



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Electronic Communications Policy Unit  
Directorate for Connectivity

Brussels, February 2021

**SUMMARY REPORT OF THE  
ONLINE PARTICIPATORY WORKSHOP  
ON NETWORK DEPLOYMENT DRIVERS AND BARRIERS**  
HELD BY VIDEO-CONFERENCE, 27 JANUARY 2021, 10:00 – 15:30

This report summarises the informal views expressed by participants on new drivers for network deployment, on persisting problems and proposed solutions and on permit-granting procedures. Their views were gathered during the online participatory workshop of 27 January 2021 organised as part of the consultation activities foreseen for the review of the Broadband Cost Reduction Directive (BCRD). The comments thus gathered from stakeholders during the workshop, as well as the feedback received through the public consultation and other consultation activities will feed into the Commission's evaluation, impact assessment and new legislative proposal. This report does not represent the Commission's position as regards the subject matter nor does it preclude the final outcome of the process of reviewing the BCRD.

The online participatory workshop benefitted from a balanced **participation** (42% market stakeholders and 53% public authorities) of about 180 representatives from 23 Member States and a variety of stakeholders ranging from electronic communications operators, other network operators, physical infrastructure operators as well as their respective associations, public authorities (national, regional, local) entrusted with the tasks established in the BCRD and experts.

The workshop was opened by the **key-note speech** from Mrs Rita Wezenbeek, Director for Connectivity in DG CONNECT, who presented the twin transition – to a green and digital economy – as a huge opportunity for Europe and one of the top priorities of the European Commission. Moreover, the COVID-19 pandemic has stressed the important role that electronic communications networks have in citizens' life and businesses' strategies. In connection to this, Mrs Wezenbeek recalled that, for the period 2021-2027, the EU will make available 1.8 trillion euros of funding to support recovery from the COVID-19 pandemic crisis and the EU's long-term priorities across different policy areas. In addition to digital objectives supported by various EU programmes, each national recovery and resilience plan should allocate at least 20% to the digital transition.

Mrs Wezenbeek recalled that the main objectives of the BCRD review, which is envisaged for Q1 2022, are: to enable a quicker and more efficient rollout of very high capacity networks (VHCN), including fibre and 5G; to ensure the rules are aligned with the European Electronic Communications Code (EECC), which Member States must apply as from the end of last year and to explore potential incentives for a transition to more sustainable networks. In this regard, the Commission would continue its efforts to incentivise private network investments with smart and future-proved regulation in order to foster a more efficient deployment of advanced electronic communications networks. Finally, she invited all participants to actively contribute to the discussions and shape together the revision of this Directive.

## **SUMMARY OF THE MAIN VIEWS GATHERED FROM THE PARTICIPANTS:**

1. Connectivity infrastructure will play a critical role in Europe's economic recovery. It will also support the development of future innovative services, achieving a greater digitalisation of the economy, as well as closing the digital divide that remains a critical issue. The EU should keep up its ambition as there are expectations for ubiquitous fibre coverage all over Europe.
2. The EECC and its timely transposition and implementation are vital for network deployment. It is also important to clarify the relation with the revised instrument, in particular in regard to symmetric/asymmetric obligations and the concepts used in both instruments.
3. BCRD is instrumental for network deployment. Some of the useful rules that the Directive has put forward have not been used to their full potential, partly due to the voluntary nature of many provisions. Some participants pointed to the Directive's fragmented implementation and difficulties in enforcement, which possibly led to market fragmentation across the EU.
4. The following issues remain key for network deployment: simplifying burdensome administrative procedures (permit granting, process, timing, rules), making available information regarding both planned civil works and existing physical infrastructure, extending access to public bodies' physical infrastructure, overcoming difficulties in building synergies with different utilities' networks, improving planning and coordination, strengthening the role of the Single Information Point (SIP).
5. The single information point (SIPs) and the dispute resolution authorities both play a key role. The role of the SIP could be enhanced (e.g. through a single entry point for permit applications, more coordination and transparency, access and cost principles, governance, use of standardized and digital procedures). Information about the results of dispute resolution processes, as well as the cooperation between both SIPs and dispute resolution bodies could be improved.
6. The market and legal situations are very different across the EU, although the challenges seem to be the same. Potentially softer approaches can be useful in certain areas and the Connectivity Toolbox is a positive tool. While very far reaching harmonisation at EU level could be a challenge in some areas, the situation could be improved to remove different rules, conditions, and processes within each Member State (e.g. by introducing swifter and more efficient permit granting procedures under a centralised system and/or harmonised rules, guidance on cost apportioning and other pricing aspects, etc.). As regards the potential legal instrument, some participants called for a regulation, whilst others expressed a preference for a directive.
7. As regards more sustainable electronic communications networks, network sharing or joint deployment can possibly contribute to reach this objective. The transition from copper to fibre networks leading to the switch-off of copper can have an important role in reducing the environmental footprint of the sector. The review of the BCRD should also consider the environmental impact of the networks.
8. Facilitating access to publicly owned assets, for installing network elements beyond the small-cell concept, as well as some consistent approaches on deployment techniques used, such as micro-trenching, could be considered.
9. There is a need for swift cooperation and coordination between relevant competent authorities, including at local level. In this regard, in particular local authorities would benefit from enhanced support (e.g. with IT tools, with training and information material, etc.).

## **PARTICIPANTS' VIEWS ON NEW DRIVERS FOR NETWORK DEPLOYMENT**

New needs in the electronic communications market in the context of VHCN deployment include harmonising the fragmented landscape for permits to deploy networks and better enforcement. Cooperation among local authorities and with operators, as well as coordination of planning mechanisms would be very important, as permit granting procedures had sometimes slowed down network deployment.

Some participants also called for joint planning of fibre-to-the-home (FTTH) and 5G networks due to synergies between them, while pointing out the lack of skilled workforce and the reluctance of some local authorities to micro-trenching techniques that could significantly reduce the cost of deployments. As regards the socio-economic benefits of the deployment of VHCN for local communities, some participants underlined the importance of supporting small and medium-sized operators by fostering expertise, as well as of providing guidelines to local authorities and making public funding available.

As regards the twin transition to a green and digital economy, participants agreed on the importance of potential measures to reduce the environmental footprint of network deployment and called for a balanced approach. Key elements that could lead to the reduction of the environmental footprint, for both passive and active elements, include sharing existing infrastructures, coordinating civil works, allowing better access to public assets and utilities as well as using underground networks.

## **PARTICIPANTS' VIEWS ON PERSISTING PROBLEMS AND PROPOSED SOLUTIONS**

The participants called for clarifying the scope of the BCRD, in particular to accommodate the VHCN concept, revise the definition of physical infrastructure, include assets owned or managed by public authorities, clarify obligations on access to physical infrastructure as well as the concept of 'fair and reasonable conditions' as regards access and pricing to physical infrastructure and ensure coherence with the provisions of EECC.

The participants agreed on the necessity to better coordinate among public administrations and appreciated the Connectivity Toolbox as a very helpful tool which, by collecting best practices and encouraging information exchange between public administrations, allows Member States to learn from each other and implement measures to overcome some of the main current obstacles.

The participants considered that legal certainty and governance are major issues and some of them called for national guidelines on dispute resolution (e.g. as regards price setting mechanisms, timelines), as well as for an updated legal framework, in particular regarding the state aid rules, administrative procedures and penalties for those building administrators that unjustifiably refuse access to operators.

Some participants acknowledged that the BCRD provisions on coordinating civil works have not been extensively used and pointed out the need for having harmonised rules, especially on EMF levels and permit granting procedures. Some participants claimed that lack of coordination as regards access to the network had slowed down the deployment and had increased its costs. They called for the coordination of granting the rights of way for both network deployment and antennas antenna installation, especially for 5G and fibre deployment. Some participants also pointed out the differing techniques and legal provisions applicable to other network sectors, which make cross-sector coordination difficult.

Some participants highlighted that access to public infrastructure could contribute to lowering the deployment costs and called for an improved access to public assets and infrastructure.

As regards transparency and the SIP, most participants agreed that a single platform providing better access to information on existing physical infrastructure and planned civil works, as well as an ensuring an enhanced coordination role would be beneficial. Integration of existing local level

platforms into a single national level platform would be beneficial, in particular to local authorities not having the needed expertise or resources. The participants recalled that the private sector should also improve its fulfilment of transparency obligations to accurately map physical infrastructure.

#### **PARTICIPANTS' VIEWS ON PERMIT GRANTING PROCEDURES**

Market stakeholders highlighted the high number of permits and the time needed for preparing applications due to varying rules within and among Member States. The participants agreed on the strong need for harmonisation and for streamlined administrative procedures for the deployment of both mobile and fixed network. More specifically, some participants called for simpler permit procedures, in particular for smaller constructions or through framework agreements. The specific permits dealing with cultural or environmental heritage were mentioned as particularly cumbersome. Some participants highlighted the usefulness of tacit approval to foster network deployment and called for its extended use, in addition to lightening procedures or even exempting certain types of deployments from permits.

Many participants called for a centralised permit granting system (e.g. a one-stop-shop based on standardised digital procedures) which should provide information on the status of the permit applications in a transparent way, as well as better administrative coordination, in particular for large network deployments which cover several regions. This solution is meant to particularly support those local authorities lacking resources or expertise.

Several participants called for an extension of permit granting procedures beyond small-area wireless access points, as per Art. 57 of the EECC. Moreover, the participants supported aligning the conditions for permit-granting with granting rights of way, including as regards the applicable charges and fees. The participants also supported the idea of cost-based permit and installation fees, as well as rights of way, and some of them called for free of charge access to the rooftops or for certain types of simple installations/works, such as certain antennas for mobile network or micro-trenching.