



EUROPEAN COMMISSION

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C(2013) 19 final*

*Mr Milan ŠTĚCH
President of the Senát
Valdštejnské náměstí 17/4
CZ – 118 01 PRAGUE 1*

Dear President,

The Commission would like to thank the Senát for its Opinion concerning the Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks {COM(2013) 147 final}.

The development of the digital economy is a key driver for creating growth and jobs in Europe and has therefore a major role to play in Europe's economic recovery. Hence the ambitious broadband targets set out in the Digital Agenda for Europe to be reached by 2020. Moreover, ubiquitous high-speed networks are a prerequisite for bridging the digital divide and ensuring regional cohesion. Investments in Europe are lagging behind the rest of the world, so if we are to unlock the potential of the digital economy and strengthen Europe's competitiveness, we will have to step up our efforts significantly. The measure which the Commission proposed in March has the potential to reduce costs of EU-wide deployment by up to 30% (or by up to 60 billion euro), notably by allowing the use of existing passive infrastructure under certain conditions and by cutting red tape.

The Commission appreciates that the Senát recognises the crucial importance of information and communication technology for the competitiveness of the European economy and shares the objectives of accelerating the deployment of high-speed electronic communications networks, reducing the cost of network deployment, limiting its negative impact on the environment and expanding the footprint of high-speed networks to the benefit of EU citizens.

The Commission would like to recall that the proposal follows from an invitation from the Heads of State and Government meeting at the European Council in March 2012 to prepare measures to reduce the costs of roll-out of broadband in the EU¹. This message was repeated in December 2012, when the European Council invited the Commission to present all key initiatives of the so-called Single Market Act II, including the measures to reduce the cost of broadband roll-out, by spring 2013².

¹ Conclusions of the European Council of 1/2 March 2012, EUCO 4/2/2012, available at <http://register.consilium.europa.eu/pdf/en/12/st00/st00004-re02.en12.pdf>, page 5.

² Conclusions of the European Council of 13/14 December 2012, EUCO 205/12, <http://register.consilium.europa.eu/pdf/en/12/st00/st00205.en12.pdf>, item 17.

The Commission takes good note also of the concerns expressed by the Senát about the impact that the obligation to meet reasonable requests for sharing physical infrastructure may have on the rights of owners of land, where networks are located, pursuant to private contracts. While the Commission understands that certain adjustments may have to be made to enable shared use of infrastructure, it is not intended to bring any change to the principle of charging fees for the right to install facilities in or under private property.

Moreover, the impact of the proposed measures on fundamental rights has been analysed in the explanatory memorandum. In particular, the obligation of physical infrastructure owners to meet reasonable requests for access to physical infrastructure is mitigated by the provision that such access shall be granted on fair terms and conditions including price.

Achieving the targets of the Digital Agenda for Europe, to which all Member States have subscribed, justify in the Commission's view that high-speed internet deployment is brought closer to the end-user's premises. At the same time, every care has been taken in the draft Regulation to bring the least limitation or onerous effect on property rights.

In particular, the exercise of the right of public communications providers to terminate their network at the premise of a subscriber is subject to the agreement of the subscriber and provided that the operator minimises the impact on the private property and at its own costs. The obligation of in-building equipment is imposed upon the building owners or developers only regarding new or majorly renovated buildings, when the cost of the physical infrastructure is incremental compared to the overall costs involved. This cost, undertaken at the construction phase, is indeed substantially lower than the cost of retrofitting buildings with the same infrastructure at a later stage. Lastly, the proposal would allow Member States to exempt certain categories of buildings or major renovations from these obligations, when the cost of fulfilling them is disproportionate.

The Commission hopes that these clarifications address the concerns raised by the Senát and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*