuse access** to certain physical infrastructures on the basis of one or more of the following grounds: the existence of justified grounds in terms of safety, national security and public health or the existence of duly justified grounds in terms of the integrity and security of any network, in particular a critical national infrastructure.

In the event of a refusal to provide access, the network operator or the public sector body owning or controlling physical infrastructure should communicate to the access seeker, in writing, the specific and

detailed reasons for such refusal no later than one month from the date of the receipt of the complete request for access, **except for national critical infrastructure** for which specific and detailed reasons should not be required in the communication of refusal to the access seeker.

Transparency on physical infrastructure

Operators should have the right, in order to request access to a physical infrastructure, to access, on simple request, in electronic form and via a single information point, **minimum information** concerning existing physical infrastructures. This minimum information must be accessible no later than 10 working days after the request for information is made. This deadline may be extended once by five working days in duly justified cases. In addition to the minimum information, Member States may require information on existing physical infrastructure, such as information on the level of occupation of physical infrastructure.

Network operators and public sector bodies should make the minimum information and, where appropriate, additional information available through a single information point and in electronic form. For a transitional period that is as short as possible and does not exceed twelve months, Member States may exempt municipalities with fewer than 3 500 inhabitants from this obligation.

Coordination of civil works

Public sector bodies owning or controlling physical infrastructure and network operators should have the right to negotiate agreements on the coordination of civil works, including on the apportioning of costs, with operators with a view to deploying elements of very high-capacity networks or associated facilities. The network operator and public sector body owning or controlling physical infrastructure should ensure that the information for planned civil works related to its physical infrastructure, is correct, and up to date and made available promptly, via a single information point.

Procedure for granting permits and rights of way

Competent authorities should not unduly restrict or hinder the deployment of any element of very high-capacity networks or associated facilities. The competent authorities should grant or refuse permits, other than rights of way, within 4 months of the date of receipt of a complete permit application.

The competent authorities should determine the completeness of the application for permits or rights of way within 20 working days of receipt of the application. Competent authorities should invite the applicant to provide any missing information within that period. The determination by the competent authority that the permit application is complete should not result in any suspension or interruption of the overall four-month period for the examination of the permit application, starting from the date of receipt of the complete application.

In the absence of a decision from the competent authority within the applicable deadline, the permit should be deemed to be granted upon expiry of that deadline. Member States may derogate from this measure where at least one of the following remedies is available for the relevant permit-granting procedure: (a) the operator which suffered damage as a result of non-compliance by the competent authority with the applicable deadline set out in accordance with Article 7(5) is entitled to claim compensation for damage, in accordance with national law; (b) the operator may refer the case to a court or to a supervising authority.

In the event of a derogation, the Member State concerned should ensure that the competent authority, or any other body determined by that Member State, should invite the applicant, without undue delay, upon request of the operator, or on its own motion, to a **meeting** to facilitate the adoption of a decision on the permit application.

Intra-EU communications

The measures applicable to intra-EU communications introduced by this Regulation should be limited in time and should expire by **30 June 2032**. Such a prolongation should allow the Commission to gather and examine data relevant to assess the impact of the measures, while at the same time ensuring that vulnerable consumers are protected from potentially excessive prices for intra-EU communications.