










Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2023/0046(COD) Procedure completed
Measures to reduce the cost of deploying gigabit electronic communications networks Repealing Directive 2014/0061 2013/0080(COD)	
Subject 3.30.05 Electronic and mobile communications, personal communications 3.30.06 Information and communication technologies, digital technologies 3.30.20 Trans-European communications networks 3.30.25 International information networks and society, internet	

Key players			
European Parliament	Committee responsible  Industry, Research and Energy	Rapporteur  MITUA Alin Shadow rapporteur  WINZIG Angelika  COVASSI Beatrice  NIENASS Niklas  NISSINEN Johan  MAYER Georg  KOUNTOURA Elena	Appointed 31/03/2023
Council of the European Union European Commission	Commission DG Communications Networks, Content and Technology	Commissioner BRETON Thierry	
European Economic and Social Committee			

Key events			
23/02/2023	Legislative proposal published	COM(2023)0094	Summary

29/03/2023	Committee referral announced in Parliament, 1st reading		
19/09/2023	Vote in committee, 1st reading		
19/09/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
25/09/2023	Committee report tabled for plenary, 1st reading	A9-0275/2023	Summary
02/10/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
04/10/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
22/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.630 GEDA/A/(2024)001061	
23/04/2024	Results of vote in Parliament		
23/04/2024	Decision by Parliament, 1st reading	T9-0292/2024	Summary
29/04/2024	Act adopted by Council after Parliament's 1st reading		
29/04/2024	Act adopted by Council after Parliament's 1st reading		
29/04/2024	Final act signed		
08/05/2024	Final act published in Official Journal		

Technical information

Procedure reference	2023/0046(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Directive 2014/0061 2013/0080(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/9/11366

Documentation gateway

Legislative proposal	COM(2023)0094	23/02/2023	EC	Summary
Document attached to the procedure	SEC(2023)0096	23/02/2023	EC	
Document attached to the procedure	SWD(2023)0046	23/02/2023	EC	
Document attached to the procedure	SWD(2023)0047	23/02/2023	EC	

Committee draft report		PE749.242	15/06/2023	EP	
Amendments tabled in committee		PE750.132	07/07/2023	EP	
Amendments tabled in committee		PE750.223	07/07/2023	EP	
Economic and Social Committee: opinion, report		CES0921/2023	12/07/2023	ESC	
Committee report tabled for plenary, 1st reading/single reading		A9-0275/2023	25/09/2023	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2024)001061	16/02/2024	CSL	
Text agreed during interinstitutional negotiations		PE759.630	16/02/2024	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0292/2024	23/04/2024	EP	Summary
Draft final act		00055/2024/LEX	29/04/2024	CSL	
Commission response to text adopted in plenary		SP(2024)394	08/08/2024	EC	

Additional information

Research document	Briefing	20/06/2024
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Final act

Regulation 2024/1309 OJ OJ L 08.05.2024 - Summary
Corrigendum to final act 32024R1309R(01) OJ OJ L 24.05.2024

Measures to reduce the cost of deploying gigabit electronic communications networks

PURPOSE: to lay down new measures to facilitate the deployment of gigabit electronic communications networks across the Union (Gigabit Infrastructure Act).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the digital economy has been changing the internal market profoundly over the last decade. The Unions vision is a digital economy that delivers sustainable economic and social benefits based on excellent and secure connectivity for everybody and everywhere in Europe. A high-quality digital infrastructure based on very high-capacity networks underpins almost all sectors of a modern and innovative economy.

The rapid evolution of technologies, the exponential growth in broadband traffic and the increasing demand for advanced very high-capacity connectivity have further accelerated during the COVID-19 pandemic.

As a result, the targets laid down in the Digital Agenda in 2010 have mostly been met, but they have also become obsolete. The share of households having access to 30 Mbps internet speeds has increased from 58.1% in 2013 to 90% in 2022. Availability of only 30 Mbps is no longer future-proof and not aligned with the new objectives set in Directive (EU) 2018/1972 of the European Parliament and of the Council for ensuring connectivity and widespread availability of very high-capacity networks. network, with all populated areas covered by 5G.

Therefore, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

CONTENT: with this proposal, the Commission seeks 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.

More specifically, the measures of the proposed Gigabit Infrastructure Act, inter alia,

- extend the access obligation to physical infrastructure that is not part of a network but is owned or controlled by public sector bodies. It also provides for exceptions for certain categories of buildings (e.g. for reasons of public security, safety and health) and introduces the possibility for Members States to set up a body to coordinate access relating to public assets;

- provide for the possibility for the Commission to issue guidance on the application of access provisions and on civil works coordination

provisions;

- mandate the provision of minimum information on existing physical infrastructure by network operators and public sector bodies owning or controlling physical infrastructure, including georeferenced information, via single information points in electronic format. It is stipulated that access to this minimum information could be restricted, for example, for security reasons or certain categories of buildings. Similarly, the obligation to provide minimum information would not apply when the obligation would be disproportionate based on a cost-benefit analysis;
- provide for the right of access to minimum information for all (public and private) planned civil works carried out by network operators via single information points in electronic format, including georeferenced information;
- introduce a new principle of nationally consistent rules governing the conditions and procedures applicable for granting permits, including rights of way;
- mandate the Commission to specify the categories of deployments that will be exempted from permits by way of an implementing act;
- lay down that fees and charges for permits, including rights of way, cannot go beyond the administrative charges;
- mandate in-building physical infrastructure, access points and in-building fibre wiring for new and majorly renovated buildings;
- provide for a single national digital entry point and access to digital tools, especially when there is more than one single information point or when information is located elsewhere, allowing the exercise of rights and compliance with obligations set out in this Regulation.

Measures to reduce the cost of deploying gigabit electronic communications networks

The Committee on Industry, Research and Energy adopted the report by Alin MITUȚA (Renew, RO) 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 committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Expanded access to physical infrastructure

To bridge the digital coverage gap between rural and urban areas, the report proposed, in limited conditions, to expand the obligation to facilitate access to physical public infrastructures to privately owned commercial buildings. This expansion aims to provide coverage in rural, remote, or scarcely populated areas where no public building or infrastructure can offer a satisfactory alternative.

Member States could shorten the deadlines to grant or deny permits necessary for deployment, introduce supplementary permit exemptions, extend provisions on civil works coordination also to privately funded projects, require that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, expand the provisions on access to existing physical infrastructure to privately owned buildings, as well as introduce further incentives for administrative bodies to speed up permitting procedures, give guidance on methodologies for access price setting, including through the use of cost-oriented principle where appropriate, provided that they do not violate Union law including the provisions of this Regulation.

Joint coordination and single information points

To reduce the administrative burden and ensure shorter timeframes for the permit-granting procedure, where multiple competent authorities are involved in the granting of a number of different permits and rights of way associated to one request, Member States should assign a single coordination body. That body should be tasked to facilitate the coordination between the various competent authorities involved, through different mechanisms, including through joint coordination procedures such as on-site visits. The information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be made available via single information points by each competent authority involved.

In addition, the report called for ensure adequate technical, financial and human resources to support the roll-out and the digitalisation of single information points. The cost of setting-up the single national digital entry point, single information points and related digital tools needed may be fully or partly eligible for financial support under Union funds.

Report and monitoring

Three years following the entry into force, the Commission should present a report to the European Parliament and the Council on the implementation of this Regulation which should take into consideration the use of satellite backhauling in digital highspeed connectivity and the use of the European Infrastructure for Resilience, Interconnectivity and Security by Satellite.

Abolition of retail surcharges for regulated intra-EU communications

To protect citizens from excessive prices, retail charges for intra-EU calls are currently capped. These caps are set to expire in May 2024. The amended text stated that providers of electronic communications to the public should not apply tariffs to regulated intra-EU communications terminating in another Member State that are higher than the tariffs applicable to services terminating in the same Member State, unless they demonstrate the existence of direct costs that are objectively justified. This change would not only foster intra-EU communications and exchanges but would also allow us to create a true single market for digital and telecommunication services in the EU.

Measures to reduce the cost of deploying gigabit electronic communications networks

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.

Measures to reduce the cost of deploying gigabit electronic communications networks

PURPOSE: to ensure faster deployment of digital network infrastructure across Europe.

LEGISLATIVE ACT: Regulation (EU) 2024/1309 of the European Parliament and of the Council on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act).

CONTENT : this Regulation aims to facilitate and stimulate the roll-out of very high-capacity networks, such as fibre and 5G, 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.

Access to existing physical infrastructure

Network operators and public sector bodies owning or controlling physical infrastructure should meet, upon written request of an operator, all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high-capacity networks or associated facilities. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

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.

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. 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.

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.

Procedure for granting permits and rights of way

The new regulation aims to lower the unnecessarily high costs of the deployment of high-capacity networks partially caused by permit-granting procedures. The latter will be simplified through a mandatory conciliation mechanism between public sector bodies and telecom operators.

Member States should ensure that a decision on whether or not to grant permits on the deployment of elements of very high-capacity networks or associated facilities is made available within four months of the date of receipt of a permit application.

To avoid undue delays, competent authorities should determine the completeness of the permit application within 20 working days of the date of receipt.

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. In the absence of a decision by the competent authority within the applicable time limit, authorisation will be deemed to have been granted on expiry of that time limit. Member States may derogate from the provision on tacit approval if they provide the operator with an alternative solution to remedy the competent authority's failure to comply with the time limit set by Union or national law for taking a decision on the application for authorisation.

Where Member States derogate from the application of the provision on tacit approval, they should ensure that a conciliation meeting is organised where the operator or the competent authority request this. Such meeting should be organised without undue delay with a view to facilitating the adoption of a decision on the permit.

In-building physical infrastructure

To achieve better access to information society services by the public and the enterprises, the gigabit infrastructure act also addresses deployment and access to in-building physical infrastructure.

The regulation stipulates that all newly constructed buildings and buildings undergoing major renovation works, including elements under joint ownership, for which applications for building permits have been submitted after 12 February 2026, should be equipped with a fibre-ready in-building physical infrastructure and in-building fibre wiring, including connections up to the physical point where the end user connects to the public network.

Intra-EU communications

Given that the present retail price cap for regulated intra-EU communications will expire on 14 May 2024, the current caps of EUR 0.19 per

minute for calls and EUR 0.06 per SMS message are extended until 30 June 2032 to ensure protection, especially for vulnerable consumers.

ENTRY INTO FORCE: 11.5.2024.

APPLICATION: from 12.11.2025.

Transparency				
MITU?A Alin	Rapporteur	ITRE	02/02/2024	Deutsche Telekom
MITU?A Alin	Rapporteur	ITRE	01/02/2024	Friends of Europe
MITU?A Alin	Rapporteur	ITRE	30/01/2024	Vodafone GmbH
WINZIG Angelika	Shadow rapporteur	ITRE	10/01/2024	Bundesverband Breitbandkommunikation e.V.
WINZIG Angelika	Shadow rapporteur	ITRE	08/01/2024	European agri-cooperatives European farmers
WINZIG Angelika	Shadow rapporteur	ITRE	07/12/2023	Telekom Austria AG
MITU?A Alin	Rapporteur	ITRE	06/12/2023	US Embassy in Romania
WINZIG Angelika	Shadow rapporteur	ITRE	06/12/2023	Telekom Austria AG
MITU?A Alin	Rapporteur	ITRE	22/11/2023	Vodafone
MITU?A Alin	Rapporteur	ITRE	17/11/2023	Apple Inc.
GRUDLER Christophe	Member	09/01/2024	Orange	
NIEBLER Angelika	Member	28/11/2023	Bundesverband Breitbandkommunikation e.V. EWE Aktiengesellschaft	
ECKE Matthias	Member	09/11/2023	1&1 AG	
ECKE Matthias	Member	18/07/2023	Vantage Towers AG	
GRUDLER Christophe	Member	12/07/2023	Orange	
ECKE Matthias	Member	05/07/2023	Deutsche Telekom	
ECKE Matthias	Member	04/07/2023	Bundesverband Breitbandkommunikation e.V.	
KUMPULA-NATRI Miapetra	Member	30/06/2023	DNA oyj	
KUMPULA-NATRI Miapetra	Member	27/06/2023	Nokia	
DANTI Nicola	Member	12/06/2023	Open Fiber	