

# Public Consultation on the Evaluation and Review of the Broadband Cost Reduction Directive

Fields marked with \* are mandatory.

## Introduction

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The Broadband Cost Reduction Directive (2014/61/EU) aims to facilitate and incentivise the roll-out of high-speed electronic communications networks by lowering the costs of deployment with a set of harmonised measures. The measures focus on access to existing physical infrastructure, coordination of civil works, simplification of administrative procedures and requirements for in-building physical infrastructure for new buildings and major renovations. It also includes provisions to ensure transparency of relevant information through Single Information Points and dispute resolution mechanisms.

The review of the Broadband Cost Reduction Directive is part of the actions announced in the Communication on '[Shaping Europe's Digital Future](#)' (COM (2020)67 final), which stressed that, for digital infrastructure and networks alone, the EU has an investment gap of EUR 65 billion per year. Moreover, adequate investments at EU, national and regional levels are necessary to achieve the EU 2025 connectivity objectives and a [Gigabit Society \(COM\(2016\) 587 final\)](#) in Europe.

The evidence gathered so far by the Commission, including the [report on the implementation of the Broadband Cost Reduction Directive \(COM\(2018\) 492\)](#) and the continuous monitoring of its implementation in the Member States, gives rise to the need for the Broadband Cost Reduction Directive to be evaluated and possibly revised. At the same time, the revised instrument should adapt to recent and current technological, market and regulatory developments and help foster a more efficient and fast deployment of more sustainable very high

capacity networks, including fibre and 5G, ensuring alignment with the European Electronic Communications Code and contributing to greening the Information and Communication Technology sector as part of the [‘European Green Deal’ \(COM\(2019\) 640\)](#).

The Commission is carrying out an evaluation of the current measures under the Broadband Cost Reduction Directive and an impact assessment of a possible revised instrument, in a back-to-back process. In this context, this public consultation has two main objectives:

1. collect stakeholders’ views and inputs on the implementation of the Directive to support the analysis of the backward-looking evaluation and,
2. collect stakeholders’ views and inputs to support forward-looking policy options.

Written feedback provided in other document formats can be uploaded through the button made available at the end of the questionnaire.

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
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- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian

- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

Irina

\* Surname

Varlan

\* Email (this won't be published)

irina.varlan@gigaeurope.eu

\* Organisation name

*255 character(s) maximum*

GIGAEurope aisbl

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

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\* Country of origin

Please add your country of origin, or that of your organisation.

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- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
  
- Falkland Islands
- Faroe Islands
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- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
  
- Gabon
- Georgia
- Germany
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- Nauru
  
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- Netherlands
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- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
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- Israel
- Italy
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- Japan
- Jersey
- Jordan
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- Kuwait
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- Niue
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- North Korea
- North Macedonia
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- Palau
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The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

\* Please specify further the capacity(s) in which you are replying to the questionnaire (several answers may be selected):

- Operator of electronic communications networks (individual operator or industry association).
- Operators of physical infrastructure intended to host electronic communications networks (individual operator or industry association).
- Operator of other types of networks intended to provide a service of production, transport or distribution of gas, electricity (including public lighting), heating and water (including disposal or treatment of waste water and sewage and drainage systems), as well as transport services, including railways, roads, ports and airports (individual operator or industry association).
- Government (national) Authority/Body
- Regional Authority/Body
- Local Authority/Body
- National regulatory authority for the electronic communications sector.
- National regulatory authority for other sectors (energy, transport, etc.).
- EU body or institution
- Other public body or institution
- Owner or manager of private property that may be used for the deployment of electronic communications networks (individual or association).
- Supplier of electronic communications equipment and related services (individual operator or industry association).
- Building and civil works sector (individual operator or industry association).
- Stakeholder with a general interest in the deployment of very high capacity networks and services including citizens, social and economic organisations /groups, and nongovernmental bodies.
- Stakeholder interested in environmental protection, including citizens, social and economic organisations/groups, and nongovernmental bodies.
- Expert in the subject matter, including academia and think tanks
- Other

Type of electronic communications networks operator:

- Fixed
- Mobile/Wireless
- Fixed and Mobile/Wireless

## General questions

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This section includes some general questions on the benefits of widespread high quality connectivity, the joint deployment of networks, and the role of public authorities to facilitate this deployment.

### 1. In your opinion, to what extent can widespread high quality connectivity play a role in the response to the COVID-19 crisis and the economic recovery?

High quality connectivity has played a crucial part in the response to the COVID-19 crisis, by enabling working and studying from home, providing entertainment to families in lockdowns, enabling digital social services. Moreover, the telecom sector has contributed with data insights on movements flows to ensure best possible crisis mitigation actions. High quality connectivity will play a very significant role in the economic recovery from the crisis. Efficient network deployment is the prerequisite of any European digital strategy. Networks are the backbone of all other digital initiatives, be those AI, IoT, or smart cities. As Member States continue to set ambitious targets for the rollout and coverage of very high capacity networks (VHCN), including fibre and 5G, the ability of operators to reduce costs of deployment and achieve these targets efficiently becomes even more paramount. Turbocharging the BCRD so it provides a bold, effective and enforceable pan-European instrument for network deployment is therefore vital in connecting Europe for a better future.

### 2. To what extent is it appropriate to apply measures at European Union level to facilitate and incentivise the roll-out of high-speed electronic communications networks?

The BCRD was intended to be an important instrument for reducing the costs of broadband deployment across Member States. The current Directive came into force in 2014. As such, it is well due for a twofold review: to evaluate where it has and has not been effective; and to ensure it is an adequate instrument to meet the needs of future network rollouts for a European Gigabit Society.

The effectiveness of the BCRD has varied greatly between Member States, with limited success in areas of enforcement, dispute resolution and local permit costs and procedures specifically. Our members have not experienced any significant reduction in costs (nor the resulting improvement of roll-out prospects) as a result of the BCRD. In this regard, whilst we consider that the BCRD has led to some improvements, it has largely failed to achieve its objectives in the short term of reducing costs of deployment. Late implementation by Member States has resulted in slow progress towards the objectives. Similarly, partial, inconsistent and incorrect implementation has led to a high level of fragmentation between Member States and, in some cases, additional costs/difficulties for operators.

Some areas where more harmonization could be needed are: 1) Uniform, national administrative procedures for permits requests and civil works coordination; different procedures at subnational levels should be avoided; and 2) Coordination of civil works, particularly terms and cost-sharing principles between parties.

### 3. In your opinion, what benefits could be obtained from the coordination of civil works for the joint deployment of networks (telecommunications, electricity, gas, roads)?

Today, the perception is that coordination/co-digging is always to the advantage of both/all actors involved. Most often, it is frequently to the advantage of citizens that the roads and pavements are not dug up several times in a row. This is not (always) the case for the infrastructure providers involved, as many additional burdens may entail (e.g. where it involves coordination activities, rework of deployment plans and resources). As telecom infrastructure often is the type of infrastructure with least requirements, most often other utilities incur cost savings when coordinating civil works. The best (in terms of cost saving) has been around “co-digging” with energy providers. Indeed, there is a cost-saving benefit for coordination civil work between electricity and telecom infrastructures due to similar requirement and locations. Coordination with e.g. gas, water and sewage providers is less beneficial and in some markets diminishingly small.

Future measures should make it easier for parties to coordinate through encouraging sufficient advanced notice of large public works projects, simplified coordination procedures and portals, and additional guidance for parties on cost-sharing.

### 4. Besides public funding, what role should public administrations –at different levels- play to facilitate the deployment of electronic communications networks?

Public administrations, national as well as sub-national ones, play a key role in facilitating smooth and efficient deployment of electronic communications networks. They provide a multi-faceted role in administering and governing how electronic communications networks are rolled out in the EU. Their role covers e.g. providing permits to deploy networks. Their speed of permit granting is crucial as regards the timing of network deployment, their permit costs have a direct effect on the deployment costs, their decisions on environmental impacts affect mobile site availability and they can facilitate fixed network deployment by enabling coordination of joint civil works.

We believe a few elements are essential in this regard: 1) Uniform, simple and efficient procedures across all public administrative levels; 2) Reduce the administrative burden to a minimum: exclude several types of installation and construction methods from the obligation to obtain a permit, foresee fast-track procedures for those situations where a permit is still needed, limit the red tape related to applying for a permit; 3) Fair and appropriate site lease for mobile deployment in public areas; 4) Assistance in finding the most appropriate locations for mobile sites and assist in the site acquisition process; 5) Removal of unnecessary legal or other barriers to network deployment (e.g. national limits EMF for mobile networks that are no stricter than ICNIRP recommendations); and 6) Avoid taxation of the installations needed to provide high-speed communication.

## Evaluation of the overall functioning of the Broadband Cost Reduction Directive

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This section includes some general questions on the overall evaluation of the functioning of the Broadband Cost Reduction Directive in relation to the key evaluation criteria established in the Commission's Better Regulation Guidelines (i.e. effectiveness, efficiency, coherence, relevance and EU added value).

5. To what extent has the Broadband Cost Reduction Directive been **effective to achieve its general objective** of reducing the cost for high-speed electronic communications networks deployment?

- Not effective at all
- Not effective
- Neutral
- Effective
- Very effective
- No opinion

Please explain your response, including if there are factors other than the implementation of the Directive that have contributed to reducing the cost of high-speed broadband deployment.

Deployment of electronic communication networks is a complex exercise affected by several factors. These factors include cost and time to deploy networks. Cost of the deployment is affected by the reuse of existing infrastructure and coordination of required civil works governed by the BCRD.

In our view, some of the costs that fall under the remit of the BCRD vary unexplainably in the EU. Examples include the costs of required permits for the deployment. The cost of permits varies greatly in different Member States. Also, the time required for granting of the permits varies greatly across Member States.

In some cases, justification for these variations can be understood, but quite often the reasons for the variances are opaque to private sector operators. We encourage the European Commission to harmonise these costs and timelines, by introducing universal and streamlined rules for permit costs and procedures. The bureaucratic variability in costs and processes involved with obtaining relevant permits in different Member States (and on a more granular, local - regional and municipal - level) creates a lot of inefficiency, cost and delay in the deployment of new networks. A pan-European process should be developed for VHCN deployment that will override current local and municipal rules and help achieve European digital aspirations. The current rules in the BCRD need to be strengthened and further streamlined to ensure its goals are achieved.

We also propose the EC to introduce a “deemed consent” regime for relevant access to buildings, rooftops and infrastructure or otherwise the introduction of exemptions, fast-track procedures for certain deployment activities. A universal regime where consent is “deemed” to be given, unless there is objection from relevant interested parties, is an efficient and tested model for cost-effective and timely delivery of new broadband networks. It effectively removes the need for complex and lengthy waiting periods and variable permit procedures, while requiring a notice period within which objections may be submitted.

For example, on mobile, the Danish Building Act (“BR18”) exempts several categories of site upgrades for additional permitting if the designated upgrade does not change to static construction, as well as does not change visual outlook significantly. This is indeed very helpful as mobile networks are continuously upgraded.

6. To what extent has the Broadband Cost Reduction Directive been **effective to achieve its operational objectives**?

	Not effective at all	Not effective	Neutral	Effective	Very effective	No opinion
Increased access to existing physical infrastructure suitable for high-speed broadband roll-out	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reinforced coordination of civil works	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduction of time and cost of permit granting	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased access to existing physical infrastructure suitable for high-speed broadband roll-out	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer(s):

Please see our answer to question 6.

7. As regards the **efficiency** of the Broadband Cost Reduction Directive and its implementing measures, if you compare the costs of implementation and of compliance borne by your organisation with the benefits accrued, how do you rate the cost-benefit ratio at scale 1 to 5 (1=costs significantly exceed benefits, 5=benefits significantly exceed costs)?

- 1
- 2
- 3
- 4
- 5
- No opinion

Please explain your answer:

We do not find that significant extra costs have followed specifically the BCRD. However, several costs have followed by measures related to or implemented in parallel to BCRD-adaption. For example, coordination of civil works with other utilities, where digging often has become more expensive than just digging alone, which is contradictory to the purposes and scope of the BCRD.

8. Could you give an estimate of annual direct costs/savings for your organisation in applying the Broadband Cost Reduction Directive? Please indicate, if possible, the cause of these costs/savings.

N/A

9. As regards the **relevance** of the Broadband Cost Reduction Directive, to what extent has this legislation at EU level facilitated and incentivised the roll-out of electronic communications networks through the following means?

	Not relevant at all	Not relevant	Neutral	Relevant	Very relevant	No opinion
Access to existing physical infrastructure and related transparency measures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination of civil works and related transparency measures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Permit-granting procedures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In-building physical infrastructure and related access measures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competent bodies and other horizontal provisions	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer(s):

Measures in the BCRD have underlined the importance of several elements that are prerequisite for smooth and efficient deployment, e.g. uniform and standardized administrative procedures across administrative levels. However, please see our answer to question 5 - we do not consider that the BCRD has so far been effective in facilitating and incentivizing broadband deployment.

10. To what extent is the Broadband Cost Reduction Directive **coherent** with other EU policies?, in particular with:

	Not coherent at all	Not coherent	Neutral	Coherent	Very coherent	No opinion
The 2009 electronic communications <a href="#">regulatory framework</a> , in particular its provisions on access (Significant Market Power and non- Significant Market Power), as well as on rights of way and rights to install facilities, dispute resolution, co-location and sharing of network elements and associated facilities.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The <a href="#">European Electronic Communications Code</a> , in particular its provisions on access (Significant Market Power and non- Significant Market Power), as well as on small-area wireless access points, rights of way and rights to install facilities, dispute resolution, co-location and sharing of network elements and associated facilities.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sector-specific EU Law on other network industries, in particular, in the energy and transport sectors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Competition policy and state aid	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other EU policies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers, and indicate if you have identified any areas for improvement of coherence.

In relation to the alignment between SMP regulation and the BCRD, we note that some Member States have deregulated or refrained from regulating access to the ducts and poles of the SMP operator, because they believe that access to the ducts and poles is provided through the BCRD. We believe this is an inappropriate interpretation of the existing law, as the BCRD clearly states that it is only secondary to the SMP regulation. The BCRD and SMP regulation also have different objectives, where the BCRD's primary intention is lowering the deployment costs of electronic communication networks and SMP regulation has wider reaching policy goals (i.e. remedying the market by reducing the existing market power of the incumbent operators).

In our view, BCRD should be strengthened by providing clear guidance on pricing (e.g. by way of Commission Recommendation) to be used when access to existing infrastructure is granted, if not regulated via national sectorial law or national industry agreement. Especially in cases where the BCRD is the primary, or in some cases even the only, regulatory tool to provide access to existing infrastructure, competent national authorities should be able to grant access at relevant price points, enabling effective and efficient deployment of VHCNs.

We consider that the BCRD could be further aligned to the EECC with regards to access to in-building wiring. In particular, there is some unhelpful overlap in relation to in-building physical infrastructure which could be removed, or at least clarified, in the revised BCRD. In particular, the BCRD access provisions (Article 3 and 9) apply to physical infrastructure (ducts, poles, pipes) and the former Framework Directive and now also the EECC symmetric access provisions (Article 61) – apply to wiring/cable and 'associated facilities' (ducts, masts). Where access is already provided for under the EECC, we consider that it should be removed from the BCRD to avoid this overlap.

We also note that under Article 32 of the EECC there is a consolidation procedure in place that also covers decisions on symmetrical access under Article 61 of the EECC. A similar procedure should also apply to decisions by the national regulatory authority, or an equivalent body, under the BCRD to ensure legal predictability that is instrumental to achieve the objectives of incentivising investment, competition, roll-out of VHCN and consumer welfare.

The EECC sets out certain requirements for geographic mapping of broadband networks and on future deployment plans. The requirements in the BCRD need to be consistent with the EECC and related BEREC guidelines, and any overlaps between the different instruments and regulatory requirements must be avoided (with the EECC taking precedence). Specifically, any requirements already set out in the EECC should be excluded from the BCRD.

Specific improvements are necessary to achieve the objectives of efficient VHCN deployment, namely:

- 1) adding a specific requirement to provide access to public building rooftops at zero or low cost. This is essential for the effective deployment of 5G networks;
- 2) adding clarity around the cost sharing of civil works based on Member State best practices. For instance, Hungary and Portugal have rules on cost sharing for the coordination of civil works provided in law. Other states have no specific provisions. We would support guidance from the European Commission in this regard.

11. As regards the **EU added value** of the Broadband Cost Reduction Directive, to what extent is the harmonisation brought by the Directive beneficial compared to individual national measures?

	Not beneficial at all	Not beneficial	Neutral	Beneficial	Very beneficial	No opinion
Ease of doing business across the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Economies of scale for companies with operations in multiple EU countries	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory stability and legal certainty	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Simple and efficient administrative procedures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Please explain your answer(s):

Whilst the BCRD has led to some improvements, it has largely failed to achieve its objectives in the short term of reducing costs of deployment. Moreover, many of the positive developments that we have observed have been implemented by Member States largely independently from the BCRD.

Regardless, many Member States appear to be lagging behind in efforts to reduce red tape (including by introducing simple and efficient administrative procedures) and lower the costs of deployment. In this context, we consider that an EU-level instrument which is ambitious, effective and enforceable will ensure faster progress, predictable regulatory approaches and reduced fragmentation. We particularly support simple, transparent, non-discriminatory and harmonised nation-wide procedures (including standardised fees based on a clear, cost-based and transparent methodology). Such instrument should as far as possible preserve — and learn from the examples of — best practices identified across the EU.

We do not expect the BCRD to deliver much added-value for operators that have cross-EU activities, due to significant differences in national circumstances and as such does not – at least not in a meaningful way – contribute to achieving the digital single market.

## Subject matter and scope

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The Broadband Cost Reduction Directive aims to facilitate and incentivise the roll-out of high-speed electronic communications 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 deployed at lower cost. To this end, the Directive establishes minimum requirements relating to civil works and physical infrastructure, with a view to approximating certain aspects of the laws, regulations and administrative provisions of the Member States in those areas (Article 1).

The terms used in this section, in particular 'network operator', 'physical infrastructure', 'civil works', 'permit', and 'high-speed electronic communications network' are understood as defined in Article 2 of the Broadband Cost Reduction Directive. In addition, the term 'physical infrastructure' also includes 'street furniture such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations' as set out in Article 57 of the European Electronic Communications Code.

12. In your experience, to what extent do the following aspects influence the timely and efficient deployment of electronic communications networks?

	Not significantly at all	Less significantly	Moderately significantly	Significantly	Very significantly	No opinion
Permit-granting procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Permit-granting fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about on-going or planned civil works	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination of civil works and other co-investment or joint roll-out mechanisms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about existing physical infrastructures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about other elements and facilities suitable to install network elements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to existing physical infrastructures of electronic communication networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to existing physical infrastructures of electricity supply networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to existing physical infrastructures of other supply networks (e.g. water, heat, gas supply, sewerage)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to other elements and facilities suitable to install network elements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to in-building physical infrastructures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers, including whether the factors negatively or positively affects network deployment, and any other factors that in your opinion may affect the timely and efficient deployment of electronic communications networks.

Smooth, effective and uniform permit granting procedures are essential in any broadband project. In a regime where an investment gap persists, deployment costs (including costs and resources employed in the stage of planning and accessing permits) should be kept at a minimum to ensure every project of deployment is effective.

Coordination of civil works entails both positive and negative factors influencing timely and efficient deployment. First, co-digging may not always result in reduced costs of a project, as various utilities and their respective infrastructures have different requirements and routings. This calls for even more clear-cut regimes e.g. on cost sharing. Further, more guidance is needed on apportioning of costs for coordination of civil works, in order to prevent destructive behavior by competing utilities (e.g. ECN-to-ECN), as seen for instance in Denmark in 2019-2022. Such cases delay delivery of the ECS, increase costs of deployment, possibly delimit competition and worsen the experience for end-users. Destructive behavior relates, for example, to cost-sharing, mirroring deployment as to transparency in competitors' digging plans. Consequently, increased costs and burdens influence the willingness to invest and thus not bridge the otherwise intended investment gap.

13. Do any of the aspects referred to in the previous question particularly affect deployment of networks depending on the type of area\* or the access technologies\*\*?. If so, please explain how and why?

\*Different types of areas where the network deployment is taking place can be identified based on the location of the users or connected objects as follows:

- Urban, suburban, rural areas: areas with different population densities in terms of human users and connected objects (e.g. sensors for IoT applications such as smart agriculture, water resources management, or critical communications)
- Business / industrial parks: areas with business users.
- Communication routes: areas along major terrestrial transport paths such as roads or railways, where e.g.
- Connected Automated Mobility or other logistics applications will be deployed.

\*\*Access technologies can be classified according to the physical media of the access network with which they are associated:

- Fibre networks technologies: Passive/Active Optical Network technologies.
- Hybrid fibre-copper (twisted pair or coaxial) networks technologies: xDSL (G.Fast), DOCSIS technologies.
- Wireless networks with macro cells (range > 2,5 km) technologies: 4G, 5G, WiMax
- Wireless networks with small cells (femtocells, picocells, metrocells or microcells, range < 2,5 km) technologies: mainly 5G.

Issues of coordinating civil works with competing utilities, as described above, mainly regard urban and suburban areas, where competition is fiercer.

14. Do you consider that any of the definitions in the current Directive should be reviewed and/or that additional definitions should be provided for to clarify concepts used in existing provisions? Please explain your response:

Please see our answer to question 10.

15. Do you consider that the current scope of the Broadband Cost Reduction Directive, – by reference to high-speed networks of above 30 Mbps- remains appropriate, in particular taking into account the 2025 Gigabit strategic connectivity objectives ([Towards a European Gigabit Society - COM\(2016\)587](#)) and the new objective of promoting connectivity and access to, and take-up of very high capacity networks in the European Electronic Communications Code? Please explain your response:

The new EECC has a clear purpose of enabling deployment and rollout of VHCN. BCRD should align with the purpose and objectives of the new Code, by replacing certain references to 'high speed networks' with 'very high capacity networks' (as defined under the EECC). In our experience, the overwhelming majority of new network deployments would fall under this definition. Such references should be assessed on a case-by-case basis to avoid situations where the BCRD favor VHCN new build deployments over other civil works (e. g. network maintenance, extensions, upgrades).

## Access and availability of physical infrastructure

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Article 3 of the Broadband Cost Reduction Directive requires network operators (not only operators of electronic communications networks, but also operators of other types of networks, such as energy and transport), to meet reasonable requests for access to physical infrastructure for the purposes of deploying high-speed electronic communication networks, under fair and reasonable terms and conditions, including price. Refusals must be grounded on objective, transparent, and proportionate criteria. Where access has been refused or an agreement has not been reached within two months from the day of the request, access seekers can refer the issue to a dispute settlement body, which is empowered to resolve the dispute, including by setting fair and reasonable terms and conditions.

The Directive also requires that all newly constructed and majorly renovated buildings be equipped with physical infrastructure, such as mini-ducts, capable of hosting high-speed networks, and an easily accessible access point in the case of multi-dwelling buildings (Article 8). Providers of public communications networks must have access to the access point and the in-building physical infrastructure under fair and non-discriminatory terms and conditions, if duplication is technically impossible or economically inefficient (Article 9).

16. Please provide an estimation of the percentage that costs linked to physical infrastructure represent in relation to the overall costs of deployment of fixed and mobile/wireless networks for your organisation.

Fixed networks:

- Up to 20%
- 20%-40%
- 40%-60%
- 60%-80%
- More than 80%

Please explain your answer, including where relevant, for cases where new physical infrastructure is built and for cases where existing physical infrastructure is accessed.

N/A

Mobile/wireless networks:

- Up to 20%
- 20%-40%
- 40%-60%
- 60%-80%
- More than 80%

Please explain your answer, including where relevant, for cases where new physical infrastructure is built and for cases where existing physical infrastructure is accessed.

N/A

17. With respect to access to existing physical infrastructure, to what extent have the following factors led to a more costly or lengthy network deployment?

	Not at all significantly	Less significantly	Moderately significantly	Significantly	Very significantly	No opinion
Lack of availability of suitable physical infrastructure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of information on existing physical infrastructure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Difficulty to agree on terms and conditions of access with owner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Slow/ineffective dispute resolution process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer, identifying where relevant potential differences between fixed and mobile/wireless networks.

In general, it works well, but there are countries where sharing agreements have a negative impact.

In Denmark, mainly “difficult areas” to deploy fixed networks (like highly trafficked or “expensive” surfaced) may prove efficient for deployment within existing physical infrastructure. Otherwise, there seems to be an appropriate availability on ducts, since usage is non-significant. On mobile however, availability and sharing are coordinated in the industry prior to deployment, without much conflict.

Information on existing infrastructure, like mapping and data, could be further strengthen though. A single, digital information point is a way to start, but there may prove to be difficulties with legacy/older/already deployed networks.

In Poland, one of our members has experienced difficulties with access to non-telco infrastructure (particularly the high costs of access to electricity poles), as well as the timeliness of the dispute resolution procedures, which have negatively affected their network deployment plans.

18. Do you consider that the obligations to meet reasonable requests for access under fair and reasonable terms and conditions, including pricing (Article 3(2) of the Broadband Cost Reduction Directive), are appropriate to ensure effective and proportionate access to different types of existing physical infrastructure?

	Not at all appropriate	Not appropriate	Neutral	Appropriate	Very appropriate	No opinion
Physical infrastructure owned by operators of electronic communications networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Physical infrastructure owned by operators of networks other than electronic communications networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answer, including, if relevant, how these access obligations should be modified.

In our view, fair and reasonable are appropriate, proportionate and necessary thresholds to provide genuine access to the existing infrastructure for the objectives of the BCRD - that is, as a symmetric tool with the aim of facilitating deployment, rather than addressing market power issues.

We consider that there is a significant need for guidance from the European Commission on the hierarchy and relationship between the SMP regime, symmetric access under Article 61(3) of the EECC, access to physical and in-building infrastructure under the BCRD and the competition law. Access under the BCRD should not be used to replace market analysis and regulation under the SMP regime, or be used to circumvent the relevant thresholds within Article 61(3) of the EECC.

We would also support guidance from the European Commission – similar to the Access Recommendations – on the pricing principles to be applied to physical infrastructure and civil works coordination to provide legal certainty, and reduce the risk and length of disputes.

We consider that a consolidation procedure, similar to the procedure in place for market analysis and symmetric decisions under Article 32 the EECC, should also apply to access decisions by national regulatory authorities, or other competent bodies, under the BCRD.

19. Has the principle of 'fair and reasonable terms and conditions' for access to physical infrastructure under Article 3 of the Broadband Cost Reduction Directive been applied effectively (with respect to the outcome) and efficiently (with respect to the time taken) by dispute resolution bodies?

Effectively (with respect to the outcome)

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree

Efficiently (with respect to the time taken)

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- No opinion

Please explain your answer, including, if relevant, the benefits and/or problems encountered in the application of this principle.

Due to the nature of the BCRD (requesting access, negotiation and submitting disputes to a dispute resolution body), decisions under BCRD can take a long time to be resolved. Furthermore, the outcomes are uncertain and can take a long time to materialize due to the relatively high leeway to the competent authorities to interpret the fair and reasonable conditions and the lack of sufficient strict (enforcement of) dispute resolution time limits. As noted in our answer to question 18, we consider that Commission guidance on the correct approaches to determining access pricing for physical infrastructure would help avoid disputes and reduce the length of dispute resolution processes.

20. Do you consider that the criteria provided in Article 3 of the Broadband Cost Reduction Directive for refusing access to existing physical infrastructure are appropriate?

	Not at all appropriate	Not appropriate	Neutral	Appropriate	Very appropriate	No opinion
Technical suitability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Availability of space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Safety and public health concerns	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Integrity and security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Risk of serious interferences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Availability of alternative means	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answer based on your experience, indicating if other criteria could be relevant.

Our members consider that all of these reasons for refusing access are reasonable and appropriate. Moreover, they are accepted and well-known to industry and regulators.

21. Based on your experience, how relevant have been the current provisions on high-speed-ready in-building physical infrastructure as provided in the Broadband Cost Reduction Directive in facilitating the deployment of electronic communications networks?

- Not at all relevant
- Less relevant
- Moderately relevant
- Very relevant
- Mostly relevant
- No opinion

Please explain your answer, indicating where relevant how the current provisions could be improved.

We support the current requirements for high-speed-ready, in-building infrastructure for new developments /renovated housing in Article 8 of the BCRD, as this can be a bottleneck for deploying new/upgraded networks. Such infrastructure should have a readily accessible access point (or be built to the edge of the property).

22. To what extent would the availability and access to neutral host infrastructures\* facilitate the deployment of electronic communications networks?. Please explain your response and whether neutral host infrastructures could particularly affect deployment of networks depending on the type of area (urban / suburban / rural, business parks, communication routes) or access technology (wired / wireless).

\* A neutral host infrastructure comprises a single, shared network solution provided on an open access basis to all electronic communications operators.

In our view, 'neutral host' as a term only has to do with wireless deployments/infrastructures. Regarding fixed networks, the reference should be made to 'wholesale-only providers' with the accompanying provisions in the EECC.

We do not see any impediments or market failure that would require intervention for 'neutral host' providers /infrastructure to become more prevalent if this is what makes sense for the market. For now, the limiting factor has been the lack of a clear business model for a neutral host provider. Whether this will happen in the future should be mere as a response to market developments.

## Coordination of civil works

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Article 5 of the Directive provides for the right of every network operator (not only operators of electronic communications networks, but also operators of other types of networks, such as energy and transport) to negotiate agreements concerning the coordination of civil works for the purpose of deploying high-speed electronic communications networks. Moreover, it provides for the obligation of every network operator which is fully or partially financed by public means, to meet any reasonable request to co-ordinate civil works on transparent and non-discriminatory terms, provided that such request is submitted in a timely manner, it does not entail additional costs or delays and the network operator can retain control over the coordination. Member States may provide for exemptions from the obligation for works of minor significance, or related to critical infrastructure. Member States may also provide rules on the apportioning of the relevant costs. Where coordination has been refused or an agreement has not been reached within one month from the day of the request, access seekers can refer the issue to a dispute settlement body, which is empowered to resolve the dispute, including by setting fair and non-discriminatory terms, conditions and charges.

23. Please provide an estimation of the percentage that costs linked to physical infrastructure represent in relation to the overall costs of deployment of fixed and mobile/wireless networks for your organisation.

### Fixed networks - cost savings

- Up to 10%
- 10%-20%
- 30%-40%
- 40%-50%
- More than 50%

Please explain your answer:

N/A

### Mobile/wireless networks – cost savings

- Up to 10%
- 10%-20%
- 30%-40%
- 40%-50%
- More than 50%

Please explain your answer:

N/A

24. To what extent is it relevant for the deployment of electronic communications networks to coordinate civil works with the following types of networks?

	Not at all relevant	Less relevant	Moderately relevant	Very relevant	Mostly relevant	No opinion
Electronic communications networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Gas networks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electricity networks (including public lightning)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Heating networks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water networks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transport networks (including railways, roads, ports and airports)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer, identifying differences between fixed and mobile /wireless networks, if relevant.

There persists different requirements and placement of the various infrastructures. Electricity networks (while still other depth and protection requirement vis-à-vis telecom) have same location (pavement) and thus prove most relevant. Water, heating and gas utility are mostly often located in the middle of the road and the rationale for co-digging is thus severely scarce.

Coordination in the context of road works is very important since telco networks generally run alongside roads. It is particularly important to be involved in coordinated road works in circumstances where authorities are unwilling or have limits on how often telco operators may dig up roads (e.g. once every 10 years). Such rules have represented a significant barrier in Belgium. Similarly, in the Netherlands, local authorities have kept the exclusive right to repave roads and levy profitable or non-cost-based related fees (repaving and degeneration costs) to the detriment of the network deployment and maintenance budgets of the operators.

25. Which factors (for example, mismatch of timing –planning and/or execution-, work techniques, interest in an area), have made coordination of civil works for the deployment of electronic communications networks difficult?

Fierce competition in certain areas and different deployment timing may result in destructive behavior in coordination between competing utilities.

26. To what extent has the obligation to meet requests for coordination of civil works financed by public means been appropriate? Please explain your answer, including whether improvements could be made in regard to the apportioning of costs.

Coordination in respect of public works needs to be facilitated in as many situations as possible. However, coordination should be organized in such a way that administrative and operational burdens are limited to the minimum necessary. We encourage public authorities to engage operators as early as possible in the planning stages of civil works projects. Finally, we would support guidance on the apportioning of costs for civil works.

27. Do you consider that the obligation referred to in the previous question should be extended to civil works not financed by public means, or that new measures should be taken in regard to coordination of civil works, with a view to avoiding duplication (“dig once” principle), thereby increasing the efficiency of network deployment and reducing its environmental impact?

Please explain your answer:

We do not support the extension of this obligation to non-public entities at this stage. Whilst we do consider it should be optional and encouraged, new deployment information is highly confidential and requiring disclosure to other operators for the purpose of coordinating civil works has the potential to distort competition. If it is ultimately extended, it should be limited to large-scale works and to central/key locations. And even more importantly, the process should be managed by a central body in a manner that minimises

any potential for distortion.

We would strongly oppose a “dig-once” principle, and note that one of our members has experienced significant difficulties with such obligations in Belgium. Not only does it reduce flexibility, since roll-out plans are regularly subject to change, but it can also have significant negative effects on competition, as operators that miss the digging window are then shut out of the market for a long period of time – this will not only have a negative impact on the incentive to roll-out VHCN, but it will also negatively impact consumer welfare.

## Transparency measures

Pursuant to Article 4 of the Broadband Cost Reduction Directive, Member States shall ensure that every undertaking providing or authorised to provide public communications networks has the right to access, upon request to any network operator, minimum information concerning the existing physical infrastructure. Member States may also require every public sector body holding, in electronic format and by reason of its tasks, information concerning the physical infrastructure of a network operator, to make it available via the single information point, while Member States shall require such public sector bodies to make it available, upon request.

Pursuant to Article 6 of the Broadband Cost Reduction Directive, Member States shall also require any network operator to make available, upon the specific written request of an undertaking providing or authorised to provide public communications networks, minimum information concerning on-going or planned civil works related to its physical infrastructure for which a permit has been granted, a permit granting procedure is pending or first submission to the competent authorities for permit granting is envisaged in the following six months.

28. In your opinion, to what extent would the availability, through the single information point, of constantly updated information concerning the elements listed in the table be relevant to facilitate network deployment?

	Not relevant at all	Not relevant	Neutral	Relevant	Very relevant	No Opinion
Physical infrastructure from operators of electronic communications networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Physical infrastructure from operators of other networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical infrastructure from public bodies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other elements and facilities suitable to install network elements	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Private buildings or facilities other than residential and that are not part of a network (e.g.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

shopping centres, sports facilities, industrial plants /business facilities)						
Public buildings or facilities that are not part of a network (e.g. administrative buildings, communal centres)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil works in progress or planned by electronic communications operators	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil works in progress or planned by other network operators	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil works in progress or planned by public authorities, in the short, medium and long term (such as new or renovated industrial areas)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acquisition and construction of sites for the deployment of mobile base stations, in progress or planned.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your response, and if relevant, whether and how the relevance of having this information depends on the deployment area (urban / suburban / rural, business parks, communication routes) or the access technologies (wired / wireless).

It is important to balance between providing information on the location of physical infrastructure and maintaining the confidentiality of network information and security of networks.

We support the creation of a single information point, but recognise that the information likely to be held will not be complete and may require requests for additional information on a case-by-case basis between operators. This process should be made as seamless as possible (e.g. through an industry-wide portal).

Operators will be required to provide detailed network reach information as part of the new Code-introduced geographic surveys. We would strongly oppose the imposition of further information requirements on the precise nature and location of physical infrastructure. Overlaps should also be avoided where possible.

We would, however, support measures that would assist with identifying publicly-owned physical infrastructure (such as municipal ducts or public buildings) that could be used for the deployment of telco network infrastructure (including buildings for small cells).

29. What minimum information concerning physical infrastructures should be available to operators seeking to deploy electronic communications networks, beyond that specified in Article 4(1) of the Broadband Cost Reduction Directive? You can select multiple answers.

- None
- Georeferenced location and/or route
- Total and spare capacity to host network elements (e.g. nr. of ducts, m2 of available space)
- Other

Please explain your answer, including the aspects related to cost efficiency.

Please see our answer to question 28.

Where industry agreements on sharing information exist and work well, there is no need for sharing additional information. For example, the industry agreements on sharing information on mobile sites seem to work well in Denmark.

30. What would be, in your opinion, the best mechanism for ensuring the most appropriate and efficient access to relevant information regarding existing physical infrastructure and planned civil works?

- A unique information repository, to be populated by network operators and public bodies
- Federation of existing information repositories, of different network operators and/or public bodies
- Other

Please explain your answer, and give suggestions for implementation:

Where a public authority already has access to the necessary information, network operators should not be required to provide it again.

31. In your opinion, how could the different administrative levels in a Member State (national, regional, local) collaborate to maximise transparency as regards information on existing physical infrastructures and planned civil works (for example, providing a common platform, defining standards, collecting and validating information)?

Uniform procedures and digital information platforms are a significant part of reducing administrative burdens and thus reducing costs of deployment.

## Permit-granting procedures

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Pursuant to Article 7 of the Broadband Cost Reduction Directive, Member States need to ensure that all relevant information on the conditions and procedures for granting civil works permits with a view to deploying electronic communications networks is available from a single information point and that in principle decisions relating to permits have to be made within 4 months. Civil works, as provided in Article 2 (4) of Broadband Cost Reduction Directive ‘means every outcome of building or civil engineering works taken as a whole which is sufficient of itself to fulfil an economic or technical function and entails one or more elements of a physical infrastructure’. Concerning the term “permit”, the Directive refers to any permit ‘concerning the deployment of electronic communications networks or new network elements (...) including building, town planning, environmental and other permits, in order to protect national and Union general interests’ (Recital 26).

32. To what extent do the following factors affect the complexity and length of permit-granting procedures to deploy or upgrade electronic communications networks?

	Not at all significantly	Not Significantly	Neutral	Significantly	Very Significantly	No Opinion
Non-respect of the deadline to grant all electronic communications network deployment related permits, including those for rights of way.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack of information concerning the conditions and procedures applicable for granting permits.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application for permits cannot be submitted by electronic means	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Multiplicity of permits needed for electronic communications network deployment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack of coordination between the various authorities competent for granting permits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack of explicit rules including on compensation in case requirements for permit-granting procedures are not met, in particular deadlines and refusal conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your response, in particular, whether any of the above factors is more or less relevant depending on the network deployment area (urban, semi-urban or rural areas; business/industrial parks or communication routes, cross-border regions/areas).

We believe barriers to roll-out continue to exist - largely associated with fragmented, inefficient and burdensome local planning and permit procedures, including in some cases high (non-cost based) fees /levies imposed by local authorities/governments, requiring operators to deal with multiple authorities and delays in permits being granted. Also, local measures constituting barriers to deployment (such as that streets can be opened up only every X years). A well-functioning coordination procedure is instrumental.

We support simple, transparent, non-discriminatory and harmonised nation-wide procedures (including standardised fees based on a clear, cost-based and transparent methodology).

33. To what extent would the following measures streamline the procedures to grant the necessary permits to roll-out electronic communications networks?

	Not significantly at all	Less significantly	Moderately significantly	Significantly	Very Significantly	No Opinion
Allow operators to submit applications by electronic means	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Single entry point (one stop shop), acting as an intermediary, routing permit applications to any competent authority (national, regional or local)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Integrated permit granting procedure that encompasses all different procedures of each of the competent authorities involved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Coordination and monitoring by a single body (or set of bodies) of all the involved authorities' permit granting procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Centralisation of the competence for all permits in one authority within the Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Harmonization of permit procedures at Member State level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Harmonization of permit procedures at EU level	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your response, and give suggestions for implementation:

We support simple, transparent, non-discriminatory and harmonised nation-wide procedures (including standardised fees based on a clear, cost-based and transparent methodology). In our view, harmonisation at national level is the most relevant and important at this stage.

The BCRD has led to improvements in the permit-granting procedures, as compared to before its introduction. However, the speed of progress across the Member States where our members operate has been inconsistent and too slow.

In some Member States we have seen significant progress with the introduction of new bodies responsible for managing the coordination of civil works and permit requests. For example, in Ireland, the Regional Management Office (RMO) is responsible for all civil work licences/permits; all permit requests are processed through an electronic portal and there is close engagement with representatives from infrastructure operators (such as telco, gas, energy providers). Similarly, in Flanders (Belgium), operators have contributed to a joint portal for the coordination of civil works/transparency, with permit procedures also to be integrated into the platform (we note, however, that permit procedures across the whole of Belgium are local and fragmented).

In other Member States, there has been very little improvement. For example, in Poland, permits are still largely submitted in paper (with limited transition towards electronic, due to COVID-19) and our members often have to deal with several local offices (usually 2-5 bodies) to acquire all necessary permits.

Delays in the processing of permit requests remain a problem for several of our members. We have also experienced disparity in terms of the treatment by planning authorities (e.g. in the granting of permits) of the incumbent in comparison to other operators.

34. Would simplified permit procedures (such as no need to obtain a permit or permit exemption, tacit approval in the event that a certain deadline is exceeded, prior-communication accompanied by ex-post verifications only, etc) be appropriate to facilitate certain types of network deployment (e.g. technological upgrades, low impact installations, etc)?

Please explain your response, including which simplified procedures would be relevant for which type of network deployments:

We strongly support measures which would reduce costs and time required for obtaining the necessary permits e.g. requirement for a single point of contact for all permit requests, national instead of regional or local rules, the introduction of electronic permit procedures, the setting of cost-based permit fees, exclusion of certain types of works from the obligation to obtain permits (and other simplified procedures), and the introduction of fast-track procedures, like the ex-post "verification only" method.

For example, in Denmark, the possibility for ex-post verification on 'smaller and shorter digging projects' persists in the Danish Digging Act Art. 6-7, where local municipalities may use the mechanism in their jurisdiction if desired. Thus, operators may, on the approval of the local road authority (the local municipality), employ ex-post-verification; however, only a very limited number of municipalities have taken this measure into use, which do not prove effective means for smooth and cost-efficient deployment.

On mobile, the Danish Building Act (“BR 18”) exempts several categories of site upgrades for additional permitting if the designated upgrade does not change to static construction as well as does not change visual outlook significantly. This is indeed very helpful as mobile networks are continuously upgraded.

35. In your view, are there specific obstacles to the joint roll-out of electronic communications networks and to different forms of network sharing (e.g. sharing of passive or active elements of a network)?

If your answer is yes, what are these obstacles and should there be any measures taken to further facilitate these forms of cooperation?

There exist several considerations for joint-roll-out for ECNs – especially those regarding competition regulation that bears both risks and entails barriers of such deployment.

We consider that there should be greater cooperation and coordination between regulators, competition authorities and industry to provide legal certainty and minimize risk for operators, but also to prevent unintended negative consequences on competitors.

For example, the sharing of mobile masts in Belgium has worked well - at least until recently, with the Orange /Proximus network sharing JV which has led to a reduction in the number of masts, and therefore capacity for other operators such as Telenet.

## Environmental impact of electronic communications networks

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In its Communication on a European Green Deal ([A European Green Deal- COM\(2019\) 640](#)), the European Commission has pointed out that digital technologies are a critical enabler for attaining its sustainability goals in many different sectors. At the same time, the digital sector itself needs to put sustainability at its heart and undergo its own green transformation, including in particular by reducing its greenhouse gas emissions to address climate change. To support this effort, the Commission is assessing the need for more stringent sustainability measures when deploying and operating electronic communications networks.

36. Do you consider that the deployment and/or operation of electronic communications networks can have a negative impact on the environment, in particular due to emissions of CO2 and other greenhouse gases?

	Not at all significant	Less significant	Moderately significant	Significant	Very significant	No opinion
Deployment of fixed networks	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Operation of fixed networks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deployment of mobile/wireless networks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Operation of mobile/wireless networks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer for each of the above categories:

As a general comment, we support the European Commission's goals of reducing Europe's emissions and achieving a green and digital transition of the economy. Our members have invested heavily in upgrading their infrastructures, resulting in energy savings and reduced emissions, and they work to reduce waste through recycling and refurbishment. We would, however, oppose benefits (such as priority permit processing) being provided to certain network technologies that are deemed more sustainable. Works may be required for the maintenance and upgrading of networks. Discrimination between network topologies would therefore significantly impact operators' commercial freedom and have a negative impact on network investment, innovation, consumers and ultimately the realization of the Commission's Gigabit society targets.

The impact of the telecom networks depends on the type of energy used. Moreover, it should be noted that other sectors have a more significant negative impact on the environment than the telecom sector.

37. What are the factors that determine the environmental impact resulting from the deployment of electronic communications networks?

	No contribution at all	No significant contribution	Neutral	Some contribution	Significant contribution	No opinion
Deployment techniques, e.g. type of trenching	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Type of networks, e.g. fixed or wireless/mobile	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Manufacturing of the equipment, materials used and logistics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer(s):

It is not possible to determine based on a limited set of factors the sustainability of a network deployment. Any combination of the above factors will have different outcomes. Even more importantly, there are wide ranges of other factors which can affect the sustainability of a project during manufacturing, deployment, use and end-of-life. These include the types of energy source, and the ability to reuse/refurbish/recycle network elements.

38. What are the factors that most contribute to greenhouse gas emissions resulting from the operation of electronic communications networks (without considering end-user equipment)?

	No contribution at all	No significant contribution	Neutral	Some contribution	Significant contribution	No opinion
Energy efficiency (e.g. energy consumed per unit of service delivered)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Carbon intensity of energy sources used for the generation of power supplying the network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer(s):

It is not possible to determine based on a limited set of factors the sustainability of a network operation. Any combination of the above factors will have different outcomes. Even more importantly, there are wide ranges of other factors which can affect the sustainability. For example, back-up energy sources, over specification of equipment, running of unused capacity, cooling of technical sites, carbon intensity of energy sources used for the generation of power supplying the cooling, over cooling of sites (maintaining too low an ambient temperature in technical sites), poor airflow - amongst others.

39. What could be appropriate criteria to qualify network deployment projects as ‘environmentally sustainable’, already before such deployments have started?

	Not at all appropriate	Not appropriate	Neutral	Appropriate	Very appropriate	No opinion
Medium used (for fixed), e.g. fibre, copper, cable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Technology generation used (for mobile), e.g. 4G/5G	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Energy efficiency of network equipment used	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Passively shared network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Actively shared network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Network deployed with coordinated civil works with other networks (electronic communications, electricity, gas, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer(s):

Based on a single variable in a project it would be impossible to determine ahead of time whether a deployment would be environmentally sustainable. Especially because the implication is that the deployment is more sustainable than either the existing infrastructure or another potential deployment infrastructure /equipment choice. There are too many external influences and unknown factors (such as technological developments) which can impact manufacturing, use phase and end of life that could amplify negative or positive impacts (e.g. carbon intensity of energy source powering the network, end of life whether reuse /refurbishment/recycling of 100% of the assets is possible, etc.).

40. Which type of positive incentives can foster the deployment of electronic communications networks which have a reduced environmental footprint?

	No incentive	Weak incentive	Moderate incentive	Considerable incentive	Strong incentive
Expedited administrative treatment of all permits related to the deployment of the specific network	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Permit requirements limited to prior communication only	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduction or abolishment of permit fees related to the deployment of the specific network	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduction or abolishment of access fees related to the deployment of the specific network for physical infrastructure that is owned or controlled by public bodies/authorities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer(s):

Regarding new fixed build projects, most operators (including our members) are deploying fibre connections. We do not consider that further incentives are necessary to deploy these technologies. We consider that the Commission should rather focus on increasing the availability of renewable energy and stimulating self-regulatory initiatives to increase energy efficiency of existing networks.

## Governance and enforcement: Competent bodies and other horizontal provisions (penalties, dispute resolution)

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According to Articles 10 and 11 of the Broadband Cost Reduction Directive, Member States need to appoint one or more bodies to provide information on physical infrastructure, civil works and permits and

one or more independent bodies to resolve disputes between network operators regarding access to infrastructure, access to information and requests to coordinate civil works. Moreover, Member States shall lay down appropriate, effective, proportionate and dissuasive penalties applicable to infringements of national measures adopted pursuant to the Broadband Cost Reduction Directive.

41. In your opinion, to what extent is the dispute settlement system provided in the Broadband Cost Reduction Directive appropriate, concerning:

	Not appropriate at all	Not appropriate	Neutral	Appropriate	Very appropriate	No opinion
Access to existing physical infrastructure (Art. 3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transparency concerning physical infrastructure (Art. 4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination of civil works (Art. 5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transparency concerning planned civil works (Art. 6)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to in-building physical infrastructure (Art. 9)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer(s):

Dispute resolution remains an appropriate tool, but only as a last resort. It has been noted that it has been largely underused and ineffective as a way to enforce the Directive. In certain Member States, our members have experienced difficulties with the timeliness of the procedures and we consider that strict time periods should be built into the BCRD. We encourage the EC to investigate the usability of other approaches to enable more effective and efficient implementation of the BCRD. Under the Code, Article 32, there is a consolidation procedure in place that also covers decisions on symmetrical access under Article 61. A similar procedure should apply to decisions by the national regulatory authority, or an equivalent body, under the BCRD.

42. In case you consider it not appropriate at all or not appropriate, what are the main reasons?

	Not relevant at all	Not relevant	Neutral	Relevant	Very Relevant	No opinion
Non-compliance with Broadband Cost Reduction Directive deadlines to solve a dispute resolution process	<input type="radio"/>					
Too long dispute resolution process	<input type="radio"/>					
Lack of rules on apportioning the cost (in case of coordination of civil works, Art. 5)	<input type="radio"/>					
Lack of clarity on "fair and reasonable terms" concept (Art. 3 and 5)	<input type="radio"/>					
The need for payment of fees when referring a case to the Dispute Settlement Body	<input type="radio"/>					
Other reasons	<input type="radio"/>					

Please explain your answer(s):

N/A

43. In your view, how relevant are the following measures to guarantee a satisfactory dispute resolution process:

	Not relevant at all	Not relevant	Neutral	Relevant	Very relevant	No opinion

Imposing penalties on the dispute resolution body if resolution is not issued with the deadline	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Setting rules on apportioning the cost (in case of coordination of civil works, Art. 5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Guaranteeing a free process.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer(s):

Setting guidance on apportioning the cost (in case of coordination of civil works and access to physical infrastructure) for use in negotiations and during the dispute settlement process is one way forward. However, we recommend clear-cut ex-ante principles on cost sharing, where designated parties stand responsible for additional expenditures as a result of the coordination/co-digging based on various criteria. In this regard, we support guidance from the European Commission similar to the Access Recommendations – on the relevant pricing and cost-sharing principles.

44. In your view, how useful are the national rules on penalties applicable to infringement of the obligations provided in the Broadband Cost Reduction Directive

- Not useful at all
- Not useful
- Neutral
- useful
- Very useful
- No opinion

45. In case you reply that the national penalty mechanism is not useful at all or not useful, the reasons are:

	Yes	No	No opinion
The penalty mechanism has not been applied	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The regulation providing infringements is broad and general	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The penalties imposed are not dissuasive enough	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer(s):

## Legal instrument

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46. In your opinion, how appropriate has been the choice of a Directive as a legal instrument to regulate the measures to reduce the cost of deploying electronic communications networks?

- Not appropriate at all
- Not appropriate
- Neutral
- Appropriate
- Very appropriate
- No opinion

Please explain your answer:

We support principles-based harmonisation across the EU, focussed on reducing regulatory barriers – rather than introduction of new and stricter rules. However, the appropriateness of the choice of a Directive as a legal instrument to regulate the measures to reduce the cost of deploying electronic communications networks depends on each Member State's national systems and rules in place, and the contents of any new measures proposed to be introduced by the EU. There are Member States (like Belgium) where the very complex structure of a federal state made the transposition of this Directive very difficult. On the other hand, there are Member States (like Denmark) where many industry best practices and sectorial law had already been in place before the Directive and need to be maintained, so a Directive with minimum harmonization would be more appropriate in that case.

47. In your opinion, what would be the most appropriate legal instrument when reviewing the Broadband Cost Reduction Directive?

	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree	No opinion
Directive with minimum harmonization (similar to the Broadband Cost Reduction Directive)	<input type="radio"/>	<input checked="" type="radio"/>				
Directive with maximum harmonization	<input type="radio"/>	<input checked="" type="radio"/>				
Regulation	<input type="radio"/>	<input checked="" type="radio"/>				
Other instrument	<input type="radio"/>	<input checked="" type="radio"/>				

Please explain your answer(s):

Please see our answer to question 46.

## Final comments

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48. Final comments:

**Please upload your file**

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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