



Parlamentul României
Senat

Courtesy translation

28 may, 2013

OPINION
of the Romanian Senate on 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 Senate of Romania has checked the compliance of 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** with the subsidiarity and proportionality principles according to Article 5 of the EU Treaty and Protocol 2 of the Treaty of Lisbon concy of Lisbon.

Taking into account the report of our permanent Committee for Economic, industries and services, **the Plenum of the Senate**, during its session of 28 May 2013, found that the mentioned proposal respects the **principles of subsidiarity snd proportionality and made the following observations:**

Art. 1. - 1) Regarding **Article 2** Definition, the Romanian Senate believes that a clarification of the definition meaning covered by par (2) **would be useful since the term infrastructure** as "*physical infrastructure*" is equivocal. In this respect, it is indicated that the enumeration included refers to currently accepted network elements meanwhile "*means any element of a network witch is not active*"- „means any element of a network which is not active" and may include elements as fibre, splitter, etc.

1.2) As concerns **Art. 9 pct. 3**, the Senate underlined that, according to the Regulation proposal, the national authority is set out as the single contact body. However, if this approach is correct as regards the responsibilities under Article 4, the designation of a single contact authority would generate confusion concerning responsibilities of Art. 6. which apply in civil constructions field. Consequently, it would be more advisable to reformulate the Art. 3, in order to preserve the current wording, binding to the liabilities under Art. 4, and to allow the Member States to designate their own bodies having liabilities in this field.

1.3) a) **Art. 4 pct. 1** provides the obligation of the member States to guarantee the access of the minimum information through the single information point after 12 months from the adoption of this Regulation. Having in mind the fact that a public acquisition is necessary to achieve the analysis, the design and the application of the system and to charge the system with all information, the Romanian Senate proposed to increase the 12 months term to 18 months. .

b) Art. 9 pct. 1 provides the obligation for the member States to notify to the Commission their single contact point until this Regulation will enter into force (20 days since its issue). Taking into account that in Romania the designation will be made by way of legislative instruments, the Senate considered the delay is not sufficient and proposed instead 60 days.

It is underlined the fact that the proposal refers at the main actors without mentioning the land owners. Moreover, the costs of these owners and the administrative charges are not specified while it is presumed that the application of the new provisions will generate important costs for the Member States.

The Senate have considered that this analysis should be extended to other institutions having responsibilities in the matter, taking account the fact that this proposal is focusing not only to the electronic communications network providers but also the owners or the holders of application use of a extended and general physical network, capable to host elements of the electronic communication networks as networks of supply of electric power, gas, water, thermal energy as well as transport services.

p. PRESIDENT OF THE SENATE

Cristian Sofin DUMITRESCU

