



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

2013/0080(COD)

09.10.2013

AMENDMENTS

24 - 181

Draft report
Edit Herczog
(PE516.982v01-01)

Measures to reduce the cost of deploying high-speed electronic communications networks

Proposal for a regulation
(COM(2013)0147 – C7-0082/2013 – 2013/0080(COD))

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PE519.832v01-00

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Amendment 24
Angelika Niebler

Proposal for a regulation
Title 1

Text proposed by the Commission

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

(Text with EEA relevance)

Amendment

Proposal for a
COMMISSION RECOMMENDATION

on measures to reduce the cost of
deploying high-speed electronic
communications networks

(Text with EEA relevance)

*(This amendment applies throughout the
text.)*

Or. de

Justification

Under Article 4(2)(a) of the Treaty on the Functioning of the European Union (TFEU), the internal market is an area in which shared competence between the Union and the Member States applies and, under Article 5 of the Treaty on European Union (TEU), the principle of proportionality must also be taken into account. The aims of the measures in question can be adequately achieved by the Member States. No officially imposed harmonisation, or Regulation of the European Parliament and of the Council, is necessary.

Amendment 25
Giles Chichester

Proposal for a regulation
Title 1

Text proposed by the Commission

Proposal for a
**REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**

on measures to reduce the cost of

Amendment

Proposal for a
**DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**

on measures to reduce the cost of

deploying high-speed electronic
communications networks
(Text with EEA relevance)

deploying high-speed electronic
communications networks
(Text with EEA relevance)

Or. en

Justification

(This amendment applies throughout the text. adopting it will necessitate corresponding changes throughout).

Amendment 26

Werner Langen, Herbert Reul, Angelika Niebler

**Proposal for a regulation
Title 1**

Text proposed by the Commission

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
(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on measures to reduce the cost of
deploying high-speed electronic
communications networks
(Text with EEA relevance)

Or. de

Justification

Under the principles of subsidiarity and proportionality, set out in Article 5 TEU, the proposed text should be adopted in the form of a directive. To make it a regulation would restrict the flexibility that national and regional specificities demand, would create unnecessary bureaucracy and would ignore existing rules in the Member States. The term 'Regulation' should therefore be replaced by 'Directive' throughout.

Amendment 27

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation
Title 1

Text proposed by the Commission

Amendment

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

(Text with EEA relevance)

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on measures to reduce the cost of
deploying high-speed electronic
communications networks

(Text with EEA relevance)

Or. en

Justification

*A regulation does not take national differences, including level of competition, into account.
The EU should grant Member States the flexibility to implement measures in a way that suits
their national context.*

Amendment 28
Gunnar Hökmark

Proposal for a regulation
Title 1

Text proposed by the Commission

Amendment

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

(Text with EEA relevance)

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on measures to reduce the cost of
deploying high-speed electronic
communications networks

(Text with EEA relevance)

Or. en

Justification

Horizontal amendments which shall replace the word "Regulation" with "Directive"

throughout the text. In order to maximise the impact of the proposal it is important that Member States can implement the proposed provisions in a flexible way and according to national circumstances. Property rights, landowners rights and local building permits are national competences and any proposed measures must respect the principle of subsidiarity.

Amendment 29

Amelia Andersdotter

on behalf of the Greens/EFA Group

Proposal for a regulation

Title 1

Text proposed by the Commission

Amendment

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

(Text with EEA relevance)

Proposal for a

DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on measures to reduce the cost of
deploying high-speed electronic
communications networks

(Text with EEA relevance)

*(This amendment applies throughout the
text)*

Or. en

Justification

This amendment applies horizontally to the whole text. Major concerns from electricity network owners, as well as 14 negative opinions from member state national parliaments on subsidiarity concerns on this dossier, could cause the Parliament to question the wisdom of moving ahead with this file as a regulation at this time. It is also clear that the regulation extensively seeks to address inherently local concerns. Local awareness of the importance of exploiting synergy effects additionally seems already high.

Amendment 30

Amelia Andersdotter

on behalf of the Greens/EFA Group

Proposal for a regulation

Citation 3

Text proposed by the Commission

Amendment

After transmission of the draft legislative act **to** the national Parliaments,

Having regard to the opinions on the draft legislative act **from** the national Parliaments,

Or. en

Justification

These opinions are already known and documented in the IPEX-database.

Amendment 31
Pilar del Castillo Vera

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Whereas Information and Communication technologies are at the core of the digital society and today account approximately 20% of Europe's annual growth in productivity, 4.5% of Europe's GDP and generate 25% of private investment in R&D, potentially constituting an extraordinary contributor to growth and employment.

Or. en

Amendment 32
Amelia Andersdotter

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) Acknowledging the importance of high-speed broadband rollout, Member States **have endorsed the** ambitious broadband

(2) Acknowledging the importance of high-speed broadband rollout, **the European Union and its** Member States **want to**

targets *set out in* Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘The Digital Agenda for Europe- Driving European growth digitally²⁹ (‘the Digital Agenda’): **100% broadband coverage by 2013 and increased speeds of 30MBps for all households, with at least 50% of the households subscribing to Internet connections above 100MBps by 2020.**

endorse ambitious broadband targets. *The* Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘The Digital Agenda for Europe- Driving European growth digitally²⁹(‘the Digital Agenda’) *stipulates that by 2020 all Europeans should have access to internet speeds of above 30 Mbps and 50% or more of European households should subscribe to internet connections above 100 Mbps. However, given the rapid evolution of technologies that lead to even faster internet connections, and the increasing demand on e-services, it is appropriate today to target more ambitious internet connection speed above 100% Mbps with 50% of the households having access to 1 gbps by 2020, as expressed in the European Parliament Resolution on the "Digital Agenda for Growth, Mobility and Employment: time to move up a gear" ^{29a}*

²⁹ COM (2010)245; see also see also the Digital Agenda review, COM (2012) 784 final.

²⁹ COM (2010)245; see also see also the Digital Agenda review, COM (2012) 784 final.

^{29a} (2013/2593(RSP))

Or. en

Amendment 33 Gunnar Hökmark

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Acknowledging the importance of high-speed broadband rollout, Member States have endorsed the **ambitious** broadband targets set out in Communication from the Commission to the European Parliament,

Amendment

(2) Acknowledging the importance of high-speed broadband rollout, Member States have endorsed the broadband targets set out in Communication from the Commission to the European Parliament,

the Council, the European Economic and Social Committee and the Committee of the Regions ‘The Digital Agenda for Europe- Driving European growth digitally²⁹ (‘the Digital Agenda’): 100% broadband coverage by 2013 and increased speeds of 30MBps for all households, with at least 50% of the households subscribing to Internet connections above 100MBps by 2020.

²⁹ COM (2010)245; see also see also the Digital Agenda review, COM (2012) 784 final.

the Council, the European Economic and Social Committee and the Committee of the Regions ‘The Digital Agenda for Europe- Driving European growth digitally²⁹ (‘the Digital Agenda’): 100% broadband coverage by 2013 and increased speeds of 30MBps for all households, with at least 50% of the households subscribing to Internet connections above 100MBps by 2020. ***Points out however that given the rapid evolution of technologies that lead to even faster internet connections, it is appropriate today, for all Union households, to target internet connections above 100 Mbps with 50 % of the households having access to 1 Gbps as expressed in European Parliament resolution on the "Digital Agenda for Growth, Mobility and Employment: time to move up a gear"***

²⁹ COM (2010)245; see also see also the Digital Agenda review, COM (2012) 784 final.

Or. en

Amendment 34 **Pilar del Castillo Vera**

Proposal for a regulation **Recital 2**

Text proposed by the Commission

(2) Acknowledging ***the importance of high-speed*** broadband rollout, Member States ***have endorsed the ambitious*** broadband targets set out in Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘The Digital Agenda for Europe- Driving European growth digitally²⁹ (‘the Digital

Amendment

(2) Acknowledging ***that high speed*** broadband rollout ***is crucial for*** Member States ***to meet their commitments regarding the*** broadband targets set out in Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “The Digital Agenda for Europe- Driving European growth digitally²⁹” (“the Digital

Agenda’): 100% broadband coverage by 2013 and increased speeds of 30MBps for all households, with at least 50% of the households subscribing to Internet connections above 100MBps by 2020.

²⁹ COM (2010)245; see also see also the Digital Agenda review, COM (2012) 784 final.

Agenda’): 100% broadband coverage by 2013 and increased speeds of 30MBps for all households, with at least 50% of the households subscribing to Internet connections above 100MBps by 2020.
Underlines however that these targets must be considered an absolute minimum and that the Union must aim for more ambitious broadband targets.

²⁹ COM (2010)245; see also see also the Digital Agenda review, COM (2012) 784 final.

Or. en

Amendment 35
Pilar del Castillo Vera

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Whereas estimates are that 50 billion devices will be connected to the Internet by 2020 and global data traffic is expected to grow 15 times by the end of 2017; this exponential growth in broadband traffic will require ambitious policies at Union and Member States level to increase the capacity in both our fixed and mobile networks, if Europe is to achieve more growth, competitiveness and productivity.

Or. en

Amendment 36
Herbert Reul

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The Digital Agenda has also identified the need for policies to lower the costs of broadband deployment in the entire territory of the Union, including proper planning and coordination and reducing administrative burdens.

Amendment

(3) The Digital Agenda has also identified the need for policies to lower the costs of broadband deployment in the entire territory of the Union, including proper planning and coordination, ***cross-sectoral, convergent use of existing communications infrastructure, including modern broadcasting technology infrastructure, better regulation*** and reducing administrative burdens.

Or. de

Amendment 37
Pilar del Castillo Vera

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Whereas reducing the costs of deploying high-speed electronic communications networks would also contribute to achieving the digitalisation of the Public Sector allowing to, beyond the reduction of costs for public administrations and the more efficient services provided to citizens, a digital leverage effect to all sectors of the economy.

Or. en

Amendment 38
Herbert Reul

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The rolling out of high-speed fixed and wireless electronic communications networks across the Union requires substantial investments a significant portion of which is represented by the cost of civil engineering works.

Amendment

(5) The rolling out of high-speed fixed and wireless electronic communications networks across the Union requires substantial investments a significant portion of which is represented by the cost of civil engineering works. ***The abandonment of (some) cost-intensive civil engineering work can contribute to effective broadband delivery.***

Or. de

Amendment 39
Amelia Andersdotter

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Measures aiming at increasing efficiency in the use of existing infrastructures and at reducing costs and obstacles in carrying out new civil engineering works should provide a substantial contribution to ensure a fast and extensive deployment of high-speed electronic communications networks while maintaining effective competition.

Amendment

(7) Measures aiming at increasing efficiency in the use of existing infrastructures and at reducing costs and obstacles in carrying out new civil engineering works should provide a substantial contribution to ensure a fast and extensive deployment of high-speed electronic communications networks while maintaining effective competition, ***without negatively impacting the safety, security and smooth operations of the existing public infrastructures.***

Or. en

Amendment 40
Gunnar Hökmark

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) **This Regulation** aims at providing some minimum rights and obligations applicable across the Union in order to facilitate the rollout of high-speed electronic communications networks and cross-sector coordination. While ensuring a minimum level playing field, this should be without prejudice to existing best practices and measures adopted at national and local level entailing more detailed provisions and conditions as well as additional measures complementing those rights and obligations, in accordance with the subsidiarity principle.

Amendment

(9) **Respecting the subsidiarity and proportionality principle, this Directive** aims at providing some minimum rights and obligations applicable across the Union in order to facilitate the rollout of high-speed electronic communications networks and cross-sector coordination. While ensuring a minimum level playing field, this should be without prejudice to existing best practices and measures adopted at national and local level entailing more detailed provisions and conditions as well as additional measures complementing those rights and obligations, in accordance with the subsidiarity principle.

Or. en

Amendment 41
Kent Johansson

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) This Regulation aims at providing some minimum rights and obligations applicable across the Union in order to facilitate the rollout of high-speed electronic communications networks and cross-sector coordination. While ensuring a minimum level playing field, this should be without prejudice to existing best practices and measures adopted at national and local level entailing more detailed provisions and conditions as well as additional measures complementing those rights and obligations, in accordance with the subsidiarity principle.

Amendment

(9) This Regulation aims at providing some minimum rights and obligations applicable across the Union in order to facilitate the rollout of high-speed electronic communications networks and cross-sector coordination. While ensuring a minimum level playing field, this should be without prejudice to existing best practices and measures adopted at national and local level entailing more detailed provisions and conditions as well as additional measures complementing those rights and obligations, in accordance with the subsidiarity principle. **Another aim is to promote openness and effective competition in the field of network services.**

Amendment 42
Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) This **Regulation** aims at providing some minimum rights and obligations applicable across the Union in order to facilitate the rollout of high-speed electronic communications networks and cross-sector coordination. While ensuring a minimum level playing field, this should be without prejudice to existing best practices and measures adopted at national and local level entailing more detailed provisions and conditions as well as additional measures complementing those rights and obligations, in accordance with the subsidiarity principle.

Amendment

(9) This **Directive** aims at providing some minimum rights and obligations applicable across the Union in order to facilitate the rollout of high-speed electronic communications networks and cross-sector coordination. While ensuring a minimum level playing field, this should be without prejudice to existing best practices and measures adopted at national and local level entailing more detailed provisions and conditions as well as additional measures complementing those rights and obligations, in accordance with the subsidiarity principle.

Amendment 43
Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In light of the lex specialis principle, when more specific regulatory measures in conformity with EU law apply, these should prevail over the minimum rights and obligations provided for in this **Regulation**. Therefore this **Regulation** should be without prejudice to EU law and in particular to any specific regulatory measure, including the imposition of

Amendment

(10) In light of the lex specialis principle, when more specific regulatory measures in conformity with EU law apply, these should prevail over the minimum rights and obligations provided for in this **Directive**. Therefore this **Directive** should be without prejudice to EU law and in particular to any specific regulatory measure, including the imposition of

remedies on undertakings having significant market power, applied in accordance with the Union regulatory framework for electronic communications (Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)³² , Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)³³ , Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)³⁴ , Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)³⁵ and Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services³⁶).

³² OJ L 108, 24.4.2002, p. 33.

³³ OJ L 108, 24.4.2002, p. 21.

³⁴ OJ L 108, 24.4.2002, p. 7.

³⁵ OJ L 108, 24.4.2002, p. 51.

³⁶ OJ L 249, 17.9.2002, p. 21.

remedies on undertakings having significant market power, applied in accordance with the Union regulatory framework for electronic communications (Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)³² , Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)³³ , Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)³⁴ , Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)³⁵ and Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services³⁶).

³² OJ L 108, 24.4.2002, p. 33.

³³ OJ L 108, 24.4.2002, p. 21.

³⁴ OJ L 108, 24.4.2002, p. 7.

³⁵ OJ L 108, 24.4.2002, p. 51.

³⁶ OJ L 249, 17.9.2002, p. 21.

Or. en

Amendment 44

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. **Moreover,** synergies across sectors **may significantly** reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, **water and sewage, heating** and transport services.

Amendment

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. **Therefore,** synergies across sectors **should also be explored to see whether they can** reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas and transport services.

Or. de

Justification

For technical, legal and health-related reasons, not all physical infrastructures are suitable for inclusion here.

Amendment 45

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, water and sewage, heating and transport services.

Amendment

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use **suitable** existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, water and sewage, heating and transport services.

Or. de

Amendment 46

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to

Amendment

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to

roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this **Regulation** should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, water and sewage, heating and transport services.

roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this **Directive** should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, water and sewage, heating and transport services.

Or. en

Amendment 47
Peter Simon

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works due to the

Amendment

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works due to the

deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, **water and sewage, heating** and transport services.

deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas and transport services.

Or. de

Justification

Tampering with infrastructure for water transportation (including for waste water and sewage treatment and disposal) can potentially put public health at risk. These areas should therefore be omitted from the scope of the provisions. Heating networks should also be omitted because the necessary damp-proofing could not be ensured at the entry and exit points that would have to be created for elements of high-speed networks.

Amendment 48 **Gunnar Hökmark**

Proposal for a regulation **Recital 11**

Text proposed by the Commission

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly

Amendment

(11) It can be significantly more efficient for electronic communications network operators, in particular new entrants, to re-use existing physical infrastructures, including those of other utilities, in order to roll-out electronic communications networks, in particular in areas where no suitable electronic communications network is available or where it may not be economically feasible to build-up a new physical infrastructure. Moreover, synergies across sectors may significantly

reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, **water and sewage**, heating and transport services.

reduce the need for civil works due to the deployment of electronic communications networks and therefore also the social and environmental costs linked to them, such as pollution, nuisances and traffic congestion. Therefore this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, heating and transport services.

Or. en

Amendment 49

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access services at speeds of at least 30 Mbps in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, ***regardless of its actual use or its ownership. Without prejudice to the pursuit of the specific general interest***

Amendment

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access services at speeds of at least 30 Mbps in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, ***provided that the physical infrastructure is not ruled out on technical or health-related grounds and that its ownership***

linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

and any user rights are respected.

Or. de

Amendment 50

Edit Herczog

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access services at speeds of at least 30 Mbps in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, ***regardless of its actual use or its ownership.*** Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

Amendment

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access services at speeds of at least 30 Mbps in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, ***in the absence of any security concerns or future business interests of the owners of the infrastructure.*** Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

Or. en

Amendment 51
Herbert Reul

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access services at speeds of at least 30 Mbps in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, regardless of its actual use or its ownership. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

Amendment

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access services at speeds of at least 30 Mbps in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, regardless of its actual use or its ownership. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators, ***including the integration of all available technologies,*** should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

Or. de

Amendment 52
Gunnar Hökmark

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In view of their low degree of

Amendment

(12) In view of their low degree of

differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access ***services at speeds of at least 30 Mbps*** in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, regardless of its actual use or its ownership. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, including those capable of delivering broadband access ***of 100 Mbps and 1 Gbps and above*** in line with the technological neutrality principle, without affecting the main service conveyed and with minimum adaptation costs. Therefore 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 networks, regardless of its actual use or its ownership. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

Or. en

Amendment 53

Amelia Andersdotter

on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements, ***including those capable of delivering broadband access services at speeds of at least 30 Mbps in line with the technological neutrality principle***, without affecting the main service conveyed and with minimum adaptation costs. Therefore

Amendment

(12) In view of their low degree of differentiation, physical facilities of such networks can often host at the same time a wide range of electronic communications network elements without affecting the main service conveyed and with minimum adaptation costs. Therefore a physical infrastructure that is intended to only host other elements of a network without becoming itself an active network element,

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 networks, regardless of its actual use or its ownership. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

can be in principle used to accommodate electronic communications cables, equipment or any other element of electronic communications networks, regardless of its actual use or its ownership. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies across network operators should be encouraged in order to contribute at the same time to achieving the targets of the Digital Agenda.

Or. en

Amendment 54

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) While this **Regulation** should be also without prejudice to any specific safeguard needed to ensure the security and integrity of the networks as well as to ensure that the main service provided by the network operator is not affected, general rules in national legislation prohibiting network operators to negotiate access to physical infrastructures by electronic communications network providers could prevent the establishment of a market for access to physical infrastructures and should therefore be abolished. At the same time, the measures provided in this **Regulation** are without prejudice to the possibility of the Member States to render the provision of infrastructure access by utilities operators more attractive by excluding revenues stemming from this service from the basis for the calculation of

Amendment

(13) While this **Directive** should be also without prejudice to any specific safeguard needed to ensure the security and integrity of the networks as well as to ensure that the main service provided by the network operator is not affected, general rules in national legislation prohibiting network operators to negotiate access to physical infrastructures by electronic communications network providers could prevent the establishment of a market for access to physical infrastructures and should therefore be abolished. At the same time, the measures provided in this **Directive** are without prejudice to the possibility of the Member States to render the provision of infrastructure access by utilities operators more attractive by excluding revenues stemming from this service from the basis for the calculation of

end-users tariffs for their main activity or activities, in accordance with applicable EU law.

end-users tariffs for their main activity or activities, in accordance with applicable EU law.

Or. en

Amendment 55
Edit Herczog

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) While this Regulation should be also without prejudice to any specific safeguard needed to ensure the security and integrity of the networks as well as to ensure that the main service provided by the network operator is not affected, general rules in national legislation prohibiting network operators to negotiate access to physical infrastructures by electronic communications network providers could prevent the establishment of a market for access to physical infrastructures and should therefore be abolished. At the same time, the measures provided in this Regulation are without prejudice to the possibility of the Member States to render the provision of infrastructure access by utilities operators more attractive by excluding revenues stemming from this service from the basis for the calculation of end-users tariffs for their main activity or activities, in accordance with applicable EU law.

Amendment

(13) While this Regulation should be also without prejudice to any specific safeguard needed to ensure the **safety**, security and integrity of the networks as well as to ensure that the main service provided by the network operator is not affected, general rules in national legislation prohibiting network operators to negotiate access to physical infrastructures by electronic communications network providers could prevent the establishment of a market for access to physical infrastructures and should therefore be abolished. At the same time, the measures provided in this Regulation are without prejudice to the possibility of the Member States to render the provision of infrastructure access by utilities operators more attractive by excluding revenues stemming from this service from the basis for the calculation of end-users tariffs for their main activity or activities, in accordance with applicable EU law.

Or. en

Amendment 56
Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) A network operator may refuse access to specific physical infrastructures due to objective reasons. In particular, a physical infrastructure may not be technically suitable in view of specific circumstances concerning infrastructures for which access has been requested, including lack of available space. Similarly, in specific circumstances, sharing the infrastructure may jeopardise network integrity and security or may endanger the provision of services that are primarily provided over the same infrastructure. Moreover, when the network operator already provides wholesale physical network infrastructure access that would meet the needs of the access seeker, access to the underlying physical infrastructure may have an adverse economic impact on its business model and incentives to invest while possibly entailing an inefficient duplication of network elements. At the same time in the case of physical infrastructure access obligations imposed pursuant to the Union regulatory framework for electronic communications, such as those on undertakings having significant market power, this would be already covered by specific regulatory obligations that should not be affected by this **Regulation**.

Amendment

(14) A network operator may refuse access to specific physical infrastructures due to objective reasons. In particular, a physical infrastructure may not be technically suitable in view of specific circumstances concerning infrastructures for which access has been requested, including lack of available space. Similarly, in specific circumstances, sharing the infrastructure may jeopardise network integrity and security or may endanger the provision of services that are primarily provided over the same infrastructure. Moreover, when the network operator already provides wholesale physical network infrastructure access that would meet the needs of the access seeker, access to the underlying physical infrastructure may have an adverse economic impact on its business model and incentives to invest while possibly entailing an inefficient duplication of network elements. At the same time in the case of physical infrastructure access obligations imposed pursuant to the Union regulatory framework for electronic communications, such as those on undertakings having significant market power, this would be already covered by specific regulatory obligations that should not be affected by this **Directive**.

Or. en

Amendment 57
Edit Herczog

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) When electronic communications networks providers request access in a specified area, network operators should make available an offer for the shared use of their facilities under fair terms and conditions, including price, unless access is refused based on objective reasons. Depending on circumstances, several elements could influence the conditions under which such access is granted, such as: any additional maintenance and adaptation costs; any preventive safeguards to be adopted to limit adverse impacts on network security and integrity; any specific liability arrangements in the event of damages; the use of any public subsidy granted for the construction of the infrastructure, including specific terms and conditions attached to the subsidy or provided under national law in compliance with Union law; any constraints stemming from national provisions aiming at protecting the environment, public health, public security or to meet town and country planning objectives.

Amendment

(15) When electronic communications networks providers request access in a specified area, network operators should make available an offer for the shared use of their facilities under fair terms and conditions, including price, unless access is refused based on objective reasons. Depending on circumstances, several elements could influence the conditions under which such access is granted, such as: any additional maintenance and adaptation costs; any ***impact on capacity and performance linked to the provision of the main service***; any preventive safeguards to be adopted to limit adverse impacts on network ***safety***, security and integrity; any specific liability arrangements in the event of damages; the use of any public subsidy granted for the construction of the infrastructure, including specific terms and conditions attached to the subsidy or provided under national law in compliance with Union law; ***the ability to deliver or provide infrastructure capacity to meet or service public service obligations***, any constraints stemming from national provisions aiming at protecting the environment, public health, public security or to meet town and country planning objectives. ***The incremental costs that would arise when performing future civil works on a network, irrespective of who has initiated these works, and that are generated by the presence of elements of electronic communications networks, can be allocated to the undertakings to whom these elements of electronic communications networks belong.***

Or. en

Justification

Any impact on capacity and performance should be added to the list of factors that may

influence the conditions under which access is granted. The Regulation should also take future costs directly linked to the presence of elements of electronic communications networks into consideration. Besides the initial costs that arise from the placing of these elements, a network operator could experience increase in operation costs due to nuisance of the presence of elements of electronic communications networks on its network when executing future civil works. These costs can be the result of a longer duration or delays in the execution of the civil works, but also of a higher degree of complexity or the necessity of taking or imposing more thorough safety measures.

Amendment 58

Edit Herczog

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In the event of disagreement in commercial negotiation on technical and commercial terms and conditions each party should be able to call on a dispute resolution body at national level to impose a solution to the parties, in order to avoid unjustified refusals to deal or the imposition of unreasonable conditions. When determining prices for granting access, the dispute resolution body should take into account the investments made on the physical infrastructure. In the specific case of access to physical infrastructures of electronic communications network operators, the investments made in this infrastructure may directly contribute to the objectives of the Digital Agenda for Europe and downstream competition may be influenced by free-riding. Hence, any access obligation should take into account the economic viability of these investments based on any time schedule for the return on investment, any impact of access on downstream competition, any depreciation of the network assets at the time of the access request, any business case underpinning the investment done, in particular in recently built physical infrastructures used for the provision of

Amendment

(16) In the event of disagreement in commercial negotiation on technical and commercial terms and conditions each party should be able to call on a dispute resolution body at national level to impose a solution to the parties, in order to avoid unjustified refusals to deal or the imposition of unreasonable conditions. When determining prices for granting access, the dispute resolution body should take into account the investments made on the physical infrastructure, ***the potential for leakage of state aid, and the views of any relevant economic regulators for the infrastructure sectors concerned.*** In the specific case of access to physical infrastructures of electronic communications network operators, the investments made in this infrastructure may directly contribute to the objectives of the Digital Agenda for Europe and downstream competition may be influenced by free-riding. Hence, any access obligation should take into account the economic viability of these investments based on any time schedule for the return on investment. ***Dispute Resolution Bodies should also be mindful of any impact of access on capacity and performance in***

high-speed electronic communications services, and any possibility offered to the access seeker to co-deploy.

the provision of the main service, any impact of access on downstream competition, any depreciation of the network assets at the time of the access request, any business case underpinning the investment done, in particular in recently built physical infrastructures used for the provision of high-speed electronic communications services, and any possibility offered to the access seeker to co-deploy.

Or. en

Justification

Any impact on capacity and performance should be added to the list of factors that should be taken into account in an access obligation.

Amendment 59

Norbert Glante

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In the event of disagreement in commercial negotiation on technical and commercial terms and conditions each party should be able to call on a dispute resolution body at national level to impose a solution to the parties, in order to avoid unjustified refusals to deal or the imposition of unreasonable conditions. When determining prices for granting access, the dispute resolution body should take into account the investments made on the physical infrastructure. In the specific case of access to physical infrastructures of electronic communications network operators, the investments made in this infrastructure may directly contribute to the objectives of the Digital Agenda for Europe and downstream competition may

Amendment

(16) In the event of disagreement in commercial negotiation on technical and commercial terms and conditions each party should be able to call on a dispute resolution body at national level to impose a solution to the parties, in order to avoid unjustified refusals to deal or the imposition of unreasonable conditions. When determining prices for granting access, the dispute resolution body should take into account the investments made on the physical infrastructure **and all additional costs entailed in enabling the access**. In the specific case of access to physical infrastructures of electronic communications network operators, the investments made in this infrastructure may directly contribute to the objectives of

be influenced by free-riding. Hence, any access obligation should take into account the economic viability of these investments based on any time schedule for the return on investment, any impact of access on downstream competition, any depreciation of the network assets at the time of the access request, any business case underpinning the investment done, in particular in recently built physical infrastructures used for the provision of high-speed electronic communications services, and any possibility offered to the access seeker to co-deploy.

the Digital Agenda for Europe and downstream competition may be influenced by free-riding. Hence, any access obligation should take into account the economic viability of these investments based on any time schedule for the return on investment, any impact of access on downstream competition, any depreciation of the network assets at the time of the access request, any business case underpinning the investment done, in particular in recently built physical infrastructures used for the provision of high-speed electronic communications services, and any possibility offered to the access seeker to co-deploy.

Or. de

Justification

The cost of infrastructure surveys can be very high and should not be offloaded onto the network owners.

Amendment 60 **Peter Simon**

Proposal for a regulation **Recital 16**

Text proposed by the Commission

(16) In the event of disagreement in commercial negotiation on technical and commercial terms and conditions each party should be able to call on a dispute resolution body at national level to impose a solution to the parties, in order to avoid unjustified refusals to deal or the imposition of unreasonable conditions. When determining prices for granting access, the dispute resolution body should take into account the investments made on the physical infrastructure. In the specific case of access to physical infrastructures of

Amendment

(16) In the event of disagreement in commercial negotiation on technical and commercial terms and conditions each party should be able to call on a dispute resolution body at national level to impose a solution to the parties, in order to avoid unjustified refusals to deal or the imposition of unreasonable conditions. When determining prices for granting access, the dispute resolution body should take into account the investments made on the physical infrastructure ***and all additional costs entailed in enabling the***

electronic communications network operators, the investments made in this infrastructure may directly contribute to the objectives of the Digital Agenda for Europe and downstream competition may be influenced by free-riding. Hence, any access obligation should take into account the economic viability of these investments based on any time schedule for the return on investment, any impact of access on downstream competition, any depreciation of the network assets at the time of the access request, any business case underpinning the investment done, in particular in recently built physical infrastructures used for the provision of high-speed electronic communications services, and any possibility offered to the access seeker to co-deploy.

access. In the specific case of access to physical infrastructures of electronic communications network operators, the investments made in this infrastructure may directly contribute to the objectives of the Digital Agenda for Europe and downstream competition may be influenced by free-riding. Hence, any access obligation should take into account the economic viability of these investments based on any time schedule for the return on investment, any impact of access on downstream competition, any depreciation of the network assets at the time of the access request, any business case underpinning the investment done, in particular in recently built physical infrastructures used for the provision of high-speed electronic communications services, and any possibility offered to the access seeker to co-deploy.

Or. de

Justification

It should be made clear that, in the determination of prices, account will be taken not only of the investments made but also of the costs incurred in enabling shared use of the physical infrastructure.

Amendment 61

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) While not imposing any new mapping obligation on Member States, this **Regulation** provides that minimum information already collected by public sector bodies and available in electronic form pursuant to national initiatives as well as under Union law (such as Directive

Amendment

(18) While not imposing any new mapping obligation on Member States, this **Directive** provides that minimum information already collected by public sector bodies and available in electronic form pursuant to national initiatives as well as under Union law (such as Directive

2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)³⁷) should be made available , e.g. via hyperlink, to a single information point with a view to allow a coordinated access to information on physical infrastructures for electronic communications network providers while at the same time ensuring the security and integrity of any such information. Such provision of information should be without prejudice to the transparency requirements already applicable to the re-use of public sector information pursuant to Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information³⁸ . Where information available to the public sector does not ensure adequate knowledge of the existing physical infrastructures in a specific area or of a certain type, network operators should make the information available to the single information point upon request.

³⁷ OJ L 108, 25.4.2007, p. 1.

³⁸ OJ L 345, 31.12.2003, p. 90.

2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)³⁷) should be made available , e.g. via hyperlink, to a single information point with a view to allow a coordinated access to information on physical infrastructures for electronic communications network providers while at the same time ensuring the security and integrity of any such information. Such provision of information should be without prejudice to the transparency requirements already applicable to the re-use of public sector information pursuant to Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information³⁸ . Where information available to the public sector does not ensure adequate knowledge of the existing physical infrastructures in a specific area or of a certain type, network operators should make the information available to the single information point upon request.

³⁷ OJ L 108, 25.4.2007, p. 1.

³⁸ OJ L 345, 31.12.2003, p. 90.

Or. en

Amendment 62

Gunnar Hökmark

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Achieving the targets of the Digital Agenda requires that the infrastructure rollout is brought close to the end-users location, while fully respecting the principle of proportionality as regards any

Amendment

(26) Achieving the targets of the Digital Agenda requires that the infrastructure rollout is brought close to the end-users location, while fully respecting the principle of proportionality as regards any

limitation brought to the right of property in view of the general interest pursued. Existence of high-speed electronic communications networks up to the end-user should be facilitated while ensuring at the same time technological neutrality, in particular by high-speed-ready in-building physical infrastructure. In view of the fact that providing for mini-ducts during the construction of the building has only a limited incremental cost while retrofitting buildings with high-speed infrastructure may represent a significant part of the cost of high-speed network deployment, all new or majorly renovated buildings **should** be equipped with physical infrastructure, allowing the connection of end-users with high-speed networks. In order to roll-out high-speed electronic communications network, moreover, new multi-dwelling buildings, as well as majorly renovated multi-dwelling buildings **should** be equipped with an access or concentration point, by which the provider may access the in-building network. In practice, this would mean that building developers should foresee that empty ducts are provided from every dwelling to a concentration point, located in or outside the building. There may be cases such as new single dwellings or categories of major renovation works in isolated areas where the prospect of high-speed connection is considered, on objective grounds, too remote to justify the additional costs of deploying in-house high-speed-ready physical infrastructures and/or a concentration point.

limitation brought to the right of property in view of the general interest pursued. Existence of high-speed electronic communications networks up to the end-user should be facilitated while ensuring at the same time technological neutrality, in particular by high-speed-ready in-building physical infrastructure. In view of the fact that providing for mini-ducts during the construction of the building has only a limited incremental cost while retrofitting buildings with high-speed infrastructure may represent a significant part of the cost of high-speed network deployment, all new or majorly renovated buildings **may** be equipped with physical infrastructure, allowing the connection of end-users with high-speed networks. In order to roll-out high-speed electronic communications network, moreover, new multi-dwelling buildings, as well as majorly renovated multi-dwelling buildings **may** be equipped with an access or concentration point, by which the provider may access the in-building network. In practice, this would mean that building developers should foresee that empty ducts are provided from every dwelling to a concentration point, located in or outside the building. There may be cases such as new single dwellings or categories of major renovation works in isolated areas where the prospect of high-speed connection is considered, on objective grounds, too remote to justify the additional costs of deploying in-house high-speed-ready physical infrastructures and/or a concentration point.

Or. en

Amendment 63
Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Without prejudice to the tasks entrusted to national regulatory authorities provided under the Union regulatory framework for electronic communications, in the absence of specific designations by Member States, in order to ensure consistent dispute settlement decisions, such functions provided for in this **Regulation** should be assigned to the authorities fulfilling the tasks provided in Article 20 of Directive 2002/21/EC, taking into account the expertise available and the guarantees of independence and impartiality. However, in line with the principle of subsidiarity, this Regulation should be without prejudice to the possibility of Member States to allocate the regulatory tasks provided herewith to authorities better suited to fulfil them in accordance with the domestic constitutional system of attribution of competences and powers and with the requirements set forth in this **Regulation**.

Amendment

(29) Without prejudice to the tasks entrusted to national regulatory authorities provided under the Union regulatory framework for electronic communications, in the absence of specific designations by Member States, in order to ensure consistent dispute settlement decisions, such functions provided for in this **Directive** should be assigned to the authorities fulfilling the tasks provided in Article 20 of Directive 2002/21/EC, taking into account the expertise available and the guarantees of independence and impartiality. However, in line with the principle of subsidiarity, this Regulation should be without prejudice to the possibility of Member States to allocate the regulatory tasks provided herewith to authorities better suited to fulfil them in accordance with the domestic constitutional system of attribution of competences and powers and with the requirements set forth in this **Directive**.

Or. en

Amendment 64

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) In order to ensure effectiveness of the information points provided for in this **Regulation**, Member States deciding to appoint different bodies from the national regulatory authority fulfilling the tasks provided in Article 20 of Directive 2002/21/EC should ensure adequate resources as well as that the relevant information concerning a specific area is

Amendment

(31) In order to ensure effectiveness of the information points provided for in this **Directive**, Member States deciding to appoint different bodies from the national regulatory authority fulfilling the tasks provided in Article 20 of Directive 2002/21/EC should ensure adequate resources as well as that the relevant information concerning a specific area is

made available at such information points at an optimal level of aggregation where valuable efficiencies may be ensured in view of the tasks assigned (such as the cadastre). In this regard, Member States may consider the possible synergies and economies of scope with the Points of Single Contact within the meaning of Article 6 of Directive 2006/123/EC of 12 December 2006 on services in the internal market (the Services Directive), with a view to build on existing structures and maximising the benefits for end-users.

made available at such information points at an optimal level of aggregation where valuable efficiencies may be ensured in view of the tasks assigned (such as the cadastre). In this regard, Member States may consider the possible synergies and economies of scope with the Points of Single Contact within the meaning of Article 6 of Directive 2006/123/EC of 12 December 2006 on services in the internal market (the Services Directive), with a view to build on existing structures and maximising the benefits for end-users.

Or. en

Amendment 65

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) This **Regulation** respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to privacy and the protection of business secrets, the freedom to conduct business, the right to property and the right to an effective remedy. This **Regulation** has to be applied by the Member States in accordance with those rights and principles.

Amendment

(33) This **Directive** respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to privacy and the protection of business secrets, the freedom to conduct business, the right to property and the right to an effective remedy. This **Directive** has to be applied by the Member States in accordance with those rights and principles.

Or. en

Amendment 66

Silvia-Adriana Țicău

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation aims to facilitate and incentivise the roll-out of high-speed electronic communications networks by promoting joint use of existing **and enabling more efficient deployment of new** physical infrastructure so that such networks can be rolled out at lower cost.

Amendment

1. This Regulation aims to facilitate and incentivise the **deployment and** roll-out of high-speed electronic communications networks by promoting **the safe and secure** joint use of existing **and future** physical infrastructure, **seeking to ensure the efficient use of resources** so that such networks can be rolled out at lower cost.

Or. ro

Amendment 67

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This **Regulation** aims to facilitate and incentivise the roll-out of high-speed electronic communications networks by promoting joint use of existing and enabling more efficient deployment of new physical infrastructure so that such networks can be rolled out at lower cost.

Amendment

1. This **Directive** aims to facilitate and incentivise the roll-out of high-speed electronic communications networks by promoting joint use of existing and enabling more efficient deployment of new physical infrastructure so that such networks can be rolled out at lower cost.

Or. en

Amendment 68

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

2. This **Regulation** shall apply to all civil works and physical infrastructure, as

Amendment

2. This **Directive** shall apply to all civil works and physical infrastructure, as

defined in Article 2.

defined in Article 2.

Or. en

Amendment 69

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

3. This **Regulation** is without prejudice to the rights of Member States to maintain or introduce measures in conformity with Union law which contain more detailed provisions than those set out in this **Regulation**.

Amendment

3. This **Directive** is without prejudice to the rights of Member States to maintain or introduce measures in conformity with Union law which contain more detailed provisions than those set out in this **Directive**.

Or. en

Amendment 70

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Article 1 – paragraph 4

Text proposed by the Commission

4. This **Regulation** is without prejudice to Directive 2002/21/EC, Directive 2002/20/EC, Directive 2002/19/EC, Directive 2002/22/EC and Directive 2002/77/EC.

Amendment

4. This **Directive** is without prejudice to Directive 2002/21/EC, Directive 2002/20/EC, Directive 2002/19/EC, Directive 2002/22/EC and Directive 2002/77/EC.

Or. en

Amendment 71

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

For the purposes of this **Regulation**, the definitions set out in Directives 2002/21/EC, 2002/20/EC, 2002/19/EC, 2002/22/EC and 2002/77/EC shall apply.

Amendment

For the purposes of this **Directive**, the definitions set out in Directives 2002/21/EC, 2002/20/EC, 2002/19/EC, 2002/22/EC and 2002/77/EC shall apply.

Or. en

Amendment 72
Gunnar Hökmark

Proposal for a regulation
Article 2 – paragraph 2 – point 1

Text proposed by the Commission

(1) ‘network operator’ means an electronic communications network provider as well as an undertaking providing a physical infrastructure intended to provide: a service of production, transport or distribution of gas, electricity, including public lighting, heating, **water, including disposal or treatment of waste water and sewage;** transport services, including railways, roads, **ports and airports;**

Amendment

(1) ‘network operator’ means an electronic communications network provider as well as an undertaking providing a physical infrastructure intended to provide: a service of production, transport or distribution of gas, electricity, including public lighting, heating, ; transport services, including railways, roads,

Or. en

Justification

A limited scope excluding critical infrastructures that has wider security and society implications means that the Directive instead can focus on infrastructures relevant for fibre deployment.

Amendment 73
Peter Simon

Proposal for a regulation
Article 2 – paragraph 2 – point 1

Text proposed by the Commission

(1) ‘network operator’ means an electronic communications network provider as well as an undertaking providing a physical infrastructure intended to provide: a service of production, transport or distribution of gas, electricity, including public lighting, **heating, water, including disposal or treatment of waste water and sewage;** transport services, including railways, roads, ports and airports;

Amendment

(1) ‘network operator’ means an electronic communications network provider as well as an undertaking providing a physical infrastructure intended to provide: a service of production, transport or distribution of gas **or** electricity, including public lighting; **or** transport services, including railways, roads, ports and airports;

Or. de

Justification

Tampering with infrastructure for water transportation (including for waste water and sewage treatment and disposal) can potentially put public health at risk. These areas should therefore be omitted from the scope of the provisions. Heating networks should also be omitted because the necessary damp-proofing could not be ensured at the entry and exit points that would have to be created for elements of high-speed networks.

Amendment 74

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation

Article 2 – paragraph 2 – point 1

Text proposed by the Commission

(1) ‘network operator’ means an electronic communications network provider as well as an undertaking providing a physical infrastructure intended to provide: a service of production, transport or distribution of gas, electricity, including public lighting, **heating, water, including disposal or treatment of waste water and sewage;** transport services, including railways, roads, ports and airports;

Amendment

(1) ‘network operator’ means an electronic communications network provider as well as an undertaking providing a physical infrastructure intended to provide: a service of production, transport or distribution of gas **or** electricity, including public lighting; **or** transport services, including railways, roads, ports and airports;

Or. de

Justification

For technical, legal and health-related reasons, not all physical infrastructures are suitable for inclusion here.

Amendment 75

Peter Simon

Proposal for a regulation

Article 2 – paragraph 2 – point 2

Text proposed by the Commission

(2) "physical infrastructure" means any element of a network which is not active such as pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, antenna installations, towers and poles and their associated facilities;

Amendment

(2) 'physical infrastructure' means any element of a network which is not active, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, antenna installations, towers and poles and their associated facilities, ***with the exception of pipes for the transportation of water (including for waste water and sewage treatment and disposal) and for heating;***

Or. de

Justification

Tampering with infrastructure for water transportation (including for waste water and sewage treatment and disposal) can potentially put public health at risk. These areas should therefore be omitted from the scope of the provisions. Heating networks should also be omitted because the necessary damp-proofing could not be ensured at the entry and exit points that would have to be created for elements of high-speed networks.

Amendment 76

Giles Chichester

Proposal for a regulation

Article 2 – paragraph 2 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) "utility operator" means an undertaking providing a physical

infrastructure intended to provide: a service of production, transport or distribution of electricity, including public lighting, heating, water, excluding drinking water but including disposal or treatment of waste water and sewage; transport services, including railways, roads, ports and airports;

Or. en

Justification

These amendments are intended to avoid an overlap between this regulation and the Framework and Authorisation Directives, and thereby prevent the creation of potentially conflicting legal rights and obligations (for/of both operators and NRAs). The amendments do not seek to carve out telecoms operators from the scope of Article 3, but simply to ensure that their rights and obligations as access providers remain clearly and unambiguously defined in European law. Importantly, this amendment preserves telecoms operators' rights to seek access to utility infrastructure for the purpose of broadband roll-out, and to raise disputes where such access is denied.

Amendment 77

Amelia Andersdotter

Proposal for a regulation

Article 2 – paragraph 2 – point 3

Text proposed by the Commission

(3) 'high-speed electronic communications network' means an electronic communication network which is capable of delivering broadband access services *at speeds of at least 30 Mbps*.

Amendment

(3) 'high-speed electronic communications network' means an electronic communication network which is capable of delivering broadband access services *of 100 Mbps and 1Gbps where possible and above*.

Or. en

Amendment 78

Gunnar Hökmark

Proposal for a regulation
Article 2 – paragraph 2 – point 3

Text proposed by the Commission

(3) ‘high-speed electronic communications network’ means an electronic communication network which is capable of delivering broadband access services ***at speeds of at least 30 Mbps.***

Amendment

(3) ‘high-speed electronic communications network’ means an electronic communication network which is capable of delivering broadband access services ***of 100 Mbps and 1Gbps where possible and above***

Or. en

Amendment 79
Marita Ulvskog

Proposal for a regulation
Article 2 – paragraph 2 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘open networks’ means networks where service providers and network owners are separated and where service providers have access to retail customers over the network on non-discriminatory terms.

Or. sv

Amendment 80
Edit Herczog

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Every network operator shall have the right to offer access to its physical infrastructure in view of deployment of elements of high-speed electronic communications networks.

1. Every network operator shall have the right to offer access to its physical infrastructure in view of deployment of elements of high-speed electronic communications networks, ***reciprocally,***

electronic communications network operators shall have the right to offer access to its physical infrastructure in view of deployment of other networks.

Or. en

Justification

The proposed regulation opens up various networks to electronic communications network provider, with the aim of facilitating the deployment of broadband communication networks. This amendment aims at introducing more reciprocity in the text, also giving the possible for other network operators to take advantage of the construction works started by a telecommunication operator. This amendment is in line with the recital 11, which reads “[...]this Regulation should be applicable not only to electronic communications network providers but to any owner or holder of rights to use extensive and ubiquitous physical infrastructures [...]”.

Amendment 81

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

(1) Every network operator shall have the right to offer access to its physical infrastructure in view of deployment of elements of high-speed electronic communications networks.

Amendment

(1) Every network operator shall have the right to offer access to its physical infrastructure in view of deployment of elements of high-speed electronic communications networks, ***provided that the deployment has the approval of the owners and the authorities responsible.***

Or. de

Justification

Not all networks are owned by their operators. Both parties should have the right to be consulted about any possible incorporation of communications networks.

Amendment 82

Silvia-Adriana Țicău

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Every network operator shall have the right to offer access to its physical infrastructure in view of deployment of elements of high-speed electronic communications networks.

Amendment

1. Every network operator shall have the right to offer access to its physical infrastructure in view of deployment of elements of high-speed electronic communications networks, ***while ensuring the safety and security of the network.***

Or. ro

Amendment 83
Edit Herczog

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, in view of deploying elements of high-speed electronic communications networks.

Amendment

2. Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, in view of deploying elements of high-speed electronic communications networks. ***The obligation of network operators to meet all reasonable access requests under fair terms and conditions should be without prejudice to their obligation to respect the Union rules on state aid in case of government funded or guaranteed investment in infrastructure.***

Or. en

Justification

Access seekers who wish to deploy electronic communications networks shall not be allowed to benefit from any form of state support which was intended for a different purpose. This would be unfair, a misuse of State resources and contrary to EU state aid rules since companies with state support have the legal constraint under state aid rules not to cross-subsidise third party activity.

Amendment 84

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

(2) Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall have the obligation to ***meet all*** reasonable requests for access to its physical infrastructure ***under fair terms and conditions, including price***, in view of deploying elements of high-speed electronic communications networks.

Amendment

(2) Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall have the obligation to ***consider*** reasonable requests for access to its physical infrastructure in view of deploying elements of high-speed electronic communications networks, ***and should propose terms for the shared use of its physical infrastructure.***

Or. de

Justification

Imposing an obligation to meet all reasonable requests would constitute an unjustifiable encroachment on the rights of the infrastructure owner.

Amendment 85

Kathleen Van Brempt

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. Upon specific written request of an undertaking authorised to provide

Amendment

2. Upon specific written request of an undertaking authorised to provide

electronic communications networks, any network operator shall have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, in view of deploying elements of high-speed electronic communications networks.

electronic communications networks, any network operator shall have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, ***and on condition that no problems can arise in connection with the security and safety of the network,*** in view of deploying elements of high-speed electronic communications networks.

Or. nl

Amendment 86
Silvia-Adriana Țicău

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, in view of deploying elements of high-speed electronic communications networks.

Amendment

2. Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall, ***subject to the availability of network capacity,*** have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, in view of deploying elements of high-speed electronic communications networks.

Or. ro

Amendment 87
Giles Chichester

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. Upon specific written request of an

Amendment

2. Upon specific written request of an

undertaking authorised to provide electronic communications networks, any **network** operator shall have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, in view of deploying elements of high-speed electronic communications networks.

undertaking authorised to provide electronic communications networks, any **utility** operator shall have the obligation to meet all reasonable requests for access to its physical infrastructure under fair terms and conditions, including price, in view of deploying elements of high-speed electronic communications networks.

Or. en

Justification

This amendment ensures that Article 3 is focused on the provision of access to utility network infrastructure. Access to telecoms infrastructure is already governed under the Electronic Communications Framework Directive 2009/140/EC

Amendment 88 **Gunnar Hökmark**

Proposal for a regulation **Article 3 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2 a. This provision is without prejudice to landowners and private property owners right to decide how to administer and manage assets

Or. en

Amendment 89 **Judith A. Merkies**

Proposal for a regulation **Article 3 – paragraph 3 – subparagraph 1 – introductory part**

Text proposed by the Commission

Amendment

Every refusal of access shall be based on objective criteria, ***which may relate in particular to:***

3. Every refusal of access shall be based on objective criteria, such as

Amendment 90
Giles Chichester

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) safety and public health concerns;

Or. en

Justification

E.g. Gas and drinking water infrastructure are unsuitable as regards safety and public health.

Amendment 91
Giles Chichester

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the security of critical national infrastructure;

Or. en

Justification

E.g. airports or railways.

Amendment 92
Silvia-Adriana Țicău

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) availability of **space** to host the elements referred to in point (a);

(b) availability of **network capacity** to host the elements referred to in point (a);

Or. ro

Amendment 93

Edit Herczog

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) availability of space to host the elements referred to in point (a);

(b) **current and future** availability of space to host the elements referred to in point (a);

Or. en

Justification

When considering the availability of space to host elements of electronic communication networks, network operators should be allowed to take their own future needs into consideration.

Amendment 94

Edit Herczog

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) integrity and security of any network already deployed;

(c) integrity, **safety** and security of any network already deployed;

Or. en

Amendment 95
Norbert Glante, Peter Simon

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

(d) the risk of **serious** interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure;

Amendment

(d) the risk of **clear** interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure;

Or. de

Justification

The existing wording is too vague.

Amendment 96
Edit Herczog

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1 – point e

Text proposed by the Commission

(e) the availability of alternative means of wholesale physical network infrastructure access provided by the network operator and suitable for the provision of high-speed electronic communications networks.

Amendment

(e) the availability **or planned availability under published deployment plans** of alternative means of wholesale physical network infrastructure access provided by the network operator and suitable for the provision of high-speed electronic communications networks.

Or. en

Justification

The text should also take into account the planned availability as long as this is built within a reasonable period of time.

Amendment 97
Giles Chichester

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the availability of alternative means of wholesale physical network infrastructure access provided by the **network** operator and suitable for the provision of high-speed electronic communications networks.

(e) the availability of alternative means of wholesale physical network infrastructure access provided by the **utility** operator and suitable for the provision of high-speed electronic communications networks.

Or. en

Justification

This amendment ensures that Article 3 is focused on the provision of access to utility network infrastructure. Access to telecoms infrastructure is already governed under the Electronic Communications Framework Directive 2009/140/EC.

Amendment 98
Edit Herczog

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the high risk for the physical safety of workers accessing infrastructures other than those they were originally trained to operate with;

Or. en

Justification

Access by workers unfamiliar with electricity safety procedures to the components and installations of electricity distribution networks will increase the risk of incidents and accidents. Working on electricity networks requires specific training, skills, rules, codes, health requirements as well as the need to adhere to strict safety and environmental standards. For some specific installations, network operators may consider that allowing a third-party to work on their network is too dangerous.

Amendment 99
Edit Herczog

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) the proportional usage of the available space, so that a network operator that owns the physical infrastructure could reserve space for its own future investments.

Or. en

Amendment 100
Edit Herczog

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) the planned availability of alternative means of wholesale physical network infrastructure access, in the case national plans for the deployment of European Rail Traffic Management System exist.

Or. en

Justification

The existence of national plans for the roll-out of a European Rail Traffic Management System in the railway sector needs to be taken into account in the draft proposal.

Amendment 101
Edit Herczog

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point e d (new)

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Text proposed by the Commission

Amendment

(ed) conditions whereby granting access to underground transport systems could result in disruption to long term investment and upgrades and/or result in travel disruption with a disproportionate economic impact.

Or. en

Justification

It is important that cities with underground transport systems have a clear right on deciding whether access is feasible or not. The wording in article 3 should include a provision which allows infrastructures which are so central to everyday life in cities to refuse access if such access could result in disruption and negative economic impacts.

Amendment 102

Edit Herczog

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 – point e e (new)

Text proposed by the Commission

Amendment

(ee) exclusive contractual arrangements between network operators and their customers exist;

Or. en

Justification

Contractual arrangements between a network operator and their customers should be added, if they have been concluded for reasons of exclusivity. For example, data processing centres frequently request exclusivity for security reasons.

Amendment 103

Werner Langen, Herbert Reul

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The network operator shall state the reasons for any refusal within **one month** from the written request for access.

Amendment

The network operator shall state the reasons for any refusal within **six months** from the written request for access.

Or. de

Amendment 104

Judith A. Merkies

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The network operator shall state the reasons for any refusal within **one month** from the written request for access.

Amendment

The network operator shall state the reasons for any refusal within **three months** from the written request for access.

Or. en

Amendment 105

Giles Chichester

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The **network** operator shall state the reasons for any refusal within one month from the written request for access.

Amendment

The **utility** operator shall state the reasons for any refusal within one month from the written request for access.

Or. en

Justification

This amendment ensures that Article 3 is focused on the provision of access to utility network infrastructure. Access to telecoms infrastructure is already governed under the Electronic

Amendment 106
Edit Herczog

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. The national dispute settlement body referred to in paragraph 4 shall, taking full account of the principle of proportionality, issue a binding decision to resolve the dispute initiated pursuant to paragraph 4, including the determination of fair terms, conditions and prices where appropriate, within the shortest possible time frame and in any case within four months, without prejudice to the possibility of any party to refer the case to a court. Any price set by the dispute settlement body shall take into account the impact of the requested access on the business plan underpinning the investments made by the network operator to whom access is requested, in particular in case of recently built physical infrastructures used for the provision of high-speed electronic communications services.

Amendment

5. The national dispute settlement body referred to in paragraph 4 shall, taking full account of the principle of proportionality, issue a binding decision to resolve the dispute initiated pursuant to paragraph 4, including the determination of fair terms, conditions and prices where appropriate, within the shortest possible time frame and in any case within four months, without prejudice to the possibility of any party to refer the case to a court. Any price set by the dispute settlement body, ***state aid law, national infrastructure output statement, member state infrastructure funding agreement and PSO contract*** shall take into account the impact of the requested access on the business plan underpinning the investments made by the network operator to whom access is requested, in particular in case of recently built physical infrastructures used for the provision of high-speed electronic communications services. ***The national settlement body in its decisions shall also take into account the economic viability of these investments based on any time schedule for the return on investment, any impact of access on capacity and performance, any impact of access on downstream competition, any depreciation of the network assets at the time of the access request, and any possibility offered to the access seeker to codeploy.***

Or. en

Justification

The proposal is aimed to reflect the text mentioned in recital 16: the dispute settlement body in its decisions needs to take into account the different aspects which may have an impact on the determination of fair terms, conditions and prices.

Amendment 107

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

(5) The national dispute settlement body referred to in paragraph 4 shall, taking full account of the principle of proportionality, issue a ***binding*** decision to resolve the dispute initiated pursuant to paragraph 4, including ***the determination of fair*** terms, conditions and prices where appropriate, within the shortest possible time frame and in any case within four months, without prejudice to the possibility of any party to refer the case to a court. Any price set by the dispute settlement body shall take into account the impact of the requested access on the business plan underpinning the investments made by the network operator to whom access is requested, in particular in case of recently built physical infrastructures used for the provision of high-speed electronic communications services.

Amendment

(5) The national dispute settlement body referred to in paragraph 4 shall, taking full account of the principle of proportionality, issue a decision to resolve the dispute initiated pursuant to paragraph 4, including ***a recommendation on*** terms, conditions and prices where appropriate, within the shortest possible time frame and in any case within four months, without prejudice to the possibility of any party to refer the case to a court. Any price set by the dispute settlement body shall take into account the impact of the requested access on the business plan underpinning the investments made by the network operator to whom access is requested, in particular in case of recently built physical infrastructures used for the provision of high-speed electronic communications services.

Or. de

Amendment 108

Giles Chichester

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

5. The national dispute settlement body referred to in paragraph 4 shall, taking full account of the principle of proportionality, issue a binding decision to resolve the dispute initiated pursuant to paragraph 4, including the determination of fair terms, conditions and prices where appropriate, within the shortest possible time frame and in any case within four months, without prejudice to the possibility of any party to refer the case to a court. Any price set by the dispute settlement body shall take into account the impact of the requested access on the business plan underpinning the investments made by the **network** operator to whom access is requested, in particular in case of recently built physical infrastructures used for the provision of high-speed electronic communications services.

Amendment

5. The national dispute settlement body referred to in paragraph 4 shall, taking full account of the principle of proportionality, issue a binding decision to resolve the dispute initiated pursuant to paragraph 4, including the determination of fair terms, conditions and prices where appropriate, within the shortest possible time frame and in any case within four months, without prejudice to the possibility of any party to refer the case to a court. Any price set by the dispute settlement body shall take into account the impact of the requested access on the business plan underpinning the investments made by the **utility** operator to whom access is requested, in particular in case of recently built physical infrastructures used for the provision of high-speed electronic communications services.

Or. en

Justification

This amendment ensures that Article 3 is focused on the provision of access to utility network infrastructure. Access to telecoms infrastructure is already governed under the Electronic Communications Framework Directive 2009/140/EC.

Amendment 109

Kathleen Van Brempt

Proposal for a regulation

Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. If tasks have to be carried out which are connected with the shared use of the infrastructure, this may only be done by the network operator or by a party to whom the network operator has

contracted the task out.

Or. nl

Amendment 110
Norbert Glante, Peter Simon

Proposal for a regulation
Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Measures relating to the shared use of the infrastructure may be implemented only by or on behalf of the relevant network operator.

Or. de

Justification

This is the only means of ensuring that an operator can guarantee the network is functional.

Amendment 111
Judith A. Merkies

Proposal for a regulation
Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Article 3 (2) to 3 (5) do not apply to sewage pipes that are non-inspectable by humans.

Or. en

Amendment 112
Amelia Andersdotter

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Amendment

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon ***the justified request in view of developing better future telecommunication services***, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Or. en

Amendment 113

Edit Herczog

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Amendment

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator ***provided this does not affect the safety, integrity and security of the network***:

Or. en

Justification

Safety and security should be taken into account when providing information via the single information point. The word safety should be added.

Amendment 114
Silvia-Adriana Țicău

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Amendment

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks ***and producing a plan for the deployment of high-speed communications networks*** shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Or. ro

Amendment 115
Kathleen Van Brempt

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Amendment

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator, ***provided that it is available in digital format:***

Or. nl

Amendment 116
Gunnar Hökmark

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Amendment

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request **for each geographical area**, via a single information point, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Or. en

Amendment 117
Giles Chichester

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, **via a single information point**, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Amendment

In order to request access to physical infrastructure in accordance with Article 3, every undertaking authorised to provide electronic communications networks shall have the right to access, upon request, the following set of minimum information concerning the existing physical infrastructure of any network operator:

Or. en

Justification

A single information point will add unnecessary costs and bureaucracy and would duplicate existing systems that are well established at a local level.

Amendment 118
Norbert Glante

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *size*, type and current use of the infrastructure;

(b) type and current use of the infrastructure;

Or. de

Justification

For a co-user of the network for purposes of broadband deployment this information is irrelevant and it should not have to be disclosed.

Amendment 119
Kathleen Van Brempt

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks.

The request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks, *and the undertaking shall therefore gain access only to the data of that specific geographical area.*

Or. nl

Amendment 120
Silvia-Adriana Țicău

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The undertaking requesting access shall specify the area concerned ***in view of deploying*** elements of high-speed electronic communications networks.

Amendment

The undertaking requesting access shall specify the area concerned ***by the deployment of*** elements of high-speed electronic communications networks.

Or. ro

Amendment 121
Silvia-Adriana Țicău

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The undertaking requesting access shall be obliged to keep confidential any information obtained under this Regulation.

Or. ro

Amendment 122
Edit Herczog

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Access to the minimum information for the specified area shall be granted forthwith in electronic form under proportionate, non-discriminatory and transparent terms. Access to the minimum information may be limited by the single information point only when considered necessary in view of the security of the networks and their integrity or operating and business secrets.

Access to the minimum information for the specified area shall be granted forthwith in electronic form under proportionate, non-discriminatory and transparent terms. Access to the minimum information may be limited by the single information point only when considered necessary in view of the security of the networks and their integrity or operating and business secrets. ***In view of safeguarding national security and the security and the integrity of***

certain elements of, and or areas on a network, Member States may decide to exempt certain areas from the obligation to grant the set of minimum information in electronic form. In these cases the access to minimum information may be limited to an examination in the offices of the network operator. Any such measure shall be notified to the Commission.

Or. en

Justification

For reasons of high economical and or societal importance, certain parts of the physical infrastructure of a network can be identified as critical infrastructures for a Member State. From this importance accorded to these infrastructures, results their relative attractiveness for acts of terror or sabotage. By creating the possibility for these critical parts of a network to exclude them from the obligation of giving access to the minimum information in electronic form, and limiting it to an examination of the minimum information in the offices of the network operator, the risk of an unwanted diffusion of the document will be reduced tangibly.

Amendment 123

Gaston Franco

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Access to the minimum information for the specified area shall be granted forthwith in electronic form under proportionate, non-discriminatory and transparent terms.
Access to the minimum information may be limited by the single information point only when considered necessary in view of the security of the networks and their integrity or operating and business secrets.

Amendment

Access to the minimum information for the specified area shall be granted in electronic form under proportionate, non-discriminatory and transparent terms, *with a guarantee of confidentiality and the use being strictly limited to the purpose of the communication. The network operator concerned shall be informed of such communication.*

Or. fr

Justification

Data extraction for the area in question requires computer work, so information access cannot be granted 'forthwith'.

Amendment 124 **Gunnar Hökmark**

Proposal for a regulation **Article 4 – paragraph 1 – subparagraph 3**

Text proposed by the Commission

Access to the minimum information for the specified area shall be granted forthwith in electronic form under proportionate, non-discriminatory and transparent terms. Access to the minimum information may be limited by the single information point ***only*** when considered necessary in view of the security of the networks and their integrity or operating and business secrets.

Amendment

Access to the minimum information for the specified area shall be granted forthwith in electronic form under proportionate, non-discriminatory and transparent terms. Access to the minimum information may be limited by the single information point when considered necessary in view of the security of the networks and their integrity or operating and business secrets ***and when considered necessary in view of protecting fundamental public and individual interests according to national law.***

Or. en

Amendment 125 **Amelia Andersdotter**

Proposal for a regulation **Article 4 – paragraph 1 – subparagraph 3**

Text proposed by the Commission

Access to the minimum information for the specified area shall be granted forthwith in electronic form under proportionate, non-discriminatory and transparent terms. Access to the minimum information may be limited by the single information point ***only*** when considered necessary in view of the security of the

Amendment

Access to the minimum information for the specified area shall be granted forthwith in electronic form under proportionate, non-discriminatory and ***fully*** transparent terms. Access to the minimum information may be limited by the single information point ***only*** when considered necessary in view of the security of the networks and their

networks and their integrity or operating and business secrets.

integrity or operating and business secrets.

Or. en

Amendment 126

Gaston Franco

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 4

Text proposed by the Commission

The single information point shall ensure that access to the minimum information pursuant to this paragraph is available by [Publications Office: please insert the exact date: entry into force of this Regulation + 12 months] at the latest.

Amendment

The single information point shall ensure that access to the minimum information pursuant to this paragraph is available by [Publications Office: please insert the exact date: entry into force of this Regulation + 12 months] at the latest. ***The information, and any new minimum information, shall be made available and updated in accordance with procedures which guarantee its confidentiality and that its use is strictly limited to the purpose of the communication.***

Or. fr

Justification

To ensure, on a long-term basis, the quality of the available data on the area in question, it is vital that this is done with the signing of a confidentiality agreement, so that incorrect or outdated information does not continue to circulate.

Amendment 127

Gunnar Hökmark

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

If existing infrastructure is not considered technically suitable to deploy high-speed

electronic communications networks, Member States may provide exemptions from obligations provided for in paragraph 1. Such measure shall be notified to the Commission and duly motivated with all interested parties given the opportunity to comment on the draft measure.

Or. en

Amendment 128

Gaston Franco

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. Every public sector body holding in electronic format the minimum information referred to in paragraph 1 concerning the physical infrastructure of a network operator by reason of its tasks shall make it available to the single information point by electronic means before [Publications Office: please insert the exact date: entry into force of this Regulation + 6 months]. Any update to this information and any new minimum information referred to in paragraph 1 received by the public sector body shall be made available to the single information point within one month from the receipt.

Amendment

2. *Without prejudice to the provisions of Article 9(3) hereof*, every public sector body holding in electronic format the minimum information referred to in paragraph 1 concerning the physical infrastructure of a network operator by reason of its tasks shall make it available to the single information point by electronic means before [Publications Office: please insert the exact date: entry into force of this Regulation + 6 months]. Any update to this information and any new minimum information referred to in paragraph 1 received by the public sector body shall be made available to the single information point within one month from the receipt. ***The information, and any new minimum information, shall be made available and updated in accordance with procedures which guarantee its confidentiality and that its use is strictly limited to the purpose of the communication. The network operator concerned shall be kept informed of such communication.***

Or. fr

Justification

In certain cases the public sector body itself plays the role of single information point and so the phase provided for in Article 4(2) is no longer applicable. To ensure, on a long-term basis, the quality of the available data on the area in question, any transmission or updating of dated must be done on the basis of a signed confidentiality agreement, so that incorrect or outdated information does not continue to circulate.

Amendment 129 **Giles Chichester**

Proposal for a regulation **Article 4 – paragraph 2**

Text proposed by the Commission

2. Every public sector body holding in electronic format the minimum information referred to in paragraph 1 concerning the physical infrastructure of a network operator by reason of its tasks shall make it available to the single information point by electronic means before [Publications Office: please insert the exact date: entry into force of this Regulation + 6 months]. Any update to this information and any new minimum information referred to in paragraph 1 received by the public sector body shall be made available *to the single information point* within one month from the receipt.

Amendment

2. Every public sector body holding in electronic format the minimum information referred to in paragraph 1 concerning the physical infrastructure of a network operator by reason of its tasks shall make it available to the single information point by electronic means before [Publications Office: please insert the exact date: entry into force of this Regulation + 6 months]. Any update to this information and any new minimum information referred to in paragraph 1 received by the public sector body shall be made available within one month from the receipt.

Or. en

Justification

A single information point will add unnecessary costs and bureaucracy and would duplicate existing systems that are well established at a local level.

Amendment 130 **Gaston Franco**

Proposal for a regulation **Article 4 – paragraph 3**

Text proposed by the Commission

3. Where the minimum information referred to in paragraph 1 is not held by public sector bodies in accordance with paragraph 2, any network operator shall make available upon specific request of the single information point the minimum information referred to in paragraph 1 on its physical infrastructure in electronic format within one month from the request. The network operator shall make available to the single information point any update of the minimum information provided within one **month** from the actual modification of the physical network which changes that minimum information.

Amendment

3. Where the minimum information referred to in paragraph 1 is not held by public sector bodies in accordance with paragraph 2, any network operator shall make available upon specific **written** request of the single information point **for an area concerned by a possible high-speed deployment by an undertaking authorised to provide electronic communications networks** the minimum information referred to in paragraph 1 on its physical infrastructure in electronic format within one month from the request. The network operator shall make available to the single information point any update of the minimum information provided within one **year** from the actual modification of the physical network which changes that minimum information. **The procedures for making available or updating the information shall ensure that the network operator does not bear the costs associated with these operations.**

Or. fr

Justification

Depending on the size of the network operator, the number of items of information, if it is not limited to one potential high-speed deployment area, can be considerable and extracting that information and putting it into the right form could generate disproportionate costs. Extracting data and putting it into the correct form for the area in question requires computer work, so it should not be required 'within one month'. A time limit of one year is more realistic.

Amendment 131

Lena Kolarska-Bobińska

Proposal for a regulation

Article 4 – paragraph 3 a (new)

3a. Subject to limitations in view of the physical security of the networks or operating and business secrets, the single information point may offer private individuals access to the minimum information for a specified area upon request or via its website. While the single information point may give access with or without administrative fee to individuals, this information shall be free-of-charge for a property or land owner of a location requested or property owners adjacent to the specified area.

Or. en

Justification

Information on the location of networks has a direct effect on property values. Housing prices, or the choice to build new housing, maybe effect by the ease of access to high speed networks and if they are located on or near a property. Such information might also prevent accidental cutting of lines when digging. Therefore this information, at least in limited form, should be available for property owners.

Amendment 132

Gaston Franco

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

4. Where minimum information referred to in paragraph 1 is not available via the single information point, network operators shall provide access to such information upon specific written request of an undertaking authorised to provide electronic communications networks. The request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks.

Amendment

4. Where minimum information referred to in paragraph 1 is not available via the single information point, network operators shall provide access to such information upon specific written request of an undertaking authorised to provide electronic communications networks. The request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks.

Access to information shall be granted within one month from the written request under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1.

Access to information shall be granted within one month from the written request under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1. ***The procedures for making the information available shall ensure that the network operator does not bear the costs associated with this operation.***

Or. fr

Amendment 133
Kathleen Van Brempt

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Where minimum information referred to in paragraph 1 is not available via the single information point, network operators shall provide access to such information upon specific written request of an undertaking authorised to provide electronic communications networks. The request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks. Access to information shall be granted within one month from the written request under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1.

Amendment

4. Where minimum information referred to in paragraph 1 is not available via the single information point, network operators shall provide access to such information upon specific written request, ***approved by the official regulator of the Member State,*** of an undertaking authorised to provide electronic communications networks. ***The undertaking requesting access shall bear all costs of the request, and*** the request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks. Access to information shall be granted within one month from the written request under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1.

Or. nl

Amendment 134
Werner Langen, Herbert Reul

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

(4) Where minimum information referred to in paragraph 1 is not available via the single information point, network operators shall provide access to such information upon specific written request of an undertaking authorised to provide electronic communications networks. The request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks. Access to information shall be granted within **one month** from the written request under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1.

Amendment

(4) Where minimum information referred to in paragraph 1 is not available via the single information point, network operators shall provide access to such information upon specific written request of an undertaking authorised to provide electronic communications networks. The request shall specify the area concerned in view of deploying elements of high-speed electronic communications networks. Access to information shall be granted within **six months** from the written request under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1.

Or. de

Amendment 135
Kathleen Van Brempt

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

5. Upon specific written request of an undertaking authorised to provide electronic communications networks, network operators shall meet reasonable requests for in-site surveys of specific elements of their physical infrastructure. The request shall specify the elements of the network concerned in view of deploying elements of high-speed electronic communications networks. In-site surveys of the specified network elements shall be granted under proportionate, non-discriminatory and transparent terms within one month from the written request, without prejudice to

Amendment

5. Upon specific written request, **approved by the official regulator of the Member State**, of an undertaking authorised to provide electronic communications networks, network operators shall meet reasonable requests for in-site surveys of specific elements of their physical infrastructure. The request shall specify the elements of the network concerned in view of deploying elements of high-speed electronic communications networks. **The requester shall bear all costs relating to the request.** In-site surveys of the specified network elements shall be granted under proportionate, non-discriminatory and

limitations pursuant to paragraph 1.

transparent terms within one month from the written request, without prejudice to limitations pursuant to paragraph 1.

Or. nl

Amendment 136

Norbert Glante, Peter Simon

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

(5) Upon specific written request of an undertaking authorised to provide electronic communications networks, network operators shall meet reasonable requests for in-site surveys of specific elements of their physical infrastructure. The request shall specify the elements of the network concerned in view of deploying elements of high-speed electronic communications networks. In-site surveys of the specified network elements shall be granted under proportionate, non-discriminatory and transparent terms within one month from the written request, without prejudice to limitations pursuant to paragraph 1.

Amendment

(5) Upon specific written request of an undertaking authorised to provide electronic communications networks, network operators shall meet reasonable requests for in-site surveys of specific elements of their physical infrastructure. The request shall specify the elements of the network concerned in view of deploying elements of high-speed electronic communications networks. In-site surveys of the specified network elements shall be granted under proportionate, non-discriminatory and transparent terms within one month from the written request, without prejudice to limitations pursuant to paragraph 1. ***The party making the request shall bear all costs entailed in organising and carrying out the in-site survey.***

Or. de

Justification

The cost of infrastructure surveys can be very high and should not be offloaded onto the network owners.

Amendment 137

Werner Langen, Herbert Reul, Angelika Niebler

Proposal for a regulation
Article 4 – paragraph 6

Text proposed by the Commission

Amendment

(6) Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall make available the following set of minimum information concerning on-going or planned civil works related to its physical infrastructure for which a permit has been granted, a permit granting procedure is pending or first submission to the competent authorities for permit granting is envisaged in the following six months:

(a) the location and the type of works;

(b) the network elements involved;

(c) the estimated date for starting the works and their duration;

(d) a contact point.

The request of an undertaking authorised to provide electronic communications networks shall specify the area concerned in view of deploying elements of high-speed electronic communications networks. Within two weeks from the written request, network operators shall provide the requested information under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1.

Or. de

Justification

There are already comprehensive rules at Member State level on the granting of permits.

Amendment 138
Silvia-Adriana Țicău

Proposal for a regulation

Article 4 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission

Upon specific written request of an undertaking authorised to provide electronic communications networks, any network operator shall make available the following set of minimum information concerning on-going or planned civil works related to its physical infrastructure for which a permit has been granted, a permit granting procedure is pending or first submission to the competent authorities for permit granting is envisaged in the following six months:

Amendment

Any undertaking authorised to provide electronic communications networks ***and producing a plan for the deployment of high-speed*** electronic ***communications networks may, on the basis of a written request and deployment plan*** ask any network operator ***to*** make available the following set of minimum information concerning on-going or planned civil works related to its physical infrastructure for which a permit has been granted, a permit granting procedure is pending or first submission to the competent authorities for permit granting is envisaged in the following six months:

Or. ro

Amendment 139

Gaston Franco

Proposal for a regulation

Article 4 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The request of an undertaking authorised to provide electronic communications networks shall specify the area concerned in view of deploying elements of high-speed electronic communications networks. Within ***two weeks*** from the written request, network operators shall provide the requested information under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1.

Amendment

The request of an undertaking authorised to provide electronic communications networks shall specify the area concerned in view of deploying elements of high-speed electronic communications networks. Within ***one month*** from the written request, network operators shall provide the requested information under proportionate, non-discriminatory and transparent terms, without prejudice to limitations pursuant to paragraph 1. ***The undertaking authorised to provide electronic communications networks shall inform the network operator as soon as possible of its wish to deploy a high-speed electronic communications network in the***

area in question, and, in any case, within six weeks of receiving the information requested.

Or. fr

Justification

Extracting data and putting it into the correct form for the area in question requires computer work. A deadline of one month is proportionate to the aim pursued because it allows the undertaking to consider its interest in a possible deployment of an electronic communications network while also protecting the interests of the network operator, which is subject to its own constraints over carrying out the work.

Amendment 140 **Giles Chichester**

Proposal for a regulation **Article 4 – paragraph 10**

Text proposed by the Commission

10. Member States may provide for exemptions from the obligations provided for in paragraphs 1 to 5 in the case of **existing** physical infrastructures considered not technically suitable to deploy high-speed electronic communications networks. Such measures shall be duly motivated in this regard. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission.

Amendment

10. Member States may provide for exemptions from the obligations provided for in paragraphs 1 to 6 **when the information relates to critical national infrastructure where making it available could easily highlight vulnerabilities or** in the case of physical infrastructures considered not technically suitable to deploy high-speed electronic communications networks. Such measures shall be duly motivated in this regard. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission.

Or. en

Justification

E.g. Wider access to information on cable locations would be detrimental to ongoing work to

combat copper theft.

Amendment 141

Edit Herczog

Proposal for a regulation

Article 4 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. In all the cases listed in paragraphs 1, 2, 3 4, 5 and 6, the undertaking requesting access to information should limit the number of persons having access to such data, guarantee the confidentiality of the data, and should not distribute it to any third-party.

Or. en

Justification

Providing data on critical infrastructure, like electricity networks, should be subject to a strict control. The information provided to an electronic communications networks operator should be confidential, not transferable to any third-party and only used to better plan and coordinate civil works.

Amendment 142

Gaston Franco

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Every network operator shall have the right to negotiate agreements concerning coordination of civil works with undertakings authorised to provide electronic communications networks in view of deploying elements of high-speed electronic communications networks.

1. Every network operator shall have the right to negotiate agreements concerning coordination of civil works with undertakings authorised to provide electronic communications networks in view of deploying elements of high-speed electronic communications networks.
These agreements shall explicitly refer to the conditions for the assumption of

***additional costs by undertakings
authorised to provide electronic
communications networks.***

Or. fr

Justification

The financial terms are part of the agreements as regards the coordination of engineering works, along with the technical and legal terms.

Amendment 143

Edit Herczog

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. Every network operator shall have the right to negotiate agreements concerning coordination of civil works with undertakings authorised to provide electronic communications networks in view of deploying elements of high-speed electronic communications networks.

Amendment

1. Every network operator shall have the right to negotiate agreements concerning coordination of civil works with undertakings authorised to provide electronic communications networks in view of deploying elements of high-speed electronic communications networks, ***as well as, developing its own networks.***

Or. en

Justification

Even if the aim of the regulation is to speed up the deployment of broadband networks, the text should aim at more reciprocity. Network operators should, therefore, also have the possibility to take advantage of the civil works planned by undertakings providing electronic communications networks.

Amendment 144

Kathleen Van Brempt

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Every undertaking performing civil works fully or partially financed by public means shall meet any reasonable request from undertakings authorised to provide electronic communications networks in view of deploying elements of high-speed electronic communications networks for civil works coordination agreement on transparent and non-discriminatory terms, provided that this does not entail any additional costs for the initially envisaged civil works and that the request to coordinate is filed as soon as possible and in any case at least one month before the submission of the final project to the competent authorities for permit granting.

Amendment

2. Every undertaking performing civil works fully or partially financed by public means shall meet any reasonable request from undertakings authorised to provide electronic communications networks in view of deploying elements of high-speed electronic communications networks for civil works coordination agreement on transparent and non-discriminatory terms, provided that this does not entail any additional costs for the initially envisaged civil works and that the request to coordinate is filed as soon as possible and in any case at least one month before the submission of the final project to the competent authorities for permit granting.
Undertakings authorised to provide electronic communication networks shall adequately contribute towards covering the costs of the work. If additional costs arise, they too shall be borne by the undertaking which has made the request.

Or. nl

Amendment 145
Giles Chichester

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. Every undertaking performing civil works fully or partially financed by public means shall ***meet any reasonable request from*** undertakings authorised to provide electronic communications networks ***in view of deploying elements of high-speed electronic communications networks for civil works coordination agreement*** on transparent and non-discriminatory terms, ***provided that this does not*** entail any additional costs for the initially envisaged

Amendment

2. Every undertaking performing civil works fully or partially financed by public means shall ***ensure coordination across utilities, including*** undertakings authorised to provide electronic communications networks. ***Any coordination agreement shall be based*** on transparent and non-discriminatory terms, ***and*** not entail any additional costs for the initially envisaged civil works.

civil works *and that the request to coordinate is filed as soon as possible and in any case at least one month before the submission of the final project to the competent authorities for permit granting.*

Or. en

Amendment 146
Lena Kolarska-Bobińska

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Every attempt shall be made by undertakings performing civil works and undertakings authorised to provide electronic communications networks to coordinate civil works with those of energy distribution system operators in order to minimise the works needed and to install, maintain or upgrade ICT and energy infrastructures concurrently.

Or. en

Amendment 147
Giles Chichester

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Every undertaking authorised to provide electronic communications networks shall have the right to access ***by electronic means via a single information point, upon request,*** any information concerning the conditions and procedures applicable for granting permits for civil works needed in view of deploying elements of high-

1. Every undertaking authorised to provide electronic communications networks shall have the right to access any information concerning the conditions and procedures applicable for granting permits for civil works needed in view of deploying elements of high-speed electronic communications networks, including any

speed electronic communications networks, including any exemptions applicable to such elements as regards some or all permits required under national law.

exemptions applicable to such elements as regards some or all permits required under national law.

Or. en

Justification

A single information point will add unnecessary costs and bureaucracy and would duplicate existing systems that are well established at a local level.

Amendment 148 Giles Chichester

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. Every undertaking authorised to provide electronic communications networks shall have the right to submit, ***by electronic means via the single*** information point, ***applications*** for permits required for civil works needed in view of deploying elements of high-speed electronic communications networks. ***The single*** information point shall facilitate and coordinate the permit granting process. In particular it shall ensure that the applications are forwarded to any competent authorities involved in granting the permits applicable to the civil works at stake as well as monitor compliance with the deadlines applicable in accordance with paragraph 3.

Amendment

2. Every undertaking authorised to provide electronic communications networks shall have the right to submit ***applications via an*** information point for permits required for civil works needed in view of deploying elements of high-speed electronic communications networks. ***An*** information point ***designated by a Member State or local authority*** shall facilitate and coordinate the permit granting process. In particular it shall ensure that the applications are forwarded to any competent authorities involved in granting the permits applicable to the civil works at stake as well as monitor compliance with the deadlines applicable in accordance with paragraph 3.

Or. en

Justification

A national body to handle applications for street works and permits and planning

applications would duplicate many existing systems in Member States that are well established within local and regional governments.

Amendment 149
Gunnar Hökmark

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. The competent authorities shall grant or refuse permits within six months from receiving a request, without prejudice to other specific deadlines or obligations laid down for the proper conduct of the procedure which are applicable to the permit granting procedure in accordance with national or Union law. Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.

Amendment

3. The competent authorities shall grant or refuse permits within six months from receiving a request ***provided that all interested parties have been heard and that that legal security can be guaranteed,*** without prejudice to other specific deadlines or obligations laid down for the proper conduct of the procedure which are applicable to the permit granting procedure in accordance with national or Union law. Any refusal shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.

Or. en

Amendment 150
Giles Chichester

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be ***equipped with*** a high-speed-ready in-building physical infrastructure, up to the network

Amendment

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be ***assessed as regards the cost effectiveness of equipping them with*** high-speed-ready in-building

termination points. The same obligation applies in the event of major renovation works for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

physical infrastructure, up to the network termination points. The same obligation applies in the event of major renovation works for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. en

Justification

The market is already delivering in this area and an obligation to equip new buildings, as well buildings undergoing renovation work, with next generation networks would add significant costs to the building sector during these difficult economic times and disincentivise investment.

Amendment 151 **Amelia Andersdotter**

Proposal for a regulation **Article 7 – paragraph 1**

Text proposed by the Commission

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points. The same obligation applies in the event of major renovation works for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Amendment

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted **six months** after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points. The same obligation applies in the event of major renovation works for which applications for building permits have been submitted **six months** after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. en

Justification

All imposition of new obligations upon developers have the direct consequence on the technical plans. Given the fact that the documentation, including the technical plans, must be submitted in advance of the formal application for the building permit, this could lead to issues in implementing the proposal. A transitional period of six months will allow those provisions to be taken into account in the planning of future projects and allow a time for modifications of projects being in the last stage before asking for permits..

Amendment 152

Edit Herczog

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points. The same obligation applies in the event of major renovation works for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Amendment

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a ***technology neutral***, high-speed-ready in-building physical infrastructure, up to the network termination points. The same obligation applies in the event of major renovation works for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. en

Amendment 153

Gunnar Hökmark

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], **shall** be equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points. The same **obligation** applies in the event of major renovation works for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Amendment

1. All newly constructed buildings at the end-user's location, including elements under joint ownership, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], **may** be equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points. The same **possibility** applies in the event of major renovation works for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. en

Amendment 154
Pilar del Castillo Vera

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the **high-speed-ready** in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications

Amendment

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], **including social housing**, shall be equipped with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the **highspeed-ready** in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits

Office: please insert the exact date of the entry into force of this Regulation].

have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation]. ***This obligation also applies to all newly constructed buildings of public institutions containing significant collections of data such as libraries, archives, cultural institutions and institutions of higher education.***

Or. en

Amendment 155

Giles Chichester

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be ***equipped*** with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Amendment

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be ***assessed as regards the cost effectiveness of equipping them*** with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. en

Justification

The market is already delivering in this area and an obligation to equip new buildings, as

well buildings undergoing renovation work, with next generation networks would add significant costs to the building sector during these difficult economic times and disincentivise investment.

Amendment 156

Amelia Andersdotter

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Amendment

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted **six months** after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted **six months** after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. en

Amendment 157

Edit Herczog

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. All newly constructed multi-dwelling buildings, for which applications for

Amendment

2. All newly constructed multi-dwelling buildings, for which applications for

building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a ***technology neutral*** concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. en

Amendment 158
Gunnar Hökmark

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], ***shall*** be equipped with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the

Amendment

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], ***may*** be equipped with a concentration point, located inside or outside the building, and accessible to electronic communications networks providers, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the

entry into force of this Regulation].

entry into force of this Regulation].

Or. en

Amendment 159
Kent Johansson

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a concentration point, located inside or outside the building, ***and accessible to electronic communications networks providers***, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Amendment

2. All newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation], shall be equipped with a concentration point, located inside or outside the building, whereby connection to the high-speed-ready in-building infrastructure is made available. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after [Publications Office: please insert the exact date of the entry into force of this Regulation].

Or. sv

Justification

It is not clear what is meant by ‘accessible to electronic communications networks providers’. It could potentially be interpreted as a disproportionate restriction of the right of ownership.

Amendment 160
Amelia Andersdotter

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission.

Amendment

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission. ***Member States may also provide for exemptions from paragraph 2 in respect of access lines to end users in properties where business models with open networks are used.***

Or. en

Amendment 161
Kent Johansson

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission.

Amendment

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission. ***Exemptions from paragraph 2 may also be granted for access to retail customers in properties where open-network business models are applied.***

Justification

It is important that owners of properties should continue to be allowed to apply the successful business model, which is increasingly common in many places, with open broadband networks and competition in providing services. In various places, the model has helped to extend and apply broadband at a cost to the final consumer which is low by international standards. The model entails effective competition within one and the same broadband infrastructure. It is also more environmentally sound and energy-efficient than many other solutions.

Amendment 162

Marita Ulvskog

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission.

Amendment

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. Any such measure shall be notified to the Commission. ***Member States may grant exemptions from paragraph 2 with regard to access to end-users where open networks are in use in the property.***

Or. sv

Amendment 163

Giles Chichester

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period. ***Any such measure shall be notified to the Commission.***

Amendment

3. Member States may provide for exemptions for categories of buildings, in particular single dwellings, or major renovation works, from the obligations provided for paragraph 1 and 2, when the cost of fulfilling those obligations is disproportionate. Such measures shall be duly motivated. The interested parties shall be given the opportunity to comment on the draft measures within a reasonable period.

Or. en

Amendment 164
Gunnar Hökmark

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Every provider of public communications networks shall have the right to terminate its network at the concentration point, provided that it minimise the impact on the private property and at its own costs, in view of accessing the high-speed-ready in-building physical infrastructure.

Amendment

1. ***Prior to consent from the land or property owner and, if applicable, financial compensation,*** every provider of public communications networks shall have the right to terminate its network at the concentration point, provided that it minimise the impact on the private property and at its own costs, in view of accessing the high-speed-ready in-building physical infrastructure.

Or. en

Amendment 165
Amelia Andersdotter

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Every provider of public communications networks shall have the right to terminate its network at the concentration point, provided that it minimise the impact on the private property and at its own costs, in view of accessing the high-speed-ready in-building physical infrastructure.

Amendment

1. Every provider of public communications networks ***in buildings without open networks with service competition*** shall have the right to terminate its network at the concentration point, provided that it minimise the impact on the private property and at its own costs, in view of accessing the high-speed-ready in-building physical infrastructure.

Or. en

Justification

This issue was raised by those actors who provide only passive infrastructure, and provide no services of their own.

Amendment 166
Kent Johansson

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Every provider of public communications networks shall have the right to terminate its network at the concentration point, provided that it minimise the impact on the private property and at its own costs, in view of accessing the high-speed-ready in-building physical infrastructure.

Amendment

1. Every provider of public communications networks shall have the right, ***in buildings which do not have open networks with competition to provide services***, to terminate its network at the concentration point, provided that it minimise the impact on the private property and at its own costs, in view of accessing the high-speed-ready in-building physical infrastructure.

Or. sv

Justification

It is important that owners of properties should continue to be allowed to apply the successful business model, which is increasingly common in many places, with open broadband

networks and competition in providing services. In various places, the model has helped to extend and apply broadband at a cost to the final consumer which is low by international standards. The model entails effective competition within one and the same broadband infrastructure. It is also more environmentally sound and energy-efficient than many other solutions.

Amendment 167

Kent Johansson

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Every provider of public communications networks shall have the right to access any existing high-speed-ready in-building physical infrastructure on reasonable terms if duplication is technically impossible or economically inefficient. The holder of a right to use the in-building physical infrastructure shall grant access under non-discriminatory terms and conditions.

Amendment

2. Every provider of public communications networks shall have the right, ***in buildings which do not have open networks with competition to provide services***, to access any existing high-speed-ready in-building physical infrastructure on reasonable terms if duplication is technically impossible or economically inefficient. The holder of a right to use the in-building physical infrastructure shall grant access under non-discriminatory terms and conditions.

Or. sv

Justification

It is important that owners of properties should continue to be allowed to apply the successful business model, which is increasingly common in many places, with open broadband networks and competition in providing services. In various places, the model has helped to extend and apply broadband at a cost to the final consumer which is low by international standards. The model entails effective competition within one and the same broadband infrastructure. It is also more environmentally sound and energy-efficient than many other solutions.

Amendment 168

Amelia Andersdotter

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Every provider of public communications networks shall have the right to access any existing high-speed-ready in-building physical infrastructure on reasonable terms if duplication is technically impossible or economically inefficient. The holder of a right to use the in-building physical infrastructure shall grant access under non-discriminatory terms and conditions.

Amendment

2. Every provider of public communications networks ***in buildings without open networks with service competition*** shall have the right to access any existing high-speed-ready in-building physical infrastructure on reasonable terms if duplication is technically impossible or economically inefficient. The holder of a right to use the in-building physical infrastructure shall grant access under non-discriminatory terms and conditions.

Or. en

Justification

This issue was raised by passive infrastructure providers.

Amendment 169
Pilar del Castillo Vera

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. In the absence of available high-speed-ready in-building infrastructure, every provider of public communications networks shall have the right to terminate its network equipment at the premise of a subscriber to a high-speed electronic communications service, subject to its agreement, provided that it minimises the impact on the private property and at its own costs.

Amendment

4. In the absence of available high-speed-ready in-building infrastructure, every provider of public communications networks shall have the right to terminate its network equipment at the premise of a subscriber to a high-speed electronic communications service, subject to its agreement, provided that it minimises the impact on the private property and at its own costs. ***If an agreement to terminate such network equipment is not reached the subscriber or the public communication network provider can refer the dispute to the competent dispute settlement body.***

Amendment 170
Kent Johansson

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may grant exemptions from paragraphs 1 and 2 for access to retail customers in properties where open-network business models are applied.

Or. sv

Justification

It is important that owners of properties should continue to be allowed to apply the successful business model, which is increasingly common in many places, with open broadband networks and competition in providing services. In various places, the model has helped to extend and apply broadband at a cost to the final consumer which is low by international standards. The model entails effective competition within one and the same broadband infrastructure. It is also more environmentally sound and energy-efficient than many other solutions.

Amendment 171
Amelia Andersdotter

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may also provide for exemptions from paragraphs 1 and 2 in respect of access lines to end users in properties where business models with open networks are used.

Or. en

Amendment 172
Marita Ulvskog

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may grant exemptions from paragraphs 1 and 2 with regard to access to end-users where open networks, with competition to provide services, are in use in the property.

Or. sv

Amendment 173
Edit Herczog

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the function of the national dispute settlement body referred to in Article 3 (4), Article 4 (9), Article 5 (4) and Article 8(3), unless the Member State appoints other competent bodies.

1. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the function of the national dispute settlement body referred to in Article 3 (4), Article 4 (9), Article 5 (4) and Article 8(3), unless the Member State appoints other competent bodies.

If the Member States decides to appoint the national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC as the national dispute settlement body, this shall be obliged to seek the opinion of the sector regulators before adopting any binding decision concerning the determination of fair terms, conditions or prices.

Or. en

Amendment 174
Judith A. Merkies

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the function of the national dispute settlement body referred to in Article 3 (4), Article 4 (9), Article 5 (4) and Article 8(3), unless the Member State appoints other competent bodies.

Amendment

1. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the function of the national dispute settlement body referred to in Article 3 (4), Article 4 (9), Article 5 (4) and Article 8(3), unless the Member State appoints other competent bodies ***which are more capable to assess the consequences, especially in the field of water.***

Or. en

Amendment 175
Gaston Franco

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the functions of the single information point referred to in Article 4 and Article 6, unless the Member State appoints other competent bodies.

Amendment

3. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the functions of the single information point referred to in Article 4 and Article 6, unless the Member State appoints other competent bodies, ***for example a public sector body, at national or local level.***

Or. fr

Justification

Some local authorities in the Member States have already put in place agreements on sharing cartographic data on joint platforms. Where such arrangements exist, there is no reason to impose a one-stop-shop at a level other than the local authority.

Amendment 176
Edit Herczog

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the functions of the single information point referred to in Article 4 and Article 6, unless the Member State appoints other competent bodies.

Amendment

3. The national regulatory authority which fulfils the tasks provided in Article 20 of Directive 2002/21/EC shall perform the functions of the single information point referred to in Article 4 and Article 6, unless the Member State appoints other competent bodies, ***in particular a body of the public sector at a national or local level.***

Or. en

Justification

Some local communities in the member states already implemented sharing-out conventions of cathographic data regarding common platforms. If such an organisation exists, there is no stake to impose a one-stop-shop at another level than the one of the local community.

Amendment 177
Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

The Commission shall present a report to the European Parliament and the Council by [Publications Office: please insert the exact date: entry into force of this Regulation + 3 years] at the latest on the implementation of this ***Regulation***. The report shall include a summary of the impact of the measures provided by this Regulation and an assessment of the progress towards achieving its objectives.

Amendment

The Commission shall present a report to the European Parliament and the Council by [Publications Office: please insert the exact date: entry into force of this Regulation + 3 years] at the latest on the implementation of this ***Directive***. The report shall include a summary of the impact of the measures provided by this Regulation and an assessment of the progress towards achieving its objectives.

Or. en

Amendment 178
Gunnar Hökmark

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

This **Regulation** shall enter into force on the *twentieth day* following that of its publication in the Official Journal of the European Union.

Amendment

This **Directive** shall enter into force on the **XXXX** following that of its publication in the Official Journal of the European Union.

Or. en

Justification

To be agreed among the co-legislators

Amendment 179
Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

This **Regulation** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment

This **Directive** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Or. en

Amendment 180
Jens Rohde

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

This Regulation shall be binding in its entirety and directly applicable in all Member States.

deleted

Or. en

Amendment 181

Jens Rohde, Vladko Todorov Panayotov

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Addresses

This Directive is addressed to the Member States.

Or. en