



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Presidency
to: Delegations
No. Cion prop.: 7999/13 TELECOM 60 COMPET 177 CODEC 686
Subject: Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communication networks
- Information from the Presidency

1. Building upon the work carried out under the IE¹ and LT² Presidencies and following an agreement reached at first reading with the European Parliament in February of this year, the Council, on 8 May, adopted a Directive, which will make it easier and cheaper to roll out high-speed electronic communications networks, among other things by promoting the joint use of infrastructure, such as electricity, gas and sewage pipes. The Parliament voted at the plenary session on 15 April 2014.

¹ Doc. 10088/13 and doc. 10457/13.

² Doc. 17014/13 and doc. 17341/13.

2. Civil engineering costs, such as digging up roads to lay down fibre-optic cables, may account for up to 80% of the cost of deploying high-speed networks. Reducing these costs is expected to encourage investment in broadband rollout and lower the threshold for market entry. The Directive should help more EU citizens getting broadband at a lower cost, wherever they are, and also contribute to the digitisation of public administrations, thus improving the efficiency of services provided for citizens and companies.

3. The Directive includes, inter alia, the following provisions:
 - Access to existing infrastructure: every network operator - that is, telecoms operators or undertakings active in other sectors, such as electricity distribution or waste water treatment - will have the right to offer telecoms operators access to its infrastructure for the purpose of broadband installation. Network operators will have the obligation to meet all reasonable requests for access to their infrastructure as provided for in the directive. Possible grounds for refusal include technical unsuitability, safety, public health or network security.

 - Access to infrastructure information: in order to be able to effectively plan the deployment of high-speed broadband, telecoms operators will have the right to access, via a single information point, the following minimum information concerning an infrastructure: location, route, type and current use, and a contact point. Similar information would be available about planned infrastructure work. Where this information is not available via the single information point, the telecoms operators may request it directly from the network operator. If the question of access to information gives rise to a dispute, any party may refer the case to a national dispute settlement body, which will issue a binding decision. This does not affect the possibility of any party to refer the case to a court.

- Coordination of civil works: network operators will have the right to negotiate agreements on the coordination of civil works with telecoms operators for the purpose of broadband deployment. If no agreement on such civil work coordination is reached within one month, any party can refer the issue to the competent national dispute settlement body. While the parties must cooperate fully with the dispute settlement body, any party also has the possibility to refer the case to a court.
 - Dispute settlement bodies and single information points: the tasks of the national dispute settlement body may be undertaken by one or more competent bodies. Similarly, the functions of the single information point may be performed by one or more national, regional or local-level bodies. Member states may allow these bodies to charge fees to cover their costs.
 - New buildings: all new buildings - and those undergoing major renovation - for which applications for building permission have been submitted after 31 December 2016 must be high-speed ready. Member states may provide for exemptions where this would lead to disproportionate costs and for specific types of building such as historic buildings and holiday homes.
 - "Broadband-ready" label: Member states may choose to introduce a voluntary "broadband-ready" label for buildings with high-speed access.
 - Property rights: the telecoms operators' rights to access physical infrastructure under this directive are consistent with the normal exercise of property rights, that is, the rights of the owner of the land or of the building in which the infrastructure is located.
4. Member States must adopt national provisions to comply with the new Directive by 1 January 2016, and they must apply the new measures from 1 July 2016. As the Directive only contains minimum requirements, Member States may adopt additional measures to facilitate rollout and coordination.