



## EUROPEAN COMMISSION

Brussels, 18.9.2013  
C(2013) 5883 final

*Dear President,*

*The Commission would like to thank the Senat 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 Commission welcomes that the Senat concluded that the proposed Regulation respects the principles of subsidiarity and proportionality. The development of the digital economy is a key driver for creating growth and jobs 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 up to 60 billion euros), notably by allowing the use of existing passive infrastructure under certain conditions and by cutting red tape.*

*The Commission takes good note also of the observations of the Senat.*

*The draft Regulation indeed appoints by default the politically independent telecom NRA as the single contact point for permit granting. In accordance with the principle of subsidiarity however, Member States may decide otherwise and allocate the powers provided for in this Regulation to the authority and at the level of aggregation which is best suited to exercise them.*

*Mr George CRIN LAURENȚIU  
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President of the Senat  
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*With regard to the definition of physical infrastructure, Article 2 of the Draft Regulation should be read with Recital 12<sup>1</sup>. This recital intends to clarify that fibre or splitters are not included in the definition of physical infrastructure.*

*With regard to the tight deadlines for having the single information and contact points operational, the Commission would like to underline that the draft Regulation does not mandate the creation or the transfer of information on existing or future physical infrastructure to any data-base. It only requires that information is made available to the electronic communications providers through a single information point, obligation which may be satisfied e.g. by a hyperlink directing to the place where such information is already available.*

*Achieving the targets of the Digital Agenda for Europe, to which all Member States have subscribed, requires that high-speed internet deployment is brought closer to the end-user's premises. With this in mind, the Commission would like to reassure you that every care has been taken in the draft Regulation to bring the least limitation or onerous effect on property rights. The Commission has tried to strike the right balance in sharing the costs of equipping buildings with high-speed Internet ready physical infrastructure between telecom providers and building owners. Building owners shall bear the costs of pre-equipping buildings with physical infrastructure, i.e. space in mini-ducts, only when this is incremental and marginal to the cost of construction of the building. Electronic communications providers shall bear the cost of retrofitting buildings with infrastructure necessary to reach the subscriber, a cost which is substantially higher.*

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

*Yours faithfully,*

*Maroš ŠEFČOVIČ  
Vice-President*

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<sup>1</sup> *This Recital explains that "a physical infrastructure that is intended to only host other elements of a network without becoming itself an active network element, can be in principle used to accommodate electronic communications cables, equipment or any other element of electronic communications cables, regardless of its actual use or ownership".*