



DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on
measures to reduce the cost of
deploying high-speed electronic
communications networks

European Commission, DG CONNECT
Brussels, 22 May 2014

Disclaimer: The views expressed in this presentation are those of the author and do not necessarily reflect the opinion of the European Commission

Overview

The political context

The expected impact

The main content

What is at stake?

- High-speed BB = backbone of Digital Single Market
- BB contributes to growth and jobs (EU 2020)
- DAE goal: high-speed BB for all by 2020
- Grey areas are expensive to cover with high-speed Internet

Action at EU level

European Council (1-2 March 2012)

Single Market Act II (3 October 2012)

“Key action 9:

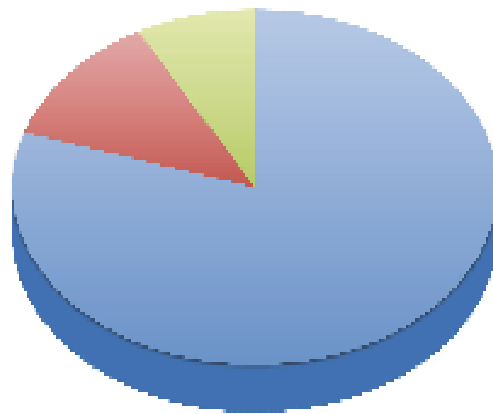
Reduce the cost and increase efficiency in the deployment of high speed communication infrastructure”

Legislative proposal to be presented in Q1/2013 and adopted by Spring 2014

European Council (13-14 December 2012)

Problem Statement

Rolling out high-speed communication networks is expensive and cumbersome



■ Civil engineering
■ Internal connections
■ Equipment, wiring, etc.

- Up to 80% of the costs are linked to civil engineering
- These costs are unnecessarily high due to the presence of various bottlenecks and economic inefficiencies

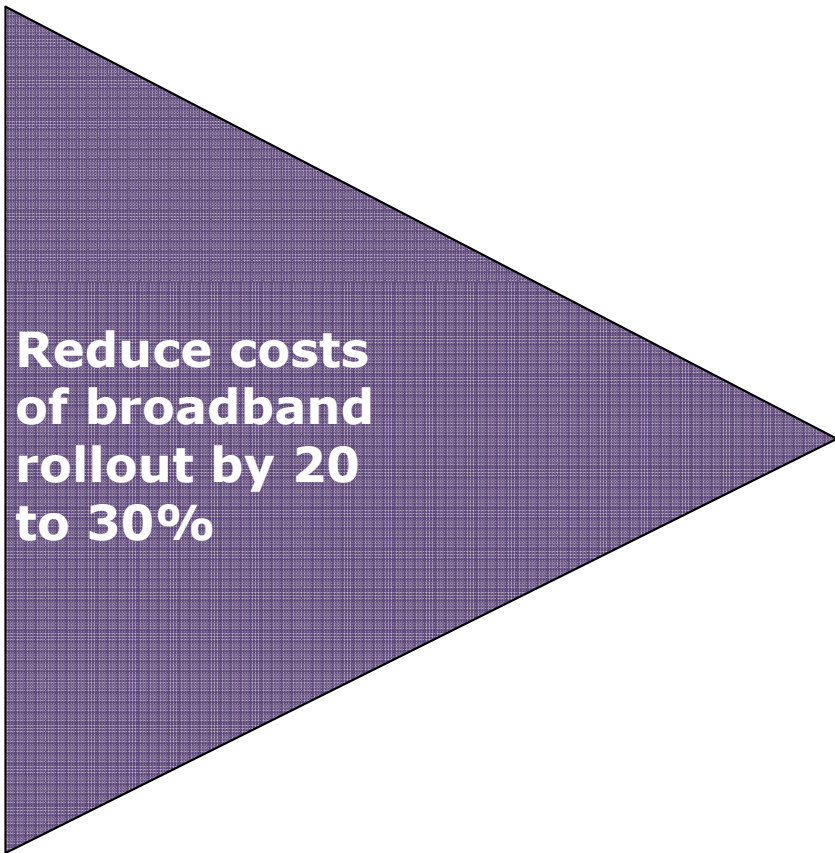
Objectives

Make a better use of existing infrastructure and enhance its transparency, incl. cross-utility

Enhance coordination in civil engineering projects

Speed up permit granting

Make buildings ready for access to high-speed Internet



**Reduce costs
of broadband
rollout by 20
to 30%**

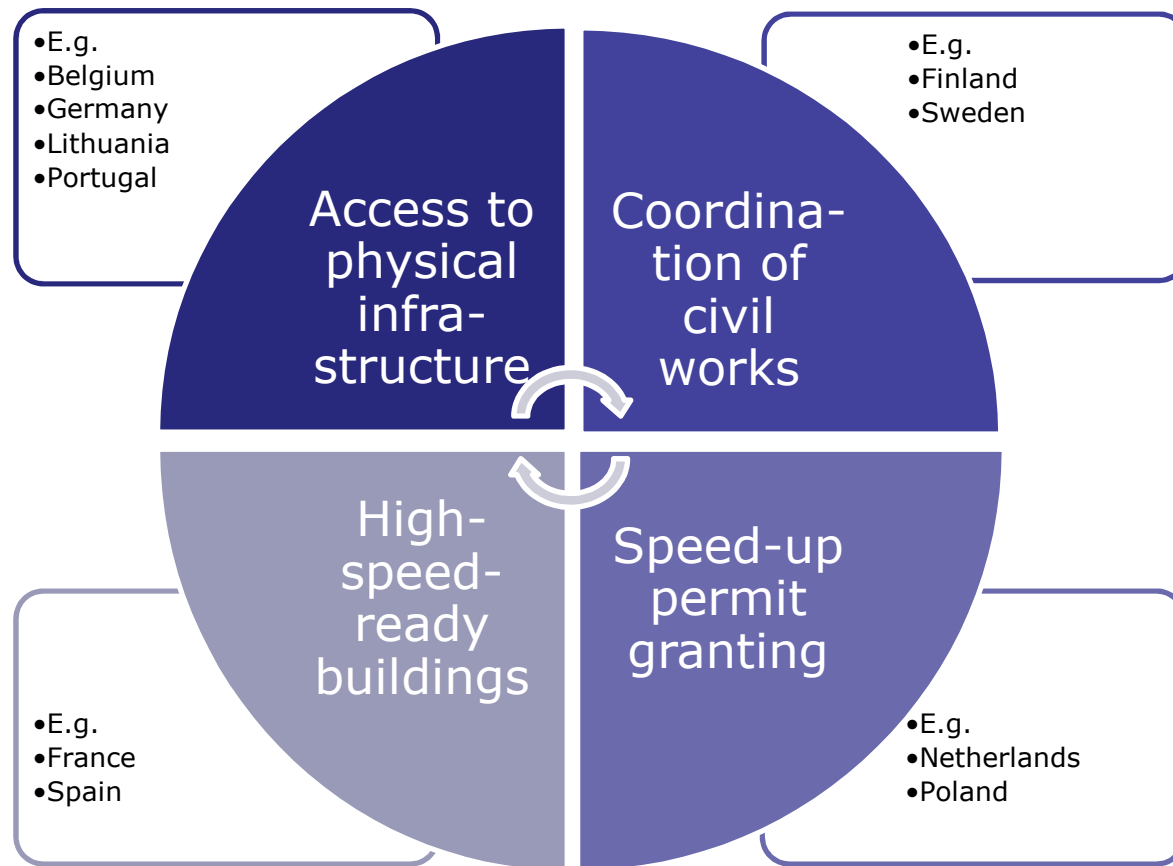
+ Social and environmental benefits

Better broadband coverage = social and territorial cohesion

Increase synergies across sectors e.g. smart grids & intelligent transport systems

Less duplication of civil works, less digging or nuisance

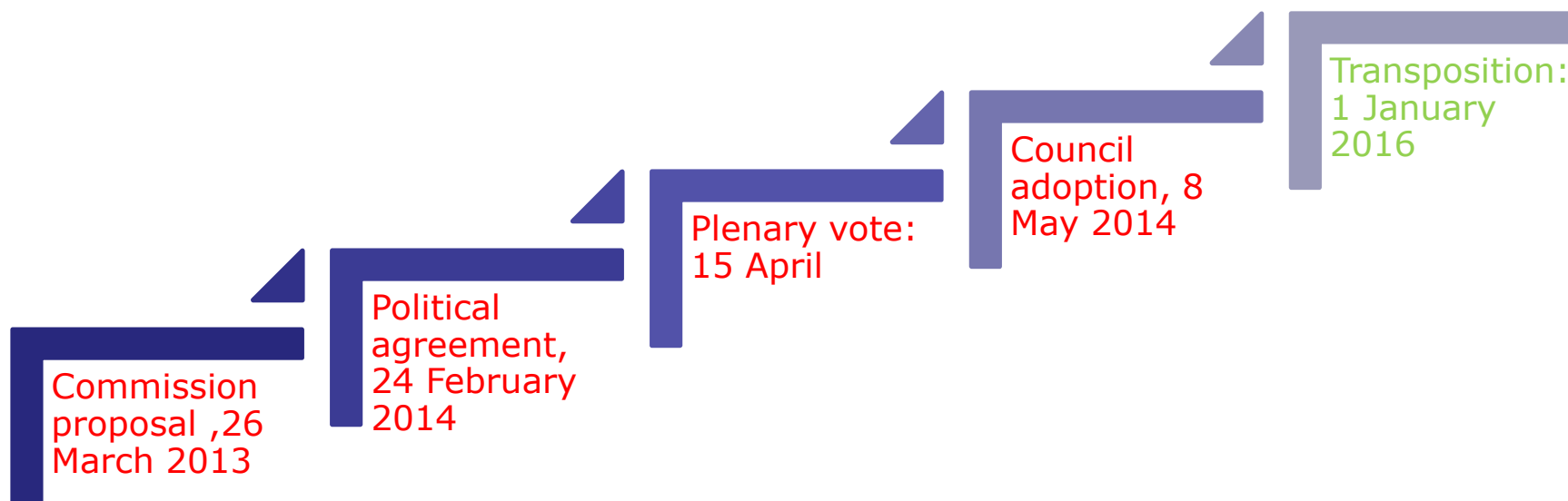
Scaling up national best practice



Legal basis: Article 114 TFEU



State of Play



Four Pillars

- Access to infrastructure



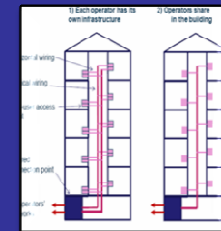
- Coordination of civil works



- Streamlining permit granting



- In building infrastructure



Scope

Minimum harmonisation, Art. 1(2)

Member States may maintain or introduce measures which go beyond

Complements the Regulatory Framework (RF)

Different aim, can be applied without conflict

Prevalence of the RF Article 1(3)

Without prejudice to SMP regulation & symmetric regulation

Definitions (Article 2)

Physical infrastructure	Element of a network intended to host other elements, without becoming itself an active part
Network operator	Utilities & providers of public communications networks
In-building P.I.	Physical infrastructure or installations at the end user's location
Major renovations	Civil works entailing structural modification of the entire or significant part of the building
Access point	Physical point, in or outside the building, where access to the in-building infrastructure is available



Making a better use of existing infrastructure (Art. 3)

Enabling access agreements, Art. 3(1)

Mandating access upon reasonable request, Art. 3(2) & (3)

Binding dispute settlement, cross sector, including on prices, Art. 3(4) & (5)

Creating a market for physical infrastructure

Liberalisation provision

Abolition of national obstacles

Additional incentives to utilities

Enabling access to the physical infrastructure

Who?	Network Operators (utilities & providers of public communications networks)
What?	Meet reasonable requests for access to the physical infrastructure
How?	On commercial basis: written request, fair and reasonable terms and conditions, incl. price
But	Reasons to refuse access: technical suitability, safety, security, availability of space, existence of alternatives
What if?	Binding dispute resolution within 4 months

Principles of dispute resolution

Procedure: timely

- Within 4 months, unless exceptional circumstances

Substance: complete

- Disputes on access conditions, including price
- Respecting competition and incentives to invest

Effect

- Binding on all the parties
- Possibility to go to the Court

Enhancing transparency of existing infrastructure (Art. 4)

Who?	Public sector bodies & Network Operators
What?	Information on location & route, type & current use, contact point
How?	Via a SIP, upon specific request, on proportionate, transparent & non-discriminatory terms and conditions
What if	Dispute resolution within 2 months



Enhancing coordination of civil engineering works (Art. 5)

Enabling coordination agreements, Art. 5(1)

Coordination with public works upon reasonable request, Art. 5(2)

Mediation, Art. 5(3) & (4)

Transparency concerning planned civil works, Art. 6

Who?	Any network operator
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What?	Location, type, network elements involved, starting date, duration, contact point, for works pending authorisation, or planned in the next 6 months
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How?	Upon specific written request Via a SIP
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What if?	Binding dispute resolution within 2 months
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Speeding up permit granting (Art. 7)

Transparency of permit granting, Art. 7(1)

- All information available at a Single Information Point

Coordination of permit requests, Art. 7(2)

- Electronic submission
- Via a Single Information Point

Ensuring timely decisions, Art. 7(3) & (4)

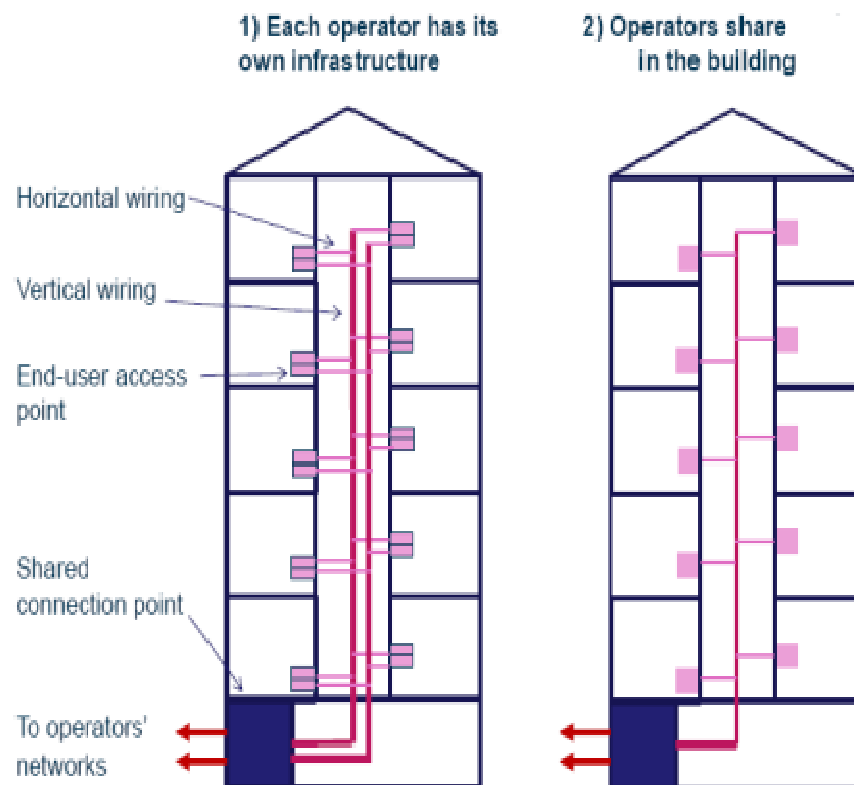
- 4-month default deadline
- Reference to compensation

Making buildings ready for access to high-speed internet (Art. 8 & 9)

Passive in-building equipment, Art. 8

Access to in-building infrastructure, Art. 9 (1) & (2)

Dispute settlement, Art. 9 (3)



In-building physical infrastructure (Art. 8)

Scope	New buildings Major renovations
Obligation to equip	In-building physical infrastructure Access point
Exceptions	Proportionality control Holiday houses, remote areas etc.

Access to in-building physical infrastructure (Art. 9)

Beneficiary	Providers of public communications networks
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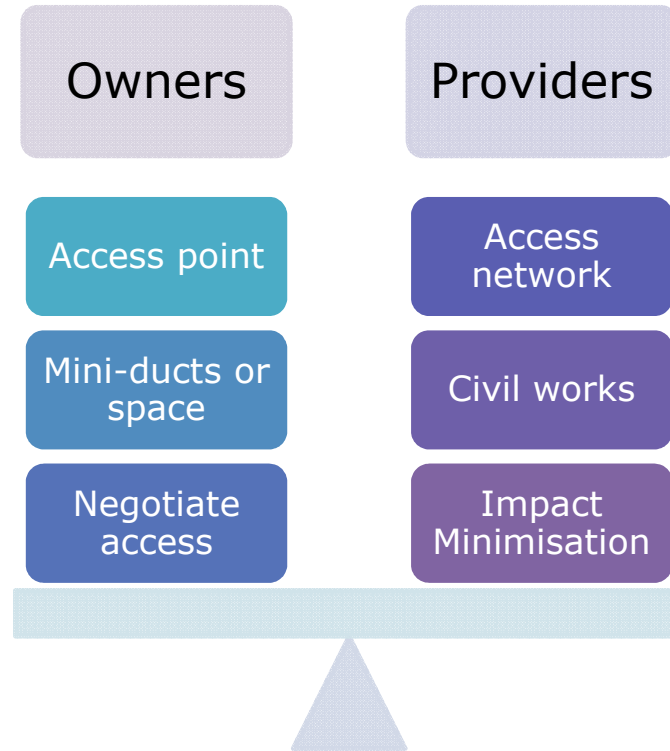
Right to access	Access point
	In-building physical infrastructure

Right to terminate	At the end-users location
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Exception	Open access networks
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What if?	Binding dispute resolution
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Balanced approach, in respect of property rights



Organisational measures (Art. 10)

Member States to appoint one or more Single Information Point(s)

Member States to appoint a Dispute Settlement Body

Right of appeal against any decision

Member States to provide for proportionate penalties



Thank you for your attention!