

Directive 2014/61/CE on broadband cost reduction in a nutshell

Pillar 1: Access to & transparency of existing physical infrastructure

The Directive aims at creating a market for physical infrastructure such as ducts, poles, manholes without covering cables, or dark fibre. Therefore, any electronic communications or utilities operator may enter this market and offer access to its physical infrastructure.

Moreover, any network operator has the obligation to give access to its physical infrastructure for the deployment of high-speed broadband networks (30 Mbps and above), upon reasonable request and under fair terms and conditions, including price. Access may however be refused for objective transparent & proportionate reasons. A Dispute Resolution Mechanism is foreseen in case no commercial agreement can be found.

In order to enable access to physical infrastructure, public sector bodies and network operators must provide on request minimum information including a contact point. They must also consent to on-site surveys, at the cost of the access seeker. Access to information may be limited for network security, national defence, public safety or confidentiality reasons.

Pillar 2: Coordination & transparency of planned civil works

Any network operator may negotiate coordination of civil works with electronic communications providers. In addition, undertakings performing civil works fully or partially financed by public means have to meet any reasonable request for coordination of civil works, provided that any additional cost is covered by the communications provider and that the request is made timely.

In order to enable agreements on coordination of civil works, planned civil works have to be made public 6 months in advance. When an undertaking authorised to provide public communications networks requests information about the planned civil works, the network operator has to make available minimum information about the planned civil works. Access may be refused if information is already publicly available or via a Single Information Point. Member States may limit access to the information in view of the security & integrity of the networks, national security, public health or safety, confidentiality or operating and business secrets.

Who	Network operators: energy, water; transport & other utilities operators and providers of public communications networks
What	Right to offer access to physical infrastructures and obligation to meet reasonable requests for access to it for deploying high-speed broadband
How	Access granted on commercial basis, on specified request, under fair terms & conditions, including price. Objective reasons to refuse access e.g., technical suitability, safety, security, availability of space, existence of alternatives
What if	Dispute resolution within 4 months
Who	Public sector bodies & network operators
What	Information on location & route, type & current use of existing infrastructure, contact point
How	Via a Single Information Point, upon specific request, on proportionate, transparent & non-discriminatory terms and conditions
What if	Dispute resolution within 2 months
Who	Network operators performing civil works
What	Right to negotiate coordination of civil works and obligation to meet reasonable requests to coordinate civil works if wholly or partially financed with public means
How	On transparent & non-discriminatory terms. Possibility of exceptions
What if	Dispute resolution within 2 months
Who	Network operators
What	Information on location, type, network elements, starting date, duration, contact point, for works pending authorisation or planned in the next six months
How	Upon specific written request.
What if	Dispute resolution within 2 months

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<p><i>Pillar 3: Permit granting</i></p> <p>All relevant information on procedures for granting permits for civil works must be available via a Single Information Point. Member States are encouraged to organise the application for permits by electronic means. In any event, unless national law specifically provides otherwise, any permit decision should be made in general within 4 months.</p>	Who	Competent permit granting authorities
	What	Grant or refuse permits by a motivated decision within 4 months by default
	What if	Possibility of extension of the deadline
<p><i>Pillar 4: In-building infrastructure</i></p> <p>All new buildings shall be equipped with physical infrastructure, such as mini-ducts, capable of hosting high-speed networks and with an access point, which can be easily accessed by the providers of public communications networks. The same is valid for major renovations. Member States may provide for exemptions on proportionality grounds, such as for monuments or military buildings.</p>	Who	Building owners or developers
	What	Equip buildings with in-building physical infrastructure & access point
<p>Providers of public communications networks have the right to access the access point at their own cost and, through it, any existing in-building physical infrastructure. Holders of the rights to use the access point and the in-building physical infrastructure shall meet reasonable requests for access under fair and non-discriminatory terms and conditions, including price. Member States may grant exemptions from this obligation when access to an in-building network is ensured on objective, transparent, proportionate and non-discriminatory terms and conditions (open access model).</p>	Who	Holder of right to use the access point and/or the in-building physical infrastructure
	What	Meet reasonable requests for access from a provider of public communications networks
	How	Under fair and non-discriminatory terms and conditions, including price & without prejudice to ownership rights
	What if	Dispute resolution within two months
<p><i>Dispute Resolution Body & Single Information Point</i></p> <p>Member States have to appoint one or more independent body/ies to resolve disputes between network operators regarding access to infrastructure, access to information and requests for coordination of civil works. Member States have the flexibility to appoint already existing body/ies, or create new body/ies <i>ad hoc</i>. Moreover, Member States have to appoint one or more Single Information Points where information on physical infrastructure and on permits can be made available.</p>	How	Flexibility for the MS to appoint one or more already existing or create new body/ies.

Disclaimer: this condensed overview is provided for information only and should in any event not be considered as an interpretation of the provisions concerned by the Commission services