AMENDMENTS
63 - 262

Draft report
Alin Mituța
(PE749.242v01-00)

Measures to reduce the cost of deploying gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act)

Proposal for a regulation
(COM(2023)0094 – C9-0028/2023 – 2023/0046(COD))
Amendment 63
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 1

_text proposed by the Commission_

(1) The digital economy has been changing the internal market profoundly over the last decade. The Union’s vision is a digital economy that delivers sustainable economic and social benefits based on excellent and secure connectivity for everybody and everywhere in Europe. A high-quality digital infrastructure based on very high capacity networks underpins almost all sectors of a modern and innovative economy. It is of strategic importance to social and territorial cohesion and overall for the Union’s competitiveness and digital leadership. Therefore, people as well as the private and public sectors should have the opportunity to be part of the digital economy.

Amendment

(1) The digital economy has been changing the internal market profoundly over the last decade. The Union’s vision is a digital economy that delivers sustainable economic and social benefits based on excellent, affordable, reliable, secure and future-proof broadband connectivity for everybody and everywhere in Europe, including in rural and remote areas, such as islands and mountainous and sparsely populated regions, as well as the outermost regions and in transport corridors. A high-quality digital infrastructure based on very high capacity networks is a cornerstone to the Union’s digital transformation as underpins almost all sectors of a modern and innovative economy. It can provide innovative services, more efficient business operations and smart, sustainable, digital societies, while contributing to achieving the climate targets set in the European Green Deal and the twin digital and green transitions envisaged as the Union’s main priorities. It is of strategic importance to social and territorial cohesion and overall for the Union’s competitiveness, resilience, strategic autonomy, digital sovereignty and digital leadership. Therefore, people as well as the private and public sectors should have the opportunity to be part of the digital economy.

Or. en

Amendment 64
Beatrice Covassi, Carlos Zorrinho, Josianne Cutajar, Patrizia Toia, Lina Gálvez Muñoz,
Adriana Maldonado López

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

(1a) Digitalisation has a profound impact on the daily social, economic, political and cultural life of citizens, workers and consumers and concerns all areas of society. For this reason, limited access and insufficient network expansion can deepen social inequalities, thus creating a new digital divide, not only between well-connected urban areas and rural and remote areas, but also between those people who can fully benefit from an efficient and secure digital connectivity allowing them to access a wide range of services, and those who cannot do so. In this regard, the inclusion of social housing in the rolling-out of high capacity networks should be a relevant priority for public and private investment projects, as broadband connectivity is a key aspect for social inclusion.

Amendment

Beatrice Covassi, Carlos Zorrinho, Matthias Ecke, Josianne Cutajar, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

(1b) In order to close the Digital Divide across the Union, and in line with the EU Decision "Establishing the Digital decade policy programme 2030", investments in digital infrastructure should aim to ensure connectivity accessible and affordable to all and everywhere in the Union, with available internet access, with
a particular focus on the divide between different geographical areas. In particular, by 2030, networks with gigabit speeds should become available to those who need or wish to have such capacity.

Amendment 66
Beatrice Covassi, Carlos Zorrinho, Matthias Ecke, Josianne Cutajar, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 1 (new)

Text proposed by the Commission

(1c) Recalling that EU’s rural areas are home to 137 million people, 30.6% of the EU’s population, and cover about 83% of EU's land, adequate coverage of networks with gigabit speeds, digital capacity building and enabling environment for rural and remote areas' digital innovation, are key conditions for those areas to be able to benefit from the new opportunities that the digital transition. Such coverage could provide significant potential to improve people's lives and mitigate the negative impact of reduced connectivity, insularity and remoteness, by enabling the application of new technologies such as e-health, e-government and education services.

Amendment 67
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 2
(2) The rapid evolution of technologies, the exponential growth in broadband traffic and the increasing demand for advanced very high-capacity connectivity have further accelerated during the COVID-19 pandemic. As a result, the targets laid down in the Digital Agenda in 2010 have mostly been met, but they have also become obsolete. The share of households having access to 30 Mbps internet speeds has increased from 58.1% in 2013 to 90% in 2022. Availability of only 30 Mbps is no longer future-proof and not aligned with the new objectives set in Directive (EU) 2018/1972 of the European Parliament and of the Council for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council, the EU set updated targets for 2030 that better correspond to the expected connectivity needs of the future where all European households should be covered by a gigabit network, with all populated areas covered by 5G.

(2) Societal needs for converging upload and download bandwidth are constantly growing. The rapid evolution of technologies, the exponential growth in broadband traffic and the increasing demand for advanced very high-capacity connectivity have further accelerated during the COVID-19 pandemic. As a result, the targets laid down in the Digital Agenda in 2010 have mostly been met, but they have also become obsolete. The share of households having access to 30 Mbps internet speeds has increased from 58.1% in 2013 to 90% in 2022. Availability of only 30 Mbps is no longer future-proof and not aligned with the new objectives set in Directive (EU) 2018/1972 of the European Parliament and of the Council for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council, the EU set updated targets for 2030 that better correspond to the expected connectivity needs of the future where all end-users should be able to use gigabit services provided by networks at a fixed location deployed up to the network termination point and all populated areas should be covered by a next-generation wireless high-speed networks with performance at least equivalent to that of 5G.

31 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 19.05.2010, COM(2010)245.
33 Decision (EU) 2022/2481 of the
Amendment 68
Dace Melbärde,

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The rapid evolution of technologies, the exponential growth in broadband traffic and the increasing demand for advanced very high-capacity connectivity have further accelerated during the COVID-19 pandemic. As a result, the targets laid down in the Digital Agenda in 2010\(^{31}\) have mostly been met, but they have also become obsolete. The share of households having access to 30 Mbps internet speeds has increased from 58.1% in 2013 to 90% in 2022. Availability of only 30 Mbps is no longer future-proof and not aligned with the new objectives set in Directive (EU) 2018/1972 of the European Parliament and of the Council\(^{32}\) for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council\(^{33}\), the EU set updated targets for 2030 that better correspond to the expected connectivity needs of the future where all European households should be covered by a gigabit network, with all populated areas covered by 5G.

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Amendment

(2) The rapid evolution of technologies, the exponential growth in broadband traffic and the increasing demand for advanced very high-capacity connectivity have further accelerated during the COVID-19 pandemic. As a result, the targets laid down in the Digital Agenda in 2010\(^{31}\) have mostly been met, but they have also become obsolete. The share of households having access to 30 Mbps internet speeds has increased from 58.1% in 2013 to 90% in 2022. Availability of only 30 Mbps is no longer future-proof and not aligned with the new objectives set in Directive (EU) 2018/1972 of the European Parliament and of the Council\(^{32}\) for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council\(^{33}\), the EU set updated targets for 2030 that better correspond to the expected connectivity needs of the future where all European households should be covered by a gigabit network, with all populated areas covered by performance of at least equivalent to that of 5G.
Amendment 69
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

Amendment

(3) To achieve those targets, there is a need for policies to **significantly** speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, **stronger** coordination and the **set-up of simplified and streamlined permit procedures as a way of** reduction of administrative burdens on both operators and national administrations; to achieve these targets, the lowering of the costs of the deployment of very high-capacity fixed and wireless networks across the Union shall have the corresponding impact on reducing the cost of services for the end user.
Amendment 70
François-Xavier Bellamy,
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

Amendment

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens, and a need to establish a policy framework where large traffic generators contribute fairly to the adequate funding of telecom networks without prejudice to net neutrality.

Or. en

Amendment 71
Bart Groothuis
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

Amendment

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens and policies that stimulate demand for connectivity. Such policies should consider impacts to consumers, and not create any market distortions.

Or. en

Amendment 72
Maria Spyraki

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

Amendment

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens. Such policies should consider any direct and indirect impact to consumers, and not create any market distortions.

Or. en

Justification

The scope of recital 3 aims to support the Gigabit Infrastructure Act and the EU’s drive to achieve 2030 connectivity targets. However in order to achieve the best possible outcome for the EU, all stakeholders and EU citizens, it is necessary to explicitly call for any policies assessed in Recital 3 to take into account consumer and market impact - also in line with the EU’s Better Regulation principles and evidence-based policy making.

Amendment 73
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Tomas Tobé, Markus Pieper, Henna Virkkunen, Angelika Niebler

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

Amendment

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens, while keeping costs for public authorities low.

Or. en
Amendment 74
Dace Melbärde

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) To achieve those targets, there is a need for policies to speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

Amendment

(3) To achieve those targets, there is a need for policies to reduce the administrative burden, speed up and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, coordination and the reduction of administrative burdens.

Or. en

Amendment 75
Johan Nissinen

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

(3a) Clear legal frameworks and favourable conditions for investment in digital infrastructure are the basis for a competitive and leading-edge digital society with more modern networks, more innovation, high security and affordable services.

Amendment

(3a) Clear legal frameworks and favourable conditions for investment in digital infrastructure are the basis for a competitive and leading-edge digital society with more modern networks, more innovation, high security and affordable services.

Or. en

Amendment 76
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 3 a (new)
Text proposed by the Commission  

(3a) blending space and terrestrial is important for the connectivity roll-out to better prepare for the next wave of digital infrastructure enabling Europe to take the lead;  

Or. en

Amendment 77  
Niklas Nienass  
on behalf of the Verts/ALE Group

Proposal for a regulation  
Recital 3 b (new)

Text proposed by the Commission  

(3b) need to take into consideration the satellite backhauling enabling to reduce costs on deploying electronic communication network in digital high-speed connectivity, which requires 5G roll-out in all urban areas by 2030, as well as ultra-fast broadband networks  

Or. en

Amendment 78  
Niklas Nienass  
on behalf of the Verts/ALE Group

Proposal for a regulation  
Recital 3 c (new)

Text proposed by the Commission  

(3c) Recent technical progress has allowed satellite based communications constellations to emerge and gradually offer high-speed and low latency
connectivity services. enable connectivity across the Union and around the globe, for citizens and business, including, but not limited to, providing access to affordable high-speed broadband that can help remove communication dead zones and increase cohesion across the Union, including its outermost regions, rural, peripheral, remote and isolated areas and islands. To that regard the resources provided though Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 establishing the Union Secure Connectivity Programme for the period 2023-2027, and in particular the internet access capabilities of the satellite constellation should be included in the planning and deploying of very high-capacity fixed and wireless networks across the Union.

Or. en

Justification

Connecting various EU initiatives and creating synergies

Amendment 79
Cristian-Silviu Bușoi, Ioan-Rareș Bogdan

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

(4a) To accomplish the objectives outlined in this Regulation, Member States, together with EU competent entities, shall consider utilizing satellite-based network backhauling services. This should minimize expenses associated with deploying communication infrastructures that offer high-speed digital connectivity.

Or. en
Amendment 80
François-Xavier Bellamy

Proposal for a regulation
Recital 5

**Text proposed by the Commission**

(5) The roll-out of very high capacity networks (as defined in Directive (EU) 2018/1972) across the Union requires substantial investment, a significant proportion of which is the cost of civil engineering works. Sharing physical infrastructure would limit the need for costly civil engineering works and make advanced broadband roll-out more effective.

**Amendment**

(5) The roll-out of very high capacity networks (as defined in Directive (EU) 2018/1972) across the Union requires substantial investment, a significant proportion of which is the cost of civil engineering works. Sharing physical infrastructure would limit the need for costly civil engineering works and make advanced broadband roll-out more effective. *Applicable competition legislation should not prevent the sharing of network infrastructure, especially in low traffic areas.*

Or. en

Amendment 81
Cristian-Silviu Bușoi, Ioan-Rareș Bogdan

Proposal for a regulation
Recital 8

**Text proposed by the Commission**

(8) The measures set out in Directive 2014/61/EU contributed to less costly deployments of high-speed electronic communications networks. However, these measures should be strengthened to further reduce costs and speed up network deployment.

**Amendment**

(8) The measures set out in Directive 2014/61/EU contributed to less costly deployments of high-speed electronic communications networks. However, these measures should be strengthened to further reduce costs and speed up network deployment. *This shall contribute to lowering the prices for data in roaming services and to eliminating the data volume restrictions in roaming.*

Or. en
Amendment 82

Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The measures set out in Directive 2014/61/EU contributed to less costly deployments of high-speed electronic communications networks. However, these measures should be strengthened to further reduce costs and speed up network deployment.

Amendment

(8) The measures set out in Directive 2014/61/EU contributed to less costly deployments of high-speed electronic communications networks. However, these measures should be strengthened and streamlined to further reduce costs and speed up network deployment, in accordance with the No Significant Harm Principle (DNSH), where relevant.

Or. en

Amendment 83

Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Measures aiming to make using public and private existing infrastructures more efficient and reduce costs and obstacles in carrying out new civil engineering works should contribute substantially to ensuring a fast and extensive deployment of very high capacity networks. These measures should maintain effective competition without harming the safety, security and smooth operation of the existing infrastructure.

Amendment

(9) Measures aiming to make using public and private existing infrastructures more efficient and reduce costs and obstacles in carrying out new civil engineering works should contribute substantially to ensuring a fast and extensive deployment of very high capacity networks, in particular in rural, insular and remote areas, such as islands and mountainous and sparsely-populated regions, as well as the outermost regions and in transport corridors. These measures should maintain effective competition without harming the safety,
security, *public health, environment* and smooth operation of the existing infrastructure.

**Amendment 84**

Johan Nissinen,

Proposal for a regulation
Recital 9

 צרור by the Commission

(9) Measures aiming to make using public and private existing infrastructures more efficient and reduce costs and obstacles in carrying out new civil engineering works should contribute substantially to ensuring a fast and extensive deployment of very high capacity networks. These measures should maintain effective competition without harming the safety, security and smooth operation of the existing infrastructure.

 Amendment

(9) Measures aiming to make using public and private existing infrastructures more efficient and reduce costs and obstacles in carrying out new civil engineering works should contribute substantially to ensuring a fast and extensive deployment of very high capacity networks. These measures should maintain effective competition, since *being the first actor to launch a new technology or service in an area is one of the main drivers of investment in digital infrastructure. Any such promotion should be conducted* without harming the safety, security and smooth operation of the existing infrastructure.

**Amendment 85**

Beatrice Covassi, Carlos Zorrinho, Matthias Ecke, Josianne Cutajar, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 9

 צרור by the Commission

(9) Measures aiming to make using public and private existing infrastructures more efficient and reduce costs and

 Amendment

(9) Measures aiming to make using public and private existing infrastructures more efficient and reduce costs and
obstacles in carrying out new civil engineering works should contribute substantially to ensuring a fast and extensive deployment of very high capacity networks. These measures should maintain effective competition without harming the safety, security and smooth operation of the existing infrastructure.

Or. en

Amendment 86
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Given the increasing number of permits for very high capacity networks, and their predominantly local character, fees for permits for civil works differ significantly between and within Member States. They may also represent a significant part of the cost of deployment, particularly in rural, remote, insular and island areas, where the cost of deployment per user is highest. Member States should ensure that the cost of granting permits is kept at a level, which would not be a disincentive for investment, taking into account the multiplicity of permits often required.

Or. en

Amendment 87
Elena Kountoura
on behalf of The Left Group
Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

(9b) Policies about, and investments in, high-quality digital infrastructure should aim to ensure connectivity accessible to all and everywhere in the Union, with available internet access, in order to close the digital divide across the Union, with a particular focus on the divide between different geographical areas, in rural and remote areas, such as islands and mountainous and sparsely-populated regions, as well as the outermost regions and in transport corridors.

Amendment

(9b) Policies about, and investments in, high-quality digital infrastructure should aim to ensure connectivity accessible to all and everywhere in the Union, with available internet access, in order to close the digital divide across the Union, with a particular focus on the divide between different geographical areas, in rural and remote areas, such as islands and mountainous and sparsely-populated regions, as well as the outermost regions and in transport corridors.

Or. en

Amendment 88
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination. Due to the persistent fragmentation of electronic communications markets in individual national markets, undertakings providing or authorised to provide electronic communications networks are unable to achieve economies of scale. This can have a strong downstream effect on cross-border trade and services provision, since many services can only be provided where an adequately performant network is in place across the Union. While ensuring an improved level playing field, this Regulation does not prevent national

Amendment

(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination. Due to the persistent fragmentation of electronic communications markets in individual national markets, undertakings providing or authorised to provide electronic communications networks are unable to achieve economies of scale. This can have a strong downstream effect on cross-border trade and services provision, since many services can only be provided where an adequately performant network is in place across the Union. While ensuring an improved level playing field, this Regulation does not prevent national
measures in compliance with Union law that serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure by complementing the rights and obligations laid down in this Regulation. For example, Member States could extend provisions on civil works coordination also to privately funded projects or require that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, provided that they do not violate Union law including the provisions of this Regulation.

On the same note, Member States could introduce stricter cost-oriented price obligations regarding the terms and conditions under which access requests should be met. Member States could also introduce supplementary permit exemptions or impose more stringent timeframes for granting or denying permits, provided that they do not violate Union law including the provisions of this Regulation.

Amendment 89
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination. Due to the persistent fragmentation of electronic communications markets in individual national markets, undertakings providing or authorised to provide electronic

Amendment

(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination. While ensuring an improved level playing field, this Regulation does not prevent national measures in compliance with Union law that serve to promote the joint use of
communications networks are unable to achieve economies of scale. This can have a strong downstream effect on cross-border trade and services provision, since many services can only be provided where an adequately performant network is in place across the Union. While ensuring an improved level playing field, this Regulation does not prevent national measures in compliance with Union law that serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure by complementing the rights and obligations laid down in this Regulation. For example, Member States could extend provisions on civil works coordination also to privately funded projects or require that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, provided that they do not violate Union law including the provisions of this Regulation.

Amendment 90
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Tomas Tobé, Henna Virkkunen, Adriana Maldonado López, Angelika Niebler

Proposal for a regulation
Recital 11

Text proposed by the Commission
(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination. Due to the persistent fragmentation of electronic communications markets in individual national markets, undertakings providing or authorised to provide electronic communications networks are unable to achieve economies of scale. This can have existing physical infrastructure or enable a more efficient deployment of new physical infrastructure by complementing or going beyond the rights and obligations laid down in this Regulation. For example, Member States could extend provisions on civil works coordination also to privately funded projects or require that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, provided that they do not violate Union law including the provisions of this Regulation.

Amendment
(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination, while respecting the different constitutional structures of Member States, including regional and local self-government and the principle of procedural autonomy of Member States. Due to the persistent fragmentation of electronic communications networks in individual national markets, undertakings providing or authorised to provide electronic communications networks are unable to achieve economies of scale. This can have
a strong downstream effect on cross-border trade and services provision, since many services can only be provided where an adequately performant network is in place across the Union. While ensuring an improved level playing field, this Regulation does not prevent national measures in compliance with Union law that serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure by complementing the rights and obligations laid down in this Regulation. For example, Member States could extend provisions on civil works coordination also to privately funded projects or require that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, provided that they do not violate Union law including the provisions of this Regulation.

communications markets in individual national markets, undertakings providing or authorised to provide electronic communications networks are unable to achieve economies of scale. This can have a strong downstream effect on cross-border trade and services provision, since many services can only be provided where an adequately performant network is in place across the Union. While ensuring an improved level playing field, this Regulation does not prevent national measures in compliance with Union law that serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure by complementing the rights and obligations laid down in this Regulation. For example, Member States could extend provisions on civil works coordination also to privately funded projects or require that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, provided that they do not violate Union law including the provisions of this Regulation.

Or. en

Amendment 91
Dace Melbārde

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination. Due to the persistent fragmentation of electronic communications markets in individual national markets, undertakings providing or authorised to provide electronic

Amendment

(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of very high capacity networks and cross-sector coordination. Due to the persistent fragmentation of electronic communications markets in individual national markets, undertakings providing or authorised to provide electronic
communications networks are unable to achieve economies of scale. This can have a strong downstream effect on cross-border trade and services provision, since many services can only be provided where an adequately performant network is in place across the Union. While ensuring an improved level playing field, this Regulation does not prevent national measures in compliance with Union law that serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure by complementing the rights and obligations laid down in this Regulation. For example, Member States could extend provisions on civil works coordination also to privately funded projects or require that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, provided that they do not violate Union law including the provisions of this Regulation.

Amendment 92
Angelika Winzig, Sara Skyttedal, Massimiliano Salini, Adam Jarubas, Tomas Tobé, Seán Kelly, Henna Virkkunen, Angelika Niebler

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) To ensure legal certainty, including regarding specific regulatory measures imposed under Directive (EU) 2018/1972, under Title II, Chapters II to IV and Directive 2002/77/EC\textsuperscript{36}, the provisions of these directives should prevail over this Regulation.

Amendment

(12) To ensure legal certainty, including regarding specific regulatory measures imposed under Directive (EU) 2018/1972, under Title II, Chapters II to IV and Directive 2002/77/EC\textsuperscript{36}, the provisions of these directives and their national implementations should prevail over this Regulation.

Amendment 93
Franc Bogovič

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) It can be significantly more efficient for operators, in particular new entrants, to reuse existing physical infrastructure, including that of other utilities, to roll out very high capacity networks or associated facilities. This is the case, in particular, in areas where no suitable electronic communications network is available or where it may not be economically feasible to build new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works relating to the deployment of very high capacity networks. This reuse can also reduce the social and environmental costs linked to these works, such as pollution, noise and traffic congestion. Therefore, this Regulation should apply not only to operators but also to owners or holders of rights to use extensive and ubiquitous physical infrastructure suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, water and sewage and drainage systems, and heating and transport services. In the case of holders of rights, this does not change any property rights of third parties.

Amendment

(13) It can be significantly more efficient for undertakings providing or authorised to provide public electronic communications networks, in particular new entrants, to reuse existing physical infrastructure, including that of other utilities, to roll out very high capacity networks. This is the case, in particular, in areas where no suitable electronic communications network is available or where it may not be economically feasible to build new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works relating to the deployment of very high capacity networks. This reuse can also reduce the social and environmental costs linked to these works, such as pollution, noise and traffic congestion. Therefore, this Regulation should apply not only to undertakings providing or authorised to provide public electronic communications networks but also to owners or holders of rights to use extensive and ubiquitous physical infrastructure suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, water and sewage and drainage systems, and heating
and transport services. In the case of holders of rights, this does not change any property rights of third parties.

Or. en

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivize wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 94
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) It can be significantly more efficient for operators, in particular new entrants, to reuse existing physical infrastructure, including that of other utilities, to roll out very high capacity networks or associated facilities. This is the case, in particular, in areas where no suitable electronic communications network is available or where it may not be economically feasible to build new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works relating to the deployment of very high capacity networks. This reuse can also reduce the social and environmental costs linked to these works, such as pollution, noise and traffic congestion. Therefore, this Regulation should apply not only to

Amendment

(13) It can be significantly more efficient for operators, in particular new entrants, to reuse existing physical infrastructure, including that of other utilities, to roll out very high capacity networks or associated facilities. This is the case, in particular, in areas where no suitable electronic communications network is available or where it may not be economically feasible to build new physical infrastructure. Moreover, synergies across sectors may significantly reduce the need for civil works relating to the deployment of very high capacity networks. This reuse can also reduce the social and environmental costs linked to these works, such as pollution, noise and traffic congestion. Therefore, this Regulation should apply not only to
operators but also to owners or holders of rights to use extensive and ubiquitous physical infrastructure suitable to host electronic communications network elements, such as physical networks for the provision of electricity, gas, water and sewage and drainage systems, and heating and transport services. In the case of holders of rights, this does not change any property rights of third parties.

Amendment 95
Massimiliano Salini

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) To improve the deployment of very high capacity networks in the internal market, this Regulation should lay down rights for undertakings providing public electronic communications networks or associated facilities (including undertakings of a public nature) to access physical infrastructure regardless of its location under fair and reasonable terms consistent with the normal exercise of property rights. The obligation to give access to the physical infrastructure should be without prejudice to the rights of the owner of the land or of the building in which the infrastructure is located.

Amendment

(14) To improve the deployment of very high capacity networks in the internal market, this Regulation should lay down rights for undertakings providing public electronic communications networks or associated facilities (including undertakings of a public nature) to access physical infrastructure regardless of its location under fair and reasonable terms consistent with the normal exercise of property rights. It's also essential to guarantee that the access providers benefit from a fair return on investment that takes into account the specific market conditions and, in particular, the different kinds of business models of the providers of associated facilities. As a result, when they operate under a wholesale only model that only provides passive access to multiple host public electronic communications operators under comparable circumstances, providers of associated facilities may assume that the access price they are offering is fair and reasonable. The price should not be
required to adhere to fair and reasonable terms when access is provided through a contract reached before the date of entry into force of this Regulation and the price has already been negotiated and agreed upon, or included in the contract. The obligation to give access to the physical infrastructure should be without prejudice to the rights of the owner of the land or of the building in which the infrastructure is located.

Amendment 96
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) To improve the deployment of very high capacity networks in the internal market, this Regulation should lay down rights for undertakings providing public electronic communications networks or associated facilities (including undertakings of a public nature) to access physical infrastructure regardless of its location under fair and reasonable terms consistent with the normal exercise of property rights. The obligation to give access to the physical infrastructure should be without prejudice to the rights of the owner of the land or of the building in which the infrastructure is located.

Amendment

(14) To improve the deployment of very high capacity networks in the internal market, this Regulation should lay down rights for undertakings providing public electronic communications networks or associated facilities (including undertakings of a public nature) to access physical infrastructure regardless of its location under fair and reasonable terms consistent with the normal exercise of property rights. A fair return of investment should be granted to access providers, such return should reflect the relevant market conditions and different business models, such as those of providers of associated facilities. In this case, the access price offered may be considered fair and reasonable when providers offer only passive access to more than one electronic communications operators at comparable conditions. The obligation to give access to the physical infrastructure should be without prejudice to the rights of the owner of the land or of the building in
which the infrastructure is located.

Or. en

Amendment 97
Franc Bogovič

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus become subject to all the obligations and benefits set out in the Regulation, except the provisions regarding in-building physical infrastructure and access.

Justification

This Recital is deleted to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.
(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus become subject to all the obligations and benefits set out in the Regulation, except the provisions regarding in-building physical infrastructure and access.

Landowners, on which associated facilities have been or will be installed, should be required to negotiate land access with companies providing, or authorised to provide, these associated facilities on fair and reasonable terms and conditions, including price, in conformity with national contract law, to ensure continuity of service and predictability for scheduled installations of associated facilities.

Amendment

(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus become subject to all the obligations and benefits set out in the Regulation, except the provisions regarding in-building physical infrastructure and access.
(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus become subject to all the obligations and benefits set out in the Regulation, except the provisions regarding in-building physical infrastructure and access.

Or. en

Amendment 100
Adam Jarubas, Janusz Lewandowski

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators

Amendment

(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus become subject to all the obligations and benefits set out in the Regulation, except the provisions regarding price regulations in relation to access to existing physical infrastructure and in-building physical infrastructure and access.

尤其是发展较落后的地区，仅通过建设较少的塔群提供有限的5G服务，而非通过更多塔群的建设来覆盖更大区域并提供5G服务。
of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus become subject to all the obligations and benefits set out in the Regulation, except the provisions regarding in-building physical infrastructure and access.

limited or no suitable physical infrastructure; Undertakings providing such associated facilities should be excepted from the provisions regarding in-building physical infrastructure and access, of this Regulation.

Amendment 101
Angelika Winzig, Sara Skyttedal, Tomas Tobé, Seán Kelly, Henna Virkkunen

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus become subject to all the obligations and benefits set out in the Regulation, except the provisions regarding in-building physical infrastructure and access.

Amendment

(15) In particular, taking into account the fast development of providers of wireless physical infrastructure such as ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, the definition of ‘network operator’ should be extended beyond undertakings providing or authorised to provide electronic communications networks and operators of other types of networks, such as transport, gas or electricity, to include undertakings providing associated facilities, which thus shall also fall under the scope of this Regulation, except the provisions regarding in-building physical infrastructure and access.

Amendment 102
Angelika Winzig, Sara Skyttedal, Massimiliano Salini, Tomas Tobé

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

(15a) According to the basic principle of the market economy, regulatory intervention is only necessary in the event of a market failure. Since the emergence of providers of wireless physical infrastructure such as ‘tower companies’, and their uptake of their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, no significant phenomena occurred that would indicate a market failure. Their business model, the fees they charge for the provision of their infrastructure and their pricing models have not been subject to any regulation so far. Therefore, the Commission, supported by BEREC and the national regulators, should conduct a market analysis to determine whether there is a market failure in relation to providers of wireless physical infrastructure such as ‘tower companies’. Should this be the case, the Commission shall, by means of a delegated act, subject the providers of wireless physical infrastructure such as ‘tower companies’ to all the obligations and benefits set out in the Regulation, except the provisions regarding in-building physical infrastructure and access. Until then, their business model should remain unregulated.

Or. en

Amendment 103
Angelika Niebler

Proposal for a regulation
Recital 15 a (new)
(15a) According to the basic principle of the market economy, regulatory intervention is only necessary in the event of a market failure. Since the emergence of providers of wireless physical infrastructure such as ‘tower companies’, and their uptake of their increasingly significant role as providers of access to physical infrastructure suitable to install elements of wireless electronic communications networks, such as 5G, no significant phenomena occurred that would indicate a market failure. Therefore, the Commission, supported by BEREC and the national regulators, should conduct a market analysis to determine whether there is a market failure in relation to providers of wireless physical infrastructure such as ‘tower companies’. Should this be the case, the Commission shall present a legislative proposal to the European Parliament and the Council, addressing the occurred market failures.

Amendment 104
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 17

(17) In the absence of a justified exception, physical infrastructure elements owned or controlled by public sector bodies, even when they are not part of a network, can also host electronic communications network elements and should be made accessible to facilitate installing network elements of very high capacity networks, in particular wireless
networks. Examples of physical infrastructure elements are buildings, entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations. It is for Member States to identify specific buildings owned or controlled by public sector bodies in their territories where access obligations cannot apply, for example, for reasons of architectural, historical, religious or natural value.

In order to ensure public acceptance and sustainable deployment, network elements of very high capacity networks, in particular wireless networks, should have minimal visual impact.

Amendment 105
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Tomas Tobé, Seán Kelly, Markus Pieper, Pilar del Castillo Vera, Othmar Karas, Angelika Niebler

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In the absence of a justified exception, physical infrastructure elements owned or controlled by public sector bodies, even when they are not part of a network, can also host electronic communications network elements and should be made accessible to facilitate installing network elements of very high capacity networks, in particular wireless networks. Examples of physical infrastructure elements are buildings, entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations. It is for Member States to identify specific buildings owned or controlled by public sector bodies in their territories where access obligations cannot apply, for example, for reasons of architectural, national security, safety, including road safety, historical, religious or natural value.

Amendment

(17) In the absence of a justified exception, physical infrastructure elements owned or controlled by public sector bodies, even when they are not part of a network, can also host electronic communications network elements and should be made accessible to facilitate installing network elements of very high capacity networks, in particular wireless networks. Examples of physical infrastructure elements are buildings, including rooftops, entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, traffic lights, billboards, bus and tramway stops and metro stations. It is for Member States to identify specific buildings owned or controlled by public sector bodies in their territories where access obligations cannot apply, for example, for reasons of architectural, national security, safety, including road safety, historical, religious or natural value.
sector bodies in their territories where access obligations cannot apply, for example, for reasons of architectural, historical, religious or natural value.

or controlled by public sector bodies in their territories where access obligations cannot apply, for example, for reasons of architectural, historical, religious or natural value.

Or. en

Amendment 106
Niklas Nienass

Proposal for a regulation
Recital 18

**Text proposed by the Commission**

(18) This Regulation should be without prejudice to any specific safeguard needed to ensure safety and public health, the security and integrity of the networks, in particular critical infrastructure, as defined by national law, and to ensure that the main service provided by the network operator is not affected, in particular in networks used for the provision of water intended for human consumption. **However, general rules in national legislation prohibiting network operators from negotiating access to physical infrastructures by undertakings providing or authorised to provide electronic communications networks or associated facilities could prevent creating a market for access to physical infrastructure. Such general rules should therefore be abolished. At the same time, the measures set out in this Regulation should not prevent Member States from incentivising utility operators to give access to infrastructure by excluding revenue generated from the access to their physical infrastructure when calculating end-user tariffs for their main activity or activities, in accordance with applicable Union law.**

**Amendment**

(18) This Regulation should be without prejudice to any specific safeguard needed to ensure safety and public health, the security and integrity of the networks, in particular critical infrastructure, as defined by national law, and to ensure that the main service provided by the network operator is not affected, in particular in networks used for the provision of water intended for human consumption.

Or. en
Amendment 107
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) This Regulation should be without prejudice to any specific safeguard needed to ensure safety and public health, the security and integrity of the networks, in particular critical infrastructure, as defined by national law, and to ensure that the main service provided by the network operator is not affected, in particular in networks used for the provision of water intended for human consumption. However, general rules in national legislation prohibiting network operators from negotiating access to physical infrastructures by undertakings providing or authorised to provide electronic communications networks or associated facilities could prevent creating a market for access to physical infrastructure. Such general rules should therefore be abolished. At the same time, the measures set out in this Regulation should not prevent Member States from incentivising utility operators to give access to infrastructure by excluding revenue generated from the access to their physical infrastructure when calculating end-user tariffs for their main activity or activities, in accordance with applicable Union law.

Amendment

(18) This Regulation should be without prejudice to any specific **national, regional or local** safeguard needed to ensure safety and public health, the security and integrity of the networks, in particular critical infrastructure, as defined by national law, and to ensure that the main service provided by the network operator is not affected, in particular in networks used for the provision of water intended for human consumption. However, general rules in national legislation prohibiting network operators from negotiating access to physical infrastructures by undertakings providing or authorised to provide electronic communications networks or associated facilities could prevent creating a market for access to physical infrastructure. Such general rules should therefore be abolished. At the same time, the measures set out in this Regulation should not prevent Member States from incentivising utility operators to give access to infrastructure by excluding revenue generated from the access to their physical infrastructure when calculating end-user tariffs for their main activity or activities, in accordance with applicable Union law.

Or. en

Justification

*A prohibition of negotiations is rare, and generally is an indirect effect of a ban on access. Therefore, this part needs to be deleted in order to avoid misunderstandings where negotiations would be mandated but access cannot be grated.*
Amendment 108
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) This Regulation should be without prejudice to any specific safeguard needed to ensure safety and public health, the security and integrity of the networks, in particular critical infrastructure, as defined by national law, and to ensure that the main service provided by the network operator is not affected, in particular in networks used for the provision of water intended for human consumption. However, general rules in national legislation prohibiting network operators from negotiating access to physical infrastructures by undertakings providing or authorised to provide electronic communications networks or associated facilities could prevent creating a market for access to physical infrastructure. Such general rules should therefore be abolished. At the same time, the measures set out in this Regulation should not prevent Member States from incentivising utility operators to give access to infrastructure by excluding revenue generated from the access to their physical infrastructure when calculating end-user tariffs for their main activity or activities, in accordance with applicable Union law.

Amendment

(18) This Regulation should be without prejudice to any specific safeguard needed to ensure safety and public health, the security and integrity of the networks, in particular critical infrastructure, as defined by national law, and to ensure that the main service provided by the network operator or public sector body is not affected, in particular in networks used for the provision of water intended for human consumption. However, general rules in national legislation prohibiting network operators from negotiating access to physical infrastructures by undertakings providing or authorised to provide electronic communications networks or associated facilities could prevent creating a market for access to physical infrastructure. Such general rules should therefore be abolished. At the same time, the measures set out in this Regulation should not prevent Member States from incentivising utility operators to give access to infrastructure by excluding revenue generated from the access to their physical infrastructure when calculating end-user tariffs for their main activity or activities, in accordance with applicable Union law.

Or. en

Amendment 109
Franc Bogovič

Proposal for a regulation
Recital 19

(19) In order to ensure legal certainty and avoid disproportionate burdens on network operators resulting from the simultaneous application of two distinct access regimes to the same physical infrastructure, physical infrastructure subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or access obligations resulting from the application of Union State aid rules should not be subject to access obligations set out in this Regulation for as long as such access obligations remain in place. However, this Regulation should be applicable where a national regulatory authority has imposed an access obligation under Directive (EU) 2018/1972 that limits the use that can be made of the physical infrastructure concerned. For instance, this could occur when an operator planning to connect base stations requests access to existing physical infrastructure to which access obligations are imposed in the market for access to wholesale dedicated capacity.  

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 110
Elena Kountoura on behalf of The Left Group

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) In order to ensure legal certainty and avoid disproportionate burdens on network operators resulting from the simultaneous application of two distinct access regimes to the same physical infrastructure, physical infrastructure subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or access obligations resulting from the application of Union State aid rules should not be subject to access obligations set out in this Regulation for as long as such access obligations remain in place. However, this Regulation should be applicable where a national regulatory authority has imposed an access obligation under Directive (EU) 2018/1972 that limits the use that can be made of the physical infrastructure concerned. For instance, this could occur when an operator planning to connect base stations requests access to existing physical infrastructure to which access obligations are imposed in the market for access to wholesale dedicated capacity37.

Amendment

(19) In order to ensure legal certainty and avoid disproportionate burdens on network operators resulting from the simultaneous application of two distinct access regimes to the same physical infrastructure, physical infrastructure subject to access obligations imposed by national regulatory authorities or other competent authorities pursuant to Directive (EU) 2018/1972 or access obligations resulting from the application of Union State aid rules should not be subject to access obligations set out in this Regulation for as long as such access obligations remain in place. However, this Regulation should be applicable where a national regulatory authority or other competent authorities have imposed an access obligation under Directive (EU) 2018/1972 that limits the use that can be made of the physical infrastructure concerned. For instance, this could occur when an operator planning to connect base stations requests access to existing physical infrastructure to which access obligations are imposed in the market for access to
Amendment 111
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Seán Kelly, Markus Pieper, Henna Virkkunen, Pilar del Castillo Vera, Angelika Niebler

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) To ensure proportionality and preserve investment incentives, a network operator or public sector body should have the right to refuse access to specific physical infrastructure for objective and justified reasons. In particular, a physical infrastructure for which access has been requested could be technically unsuitable due to specific circumstances, or because of lack of currently available space or future needs for space that are sufficiently demonstrated, for instance, in publicly available investment plans. To ensure proportionality and preserve investment incentives, a network operator or public sector body may refuse access to specific physical infrastructure. To avoid any potential distortion of competition or any possible abuse of the conditions to refuse access, any such refusal should be duly justified and based on objective and

wholesale dedicated capacity. 

Amendment

(20) To ensure proportionality, preserve investment incentives, especially for VHCN pioneers, and thus create an incentive for the rapid rollout of VHCNs to rural areas, a network operator or public sector body should have the right to refuse access to specific physical infrastructure for objective and justified reasons. In particular, a physical infrastructure for which access has been requested could be technically unsuitable due to specific circumstances, or because of lack of currently available space or future needs for space that are sufficiently demonstrated, for instance, in publicly available investment plans. To ensure proportionality and preserve investment incentives, a network operator or public sector body may refuse access to specific physical infrastructure. To avoid any potential distortion of competition or any

detailed reasons. For example such reasons would not be considered objective where an undertaking providing or authorised to provide electronic communications networks has deployed physical infrastructure thanks to civil works coordination with a network operator other than an electronic communications network operator and refuses to grant access based on an alleged lack of availability of space to host the elements of very high capacity networks which results from decisions made by the undertaking under its control. In such case, a competition distortion could arise if there is no other VHCN in the area concerned by the access request. Similarly, in specific circumstances, sharing the infrastructure could jeopardise safety or public health, network integrity and security, including that of critical infrastructure, or could endanger the provision of services that are primarily provided over the same infrastructure. Moreover, where the network operator already provides a viable alternative means of wholesale physical access to electronic communications networks that would meet the needs of the access seeker, such as dark fibre or fibre unbundling, access to the underlying physical infrastructure could have an adverse economic impact on its business model, in particular that of wholesale-only operators, and incentives to invest. It may also risk an inefficient duplication of network elements. The assessment of the fair and reasonable character of the terms and conditions for such alternative means of wholesale physical access should take into account, inter alia, the underlying business model of the undertaking providing or authorised to provide public electronic communications networks granting access and the need to avoid any reinforcement of the significant market power, if any, of either party.

possible abuse of the conditions to refuse access, any such refusal should be duly justified and based on objective and detailed reasons. For example such reasons would not be considered objective where an undertaking providing or authorised to provide electronic communications networks has deployed physical infrastructure thanks to civil works coordination with a network operator other than an electronic communications network operator and refuses to grant access based on an alleged lack of availability of space to host the elements of very high capacity networks which results from decisions made by the undertaking under its control. In such case, a competition distortion could arise if there is no other VHCN in the area concerned by the access request. Similarly, in specific circumstances, sharing the infrastructure could jeopardise safety or public health, network integrity and security, including that of critical infrastructure, or could endanger the provision of services that are primarily provided over the same infrastructure. Moreover, where a network operator already provides a viable alternative means of wholesale access to electronic communications networks that would meet the needs of the access seeker, such as dark fibre or fibre unbundling, access to the underlying physical infrastructure, or to parallel physical infrastructure, could have an adverse economic impact on its business model, in particular that of wholesale-only operators, and on incentives to invest. It may also risk an inefficient duplication of network elements, which in particular shall be avoided until sufficient coverage of rural areas with VHCNs is achieved. The assessment of the fair and reasonable character of the terms and conditions for such alternative means of wholesale physical access should take into account, inter alia, the underlying business model of the undertaking providing or authorised to provide public electronic communications.
networks granting access and the need to avoid any reinforcement of the significant market power, if any, of either party.

Amendment 112
Massimiliano Salini

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) To ensure proportionality and preserve investment incentives, a network operator or public sector body should have the right to refuse access to specific physical infrastructure for objective and justified reasons. In particular, a physical infrastructure for which access has been requested could be technically unsuitable due to specific circumstances, or because of lack of currently available space or future needs for space that are sufficiently demonstrated, for instance, in publicly available investment plans. To ensure proportionality and preserve investment incentives, a network operator or public sector body may refuse access to specific physical infrastructure. To avoid any potential distortion of competition or any possible abuse of the conditions to refuse access, any such refusal should be duly justified and based on objective and detailed reasons. For example such reasons would not be considered objective where an undertaking providing or authorised to provide electronic communications networks has deployed physical infrastructure thanks to civil works coordination with a network operator other than an electronic communications network operator and refuses to grant access based on an alleged lack of availability of space to host the elements of very high capacity networks which results

Amendment

(20) To ensure proportionality and preserve investment incentives, a network operator or public sector body should have the right to refuse access to specific physical infrastructure for objective and justified reasons. In particular, a physical infrastructure for which access has been requested could be technically unsuitable due to specific circumstances, or because of lack of currently available space or future needs for space that are sufficiently demonstrated, for instance, in publicly available investment plans. To ensure proportionality and preserve investment incentives, a network operator or public sector body may refuse access to specific physical infrastructure. To avoid any potential distortion of competition or any possible abuse of the conditions to refuse access, any such refusal should be duly justified and based on objective and detailed reasons. For example such reasons would not be considered objective where an undertaking providing or authorised to provide electronic communications networks has deployed physical infrastructure thanks to civil works coordination with a network operator other than an electronic communications network operator and refuses to grant access based on an alleged lack of availability of space to host the elements of very high capacity networks which results
from decisions made by the undertaking under its control. In such case, a competition distortion could arise if there is no other VHCN in the area concerned by the access request. Similarly, in specific circumstances, sharing the infrastructure could jeopardise safety or public health, network integrity and security, including that of critical infrastructure, or could endanger the provision of services that are primarily provided over the same infrastructure. Moreover, where the network operator already provides a viable alternative means of wholesale physical access to electronic communications networks that would meet the needs of the access seeker, such as dark fibre or fibre unbundling, access to the underlying physical infrastructure could have an adverse economic impact on its business model, in particular that of wholesale-only operators, and incentives to invest. It may also risk an inefficient duplication of network elements. The assessment of the fair and reasonable character of the terms and conditions for such alternative means of wholesale physical access should take into account, inter alia, the underlying business model of the undertaking providing or authorised to provide public electronic communications networks granting access and the need to avoid any reinforcement of the significant market power, if any, of either party.

Amendment 113
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 20
(20) To ensure proportionality and preserve investment incentives, a network operator or public sector body should have the right to refuse access to specific physical infrastructure for objective and justified reasons. In particular, a physical infrastructure for which access has been requested could be technically unsuitable due to specific circumstances, or because of lack of currently available space or future needs for space that are sufficiently demonstrated, for instance, in publicly available investment plans. To ensure proportionality and preserve investment incentives, a network operator or public sector body may refuse access to specific physical infrastructure. To avoid any potential distortion of competition or any possible abuse of the conditions to refuse access, any such refusal should be duly justified and based on objective and detailed reasons. For example such reasons would not be considered objective where an undertaking providing or authorised to provide electronic communications networks has deployed physical infrastructure thanks to civil works coordination with a network operator other than an electronic communications network operator and refuses to grant access based on an alleged lack of availability of space to host the elements of very high capacity networks which results from decisions made by the undertaking under its control. In such case, a competition distortion could arise if there is no other VHCN in the area concerned by the access request. Similarly, in specific circumstances, sharing the infrastructure could jeopardise safety or public health, network integrity and security, including that of critical infrastructure, or could endanger the provision of services that are primarily provided over the same infrastructure. Moreover, where the network operator already provides a viable alternative means of wholesale physical
access to electronic communications networks that would meet the needs of the access seeker, such as dark fibre or fibre unbundling, access to the underlying physical infrastructure could have an adverse economic impact on its business model, in particular that of wholesale-only operators, and incentives to invest. It may also risk an inefficient duplication of network elements. The assessment of the fair and reasonable character of the terms and conditions for such alternative means of wholesale physical access should take into account, inter alia, the underlying business model of the undertaking providing or authorised to provide public electronic communications networks granting access and the need to avoid any reinforcement of the significant market power, if any, of either party.

Justification

This change corresponds to the modifications in art. 7.1

Amendment 114
Miapetra Kumpula-Natri

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) To ensure proportionality and preserve investment incentives, a network operator or public sector body should have the right to refuse access to specific physical infrastructure for objective and justified reasons. In particular, a physical infrastructure for which access has been requested could be technically unsuitable due to specific circumstances, or because of lack of currently available space or future needs for space that are sufficiently demonstrated, for instance, in publicly

Amendment

(20) To ensure proportionality and preserve investment incentives, a network operator or public sector body should have the right to refuse access to specific physical infrastructure for objective and justified reasons. In particular, a physical infrastructure for which access has been requested could be technically unsuitable due to specific circumstances, or because of lack of currently available space or future needs for space that are sufficiently demonstrated, for instance, in publicly
available investment plans. To ensure proportionality and preserve investment incentives, a network operator or public sector body may refuse access to specific physical infrastructure. To avoid any potential distortion of competition or any possible abuse of the conditions to refuse access, any such refusal should be duly justified and based on objective and detailed reasons. For example such reasons would not be considered objective where an undertaking providing or authorised to provide electronic communications networks has deployed physical infrastructure thanks to civil works coordination with a network operator other than an electronic communications network operator and refuses to grant access based on an alleged lack of availability of space to host the elements of very high capacity networks which results from decisions made by the undertaking under its control. In such case, a competition distortion could arise if there is no other VHCN in the area concerned by the access request. Similarly, in specific circumstances, sharing the infrastructure could jeopardise safety or public health, network integrity and security, including that of critical infrastructure, or could endanger the provision of services that are primarily provided over the same infrastructure. Moreover, where the network operator already provides a viable alternative means of wholesale physical access to electronic communications networks that would meet the needs of the access seeker, such as dark fibre or fibre unbundling, access to the underlying physical infrastructure could have an adverse economic impact on its business model, in particular that of wholesale-only operators, and incentives to invest. It may also risk an inefficient duplication of network elements. The assessment of the fair and reasonable character of the terms and conditions for such alternative means of wholesale physical access should take into account, inter alia, the underlying...
business model of the undertaking providing or authorised to provide public electronic communications networks granting access and the need to avoid any reinforcement of the significant market power, if any, of either party.

Or. en

Justification

It is possible to do “wholesale physical access” with Software Defined Access Networks (SDAN), which enables the partition of network resources into wholesale slices. Access seekers can become full virtual network operators (VNOs), and physical resources are abstracted and delivered as a service to access seekers. Also, some wholesale only providers have based their business case around providing virtual access products. For these providers an obligation to provide dark fibre or fibre unbundling would have a negative impact on their incentives to invest. Therefore, a more general term like ‘wholesale access’ should be used instead of ‘wholesale physical access’.

Amendment 115
Franc Bogovič

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) To facilitate the reuse of existing physical infrastructure, where operators request access in a specified area, network operators and public sector bodies that own or control physical infrastructure should make an offer for the shared use of their facilities under fair and reasonable terms and conditions, including price, unless access is refused for objective and justified reasons. Public sector bodies should also be required to offer access under non-discriminatory terms and conditions. Depending on the circumstances, several factors could influence the conditions under which such access is granted. These include: (i) any additional maintenance and adaptation costs; (ii) any preventive safeguards to be adopted to limit adverse effects on network safety, security and

Amendment

(21) To facilitate the reuse of existing physical infrastructure, where undertakings providing or authorised to provide public electronic communications networks request access in a specified area, network operators and public sector bodies that own or control physical infrastructure should make an offer for the shared use of their facilities under fair and reasonable terms and conditions, including price, unless access is refused for objective and justified reasons. Public sector bodies should also be required to offer access under non-discriminatory terms and conditions. Depending on the circumstances, several factors could influence the conditions under which such access is granted. These include: (i) any additional maintenance and adaptation
integrity; (iii) any specific liability arrangements in the event of damages; (iv) 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; (v) the ability to deliver or provide infrastructure capacity to meet public service obligations; and (vi) any constraints stemming from national provisions aiming to protect the environment, public health, public security or to meet town and country planning objectives.

costs; (ii) any preventive safeguards to be adopted to limit adverse effects on network safety, security and integrity; (iii) any specific liability arrangements in the event of damages; (iv) 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; (v) the ability to deliver or provide infrastructure capacity to meet public service obligations; and (vi) any constraints stemming from national provisions aiming to protect the environment, public health, public security or to meet town and country planning objectives.

Or. en

**Justification**

*This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.*

**Amendment 116**

**Elena Kountoura**

on behalf of The Left Group

**Proposal for a regulation**

**Recital 21**

**Text proposed by the Commission**

(21) To facilitate the reuse of existing physical infrastructure, where operators request access in a specified area, network operators and public sector bodies that own or control physical infrastructure should make an offer for the shared use of their

**Amendment**

(21) To facilitate the reuse of existing physical infrastructure, where operators request access in a specified area, network operators and public sector bodies that own or control physical infrastructure should make an offer for the shared use of their
facilities under fair and reasonable terms and conditions, including price, unless access is refused for objective and justified reasons. Public sector bodies should also be required to offer access under non-discriminatory terms and conditions. Depending on the circumstances, several factors could influence the conditions under which such access is granted. These include: (i) any additional maintenance and adaptation costs; (ii) any preventive safeguards to be adopted to limit adverse effects on network safety, security and integrity; (iii) any specific liability arrangements in the event of damages; (iv) 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; (v) the ability to deliver or provide infrastructure capacity to meet public service obligations; and (vi) any constraints stemming from national provisions aiming to protect the environment, public health, public security or to meet town and country planning objectives.

Amendment 117
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) To facilitate the reuse of existing physical infrastructure, where operators request access in a specified area, network operators and public sector bodies that own or control physical infrastructure should make an offer for the shared use of their facilities under fair and reasonable terms and conditions, including price, unless access is refused for objective and justified reasons. Public sector bodies should also be required to offer access under non-discriminatory terms and conditions. Depending on the circumstances, several factors could influence the conditions under which such access is granted. These include: (i) any additional maintenance and adaptation costs; (ii) any preventive safeguards to be adopted to avoid adverse effects on network safety, security and integrity; (iii) any specific liability arrangements in the event of damages; (iv) 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; (v) the ability to deliver or provide infrastructure capacity to meet public service obligations; and (vi) any requirements constraints stemming from national provisions aiming to protect the environment, public health, public security or to meet town and country planning objectives.
and conditions, including price, unless access is refused for objective and justified reasons. Public sector bodies should also be **required** to offer access under non-discriminatory terms and conditions. Depending on the circumstances, several factors could influence the conditions under which such access is granted. These include: (i) any additional maintenance and adaptation costs; (ii) any preventive safeguards to be adopted to limit adverse effects on network safety, security and integrity; (iii) any specific liability arrangements in the event of damages; (iv) 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; (v) the ability to deliver or provide infrastructure capacity to meet public service obligations; and (vi) any constraints stemming from national provisions aiming to protect the environment, public health, public security or to meet town and country planning objectives.

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**Amendment 118**

Franc Bogovič

**Proposal for a regulation**

**Recital 23**

*Text proposed by the Commission*

(23) Public sector bodies that own or control physical infrastructure may lack sufficient resources, experience or the necessary technical knowledge to engage in negotiations with **operators** on access. To facilitate access to these public sector bodies’ physical infrastructure, a body could be appointed to coordinate the access requests, provide legal and technical advice for negotiating access terms and

*Amendment*

(23) Public sector bodies that own or control physical infrastructure may lack sufficient resources, experience or the necessary technical knowledge to engage in negotiations with **undertakings providing or authorised to provide public electronic communications networks** on access. To facilitate access to these public sector bodies’ physical infrastructure, a body could be appointed to coordinate the
conditions, and make relevant information on such physical infrastructure available via a single information point. The coordinating body could also support public sector bodies in preparing model contracts and monitor the outcome and the length of time of the access requests process. The body could also help if disputes arise on access to physical infrastructure that public sector bodies own or control.

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 119
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Public sector bodies that own or control physical infrastructure may lack sufficient resources, experience or the necessary technical knowledge to engage in negotiations with operators on access. To facilitate access to these public sector bodies’ physical infrastructure, a body could be appointed to coordinate the access requests, provide legal and technical advice for negotiating access terms and conditions, and make relevant information on such physical infrastructure available via a single information point. The coordinating body could also support public sector bodies in preparing model contracts and monitor the outcome and the length of time of the access requests process. The body could also help if disputes arise on access to physical infrastructure that public sector bodies own or control.

Amendment

(23) Public sector bodies that own or control physical infrastructure may lack sufficient resources, experience or the necessary technical knowledge to engage in negotiations with operators on access. In such case, in order to facilitate access to these public sector bodies’ physical infrastructure, a body should be appointed to coordinate the access requests, provide legal and technical advice for negotiating access terms and conditions, and make relevant information on such physical infrastructure available via a single information point. The coordinating body could also support public sector bodies in preparing model contracts and monitor the outcome and the length of time of the access requests process. The body could also help if disputes arise on access to physical infrastructure that public sector bodies own or control.
conditions, and make relevant information on such physical infrastructure available via a single information point. The coordinating body could also support public sector bodies in preparing model contracts and monitor the outcome and the length of time of the access requests process. The body could also help if disputes arise on access to physical infrastructure that public sector bodies own or control.

Amendment 120
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) To ensure consistency of approaches among Member States, the Commission, in close cooperation with the Body of European Regulators for Electronic Communications (BEREC), could provide guidance on applying the provisions on access to physical infrastructure, including but not only on the application of fair and reasonable conditions. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance.

Amendment

(24) To ensure consistency of approaches among Member States, the Commission, in close cooperation with the Body of European Regulators for Electronic Communications (BEREC), should provide guidance, by at least six months before the date of application of this Regulation, on applying the provisions on access to physical infrastructure, including but not only on the application of fair and reasonable conditions. The views of stakeholders, national authorities and national dispute settlement bodies should be duly taken into account in the preparation of the guidance. With a view to limit market disruption and an unintended reduction of a potential investment, the Commission, when formulating the guidelines on fair and reasonable price, should take into account the characteristics of the network operators and their business model, such as providers of associated facilities. Considering the level of flexibility
recognised to Member States in the
application of these provisions, and in
order to be efficient, the European
Commission guidance should provide the
appropriate level of granularity.

Or. en

Amendment 121
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) To ensure consistency of
approaches among Member States, the
Commission, in close cooperation with the
Body of European Regulators for
Electronic Communications (BEREC),
could provide guidance on applying the
provisions on access to physical
infrastructure, including but not only on the
application of fair and reasonable
conditions. The views of stakeholders and
national dispute settlement bodies should
be duly taken into account in the
preparation of the guidance.

Amendment

(24) To ensure consistency of
approaches among Member States while
taking into account the divergent situation
across Member States, the Commission, in
close cooperation with the Body of
European Regulators for Electronic
Communications (BEREC), could provide
guidance on applying the provisions on
access to physical infrastructure, including
but not only on the application of fair and
reasonable conditions. The views of
stakeholders and in particular of national
dispute settlement bodies should be duly
taken into account in the preparation of the
guidance to ensure as best as possible that
such guidance would not be disruptive to
well established principles, does not
violate national dispute settlement bodies
procedural rules, and would not be
harmful for further very high capacity
networks roll out.

Or. en

Amendment 122
Massimiliano Salini

Proposal for a regulation
Recital 24

**Text proposed by the Commission**

(24) To ensure consistency of approaches among Member States, the Commission, in close cooperation with the Body of European Regulators for Electronic Communications (BEREC), could provide guidance on applying the provisions on access to physical infrastructure, including but not only on the application of fair and reasonable conditions. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance. In setting the criteria for a fair and reasonable price, the Commission should take into account the characteristics of network operators and their business model, such as tower companies or wholesale-only operators, especially when leasing infrastructure to third parties, in order to avoid market disruptions and negative effects on investment.

**Amendment**

(24) To ensure consistency of approaches among Member States, the Commission, in close cooperation with the Body of European Regulators for Electronic Communications (BEREC), could provide guidance on applying the provisions on access to physical infrastructure, including but not only on the application of fair and reasonable conditions. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance. In setting the criteria for a fair and reasonable price, the Commission should take into account the characteristics of network operators and their business model, such as tower companies or wholesale-only operators, especially when leasing infrastructure to third parties, in order to avoid market disruptions and negative effects on investment.

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**Amendment 123**

Franc Bogovič

Proposal for a regulation

Recital 25

**Text proposed by the Commission**

(25) **Operators** should have access to minimum information on physical infrastructure and planned civil works in the area of deployment. This will enable them to effectively plan deploying very high capacity networks and ensure the most effective use of existing physical infrastructure, suitable for rolling out such networks, and planned civil works. Such minimum information is a pre-requisite to

**Amendment**

(25) **Undertakings providing or authorised to provide public electronic communications networks** should have access to minimum information on physical infrastructure and planned civil works in the area of deployment. This will enable them to effectively plan deploying very high capacity networks and ensure the most effective use of existing physical infrastructure, suitable for rolling out such
assess the potential for using existing physical infrastructure or coordinating the planned civil works in a specific area, as well as to reduce damage to any existing physical infrastructures. In view of the number of stakeholders involved (covering publicly and privately financed civil works as well as existing or planned physical infrastructure) and to facilitate access to that information (across sectors and borders), the network operators and public sector bodies subject to transparency obligations should proactively (rather than upon request) provide and maintain such minimum information via a single information point. This will simplify managing requests to access such information and enable operators to express their interest in accessing physical infrastructure or coordinating civil works, for which timing is critical. The minimum information on planned civil works should be provided via a single information point as soon as the information is available to the network operator concerned and, in any event and where permits are required, no later than 3 months before the permit application is first submitted to the competent authorities.

Such minimum information is a pre-requisite to assess the potential for using existing physical infrastructure or coordinating the planned civil works in a specific area, as well as to reduce damage to any existing physical infrastructures. In view of the number of stakeholders involved (covering publicly and privately financed civil works as well as existing or planned physical infrastructure) and to facilitate access to that information (across sectors and borders), the network operators and public sector bodies subject to transparency obligations should proactively (rather than upon request) provide and maintain such minimum information via a single information point. This will simplify managing requests to access such information and enable undertakings providing or authorised to provide public electronic communications networks to express their interest in accessing physical infrastructure or coordinating civil works, for which timing is critical. The minimum information on planned civil works should be provided via a single information point as soon as the information is available to the network operator concerned and, in any event and where permits are required, no later than 3 months before the permit application is first submitted to the competent authorities.

Or. en

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.
Amendment 124
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Operators should have access to minimum information on physical infrastructure and planned civil works in the area of deployment. This will enable them to effectively plan deploying very high capacity networks and ensure the most effective use of existing physical infrastructure, suitable for rolling out such networks, and planned civil works. Such minimum information is a pre-requisite to assess the potential for using existing physical infrastructure or coordinating the planned civil works in a specific area, as well as to reduce damage to any existing physical infrastructures. In view of the number of stakeholders involved (covering publicly and privately financed civil works as well as existing or planned physical infrastructure) and to facilitate access to that information (across sectors and borders), the network operators and public sector bodies subject to transparency obligations should proactively (rather than upon request) provide and maintain such minimum information via a single information point. This will simplify managing requests to access such information and enable operators to express their interest in accessing physical infrastructure or coordinating civil works, for which timing is critical. The minimum information on planned civil works should be provided via a single information point as soon as the information is available to the network operator concerned and, in any event and where permits are required, no later than 3 months before the permit application is first submitted to the competent authorities.

Amendment

(25) Operators should have access to minimum information on physical infrastructure and planned civil works in the area of deployment. This will enable them to effectively plan deploying very high capacity networks and ensure the most effective use of existing physical infrastructure, suitable for rolling out such networks, and planned civil works. Such minimum information is a pre-requisite to assess the potential for using existing physical infrastructure or coordinating the planned civil works in a specific area, as well as to reduce damage to any existing physical infrastructures. In view of the number of stakeholders involved (covering publicly and privately financed civil works as well as existing or planned physical infrastructure) and to facilitate access to that information (across sectors and borders), the network operators and public sector bodies subject to transparency obligations should provide and maintain such minimum information via a single information point and to proactively ensure that the minimum information they make available via a single information point is correct and up to date. This will simplify managing requests to access such information and enable operators to express their interest in accessing physical infrastructure or coordinating civil works, for which timing is critical. The minimum information on planned civil works should be provided via a single information point as soon as the information is available to the network operator concerned and, in any event and where permits are required, no later than 3 months before the permit application is...
first submitted to the competent authorities.

Or. en

Amendment 125
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Tomas Tobé, Seán Kelly, Markus Pieper, Henna Virkkunen, Othmar Karas, Angelika Niebler

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) Operators should have access to minimum information on physical infrastructure and planned civil works in the area of deployment. This will enable them to effectively plan deploying very high capacity networks and ensure the most effective use of existing physical infrastructure, suitable for rolling out such networks, and planned civil works. Such minimum information is a pre-requisite to assess the potential for using existing physical infrastructure or coordinating the planned civil works in a specific area, as well as to reduce damage to any existing physical infrastructures. In view of the number of stakeholders involved (covering publicly and privately financed civil works as well as existing or planned physical infrastructure) and to facilitate access to that information (across sectors and borders), the network operators and public sector bodies subject to transparency obligations should proactively (rather than upon request) provide and maintain such minimum information via a single information point. This will simplify managing requests to access such information and enable operators to express their interest in accessing physical infrastructure or coordinating civil works, for which timing is critical. The minimum information on planned civil works should be provided via a single information point as soon as the information is available to
the network operator concerned and, in any event and where permits are required, no later than 3 months before the permit application is first submitted to the competent authorities.

Information is available to the network operator concerned and, in any event and where permits are required, no later than 3 months before the permit application is first submitted to the competent authorities.

Amendment 126
Franc Bogovič

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The minimum information should be made available promptly via the single information point under proportionate, non-discriminatory and transparent terms so that operators can submit their requests for information. The single information point should consist of a repository of information in electronic format, where information can be accessed and requests can be made online using digital tools, such as webpages, digital applications, and digital platforms. The information made available may be limited to ensure network security and integrity, in particular that of critical infrastructure, national security, or to safeguard legitimate operating and business secrets. The single information point does not have to host the information as long as it ensures that links are available to other digital tools, such as web portals, digital platforms or digital applications, where the information is stored. The single information point may provide additional functionalities, such as access to additional information or support to the process of requests for access to existing physical infrastructure or to coordinate civil works.

Amendment

(26) The minimum information should be made available promptly via the single information point under proportionate, non-discriminatory and transparent terms so that undertakings providing or authorised to provide public electronic communications networks can submit their requests for information. The single information point should consist of a repository of information in electronic format, where information can be accessed and requests can be made online using digital tools, such as webpages, digital applications, and digital platforms. The information made available may be limited to ensure network security and integrity, in particular that of critical infrastructure, national security, or to safeguard legitimate operating and business secrets. The single information point does not have to host the information as long as it ensures that links are available to other digital tools, such as web portals, digital platforms or digital applications, where the information is stored. The single information point may provide additional functionalities, such as access to additional information or support to the process of requests for access to existing physical infrastructure or to coordinate civil works.
Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 127
Franc Bogovič
Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In addition, if the request is reasonable, in particular if needed to share existing physical infrastructures or coordinate civil works, operators should be granted the possibility to make on-site surveys and request information on planned civil works under transparent, proportionate and non-discriminatory conditions and without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.

Amendment

(27) In addition, if the request is reasonable, in particular if needed to share existing physical infrastructures or coordinate civil works, undertakings providing or authorised to provide public electronic communications networks should be granted the possibility to make on-site surveys and request information on planned civil works under transparent, proportionate and non-discriminatory conditions and without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities
from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 128
Franc Bogovič

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Advanced transparency of planned civil works via single information points should be incentivised. This can be done by easily redirecting operators to such information whenever available. Transparency should also be enforced by making permit-granting applications subject to prior publication of information on planned civil works via a single information point.

Amendment

(28) Advanced transparency of planned civil works via single information points should be incentivised. This can be done by easily redirecting undertakings providing or authorised to provide public electronic communications networks to such information whenever available. Transparency should also be enforced by making permit-granting applications subject to prior publication of information on planned civil works via a single information point.

Or. en

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 129
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) To ensure proportionality and security, the requirement to provide information on existing physical infrastructure via the single information point need not apply for the same reasons as those justifying a refusal of an access request. In addition, providing information on existing physical infrastructure via the single information point could, in very specific cases, be burdensome or disproportionate for network operators and public sector bodies. This could arise, for example, where the mapping of relevant assets is not yet available and it would be very costly to map or where access requests are expected to be very low in certain areas of a Member State or in respect to certain specific physical infrastructure. Where it appears that providing information is disproportionate based on a detailed cost-benefit analysis, network operators and public sector bodies should not be obliged to provide such information. Member States should conduct such detailed cost-benefit analysis based on a consultation with stakeholders on demand for access to existing physical infrastructure, and the analysis should be updated regularly. The consultation process and its outcome should be made public, and the specific physical infrastructure to be exempted from this obligation should be notified to the Commission.

Amendment

(30) To ensure proportionality and security, the requirement to provide information on existing physical infrastructure via the single information point need not apply for the same reasons as those justifying a refusal of an access request. In addition, providing information on existing physical infrastructure via the single information point could, in very specific cases, be burdensome or disproportionate for network operators and public sector bodies. This could arise, for example, where the mapping of relevant assets is not yet available and it would be very costly to map or where access requests are expected to be very low in certain areas of a Member State or in respect to certain specific physical infrastructure. Where it appears that providing information is disproportionate based on a detailed cost-benefit analysis, network operators and public sector bodies should not be obliged to provide such information. Member States should conduct such detailed cost-benefit analysis based on a consultation with stakeholders on demand for access to existing physical infrastructure, and the analysis should be updated regularly. The consultation process and its outcome should be made public, and the criteria and conditions used to exempt specific physical infrastructure from this obligation should be notified to the Commission.

Or. en

Amendment 130

Elena Kountoura on behalf of The Left Group

Proposal for a regulation

Recital 31
(31) To ensure consistency, the competent bodies performing the functions of the single information point, the national regulatory authorities fulfilling their tasks under Directive (EU) 2018/1972 or other competent authorities, such as national, regional or local authorities in charge of cadastre or the implementation of Directive 2007/2/EC (INSPIRE), as appropriate, should consult and cooperate with each other. The purpose of such cooperation should be to minimise the efforts in complying with transparency obligations on network operators and public sector bodies, including the undertakings designated with significant market power (‘SMP’ operators), to make information available about their physical infrastructure; Where a different data set on physical infrastructure of the SMP operator is required such cooperation should result in establishing useful interlinks and synergies between the SMP-related database and the single information point and proportionate common practices of data collection and data provision to deliver results that are easily comparable. Cooperation should also aim at facilitating access to information on physical infrastructure, in light of national circumstances. If regulatory obligations are modified or withdrawn, the parties affected should be able to agree on the best solutions to adapt the collection and provision of physical infrastructure data to the newly applicable regulatory requirements.

Amendment

Amendment 131
Elena Kountoura
on behalf of The Left Group
Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) The transparency obligation for the coordination of civil works need not apply to civil works for reasons of national security or in an emergency. This could be the case, for civil works performed if there is a risk of public danger as a result of degradation processes to civil engineering works and their associated installations, which are caused by destructive natural or human factors and are needed to ensure their safety or their demolition. For reasons of transparency, Member States should notify the types of civil works falling under those circumstances to the Commission and publish them via a single information point.

Amendment

(32) The transparency obligation for the coordination of civil works need not apply to civil works for reasons of national security or in an emergency. This could be the case, for civil works performed if there is a risk of public danger as a result of degradation processes to civil engineering works and their associated installations, which are caused by destructive natural or human factors and are needed to ensure their safety or their demolition.

Or. en

Amendment 132
Franc Bogovič

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) Member States should maximise the results of civil works fully or partially financed by public means, by exploiting the positive externalities of those works across sectors and ensuring equal opportunities to share the available and planned physical infrastructure to deploy very high capacity networks. The main purpose of civil works financed by public means should not be adversely affected. However, timely and reasonable requests to coordinate the deployment of elements of very high capacity networks should be met by the network operator carrying out

Amendment

(34) Member States should maximise the results of civil works fully or partially financed by public means, by exploiting the positive externalities of those works across sectors and ensuring equal opportunities to share the available and planned physical infrastructure to deploy very high capacity networks. The main purpose of civil works financed by public means should not be adversely affected. However, timely and reasonable requests to coordinate the deployment of elements of very high capacity networks should be met by the network operator carrying out
the civil works concerned directly or indirectly (for example, through a subcontractor) under proportionate, non-discriminatory and transparent terms. For example, the requesting operator should cover any additional costs, including those caused by delays and keep changes to the original plans to a minimum. Such provisions should not affect the right of Member States to reserve capacity for electronic communications networks even in the absence of specific requests. This will enable Member States to meet future demand for physical infrastructures to maximise the value of civil works or to adopt measures giving similar rights to operators of other types of networks, such as transport, gas or electricity, to coordinate civil works.

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 133
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) To ensure consistency of approaches, the Commission, in close

Amendment

(36) To ensure consistency of approaches while taking into account the
cooperation with the Body of European Regulators (BEREC), could provide guidance on applying the provisions on civil work coordination, including but not only on apportioning of costs. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance.

divergent situation across Member States, the Commission, in close cooperation with the Body of European Regulators (BEREC), could provide guidance on applying the provisions on civil work coordination, including but not only on apportioning of costs. The views of stakeholders and particularly of national dispute settlement bodies should be duly taken into account in the preparation of the guidance to ensure as best as possible that such guidance would not be disruptive to well established principles, does not violate national dispute settlement bodies procedural rules, and would not be harmful for further very high capacity networks roll out.

Or. en

Amendment 134
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) To ensure consistency of approaches, the Commission, in close cooperation with the Body of European Regulators (BEREC), could provide guidance on applying the provisions on civil work coordination, including but not only on apportioning of costs. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance.

Amendment

(36) To ensure consistency of approaches, the Commission, in close cooperation with the Body of European Regulators (BEREC), should provide guidance, by at least six months before the date of application of this Regulation, on applying the provisions on civil work coordination, including but not only on apportioning of costs. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance.

Considering the level of flexibility recognised to Member States in the application of these provisions, and in order to be efficient, such guidance should provide an appropriate level of
Amendment 135
Pilar del Castillo Vera

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

(37a) The deployment of cross-border corridors along transport paths will support an interconnected, interoperable, and sovereign digital single market. In order to increase the uptake of 5G corridor deployments in Europe and the use of already available funding (in particular CEF2), participation of all relevant stakeholders is necessary, including road and railway operators as well as undertakings providing or authorised to provide public electronic communications networks as owners of national radio spectrum. By end of 2025 all undertakings providing or authorised to provide public electronic communications networks in the Union should ensure that end-users enjoy seamless signal-handover at inner European borders as a prerequisite for effective 5G corridors and, thereby, contributing to the Digital Decade. Seamless connectivity, amongst other steps such as a true harmonised use of radio spectrum, will foster cross-border consolidation efforts by the mobile network industry. It will also deepen the integration of the single market and strengthen European champions leading the global technology race.

Or. en
Amendment 136
Angelika Niebler
Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

(37a) One cornerstone for a well-functioning, interconnected and interoperable digital single market is the deployment of cross-border corridors along transport paths. This will also require the update of deployments of 5G corridors within Member States and across borders. To achieve this and make use of existing funding, all relevant stakeholders, such as road and railway operators, and undertakings providing or authorised to provide public electronic communications networks, should actively participate in the deployment of cross-border corridors. By end of 2025, end-users should be able to enjoy seamless signal-handover at inner European borders.

Amendment

Or. en

Amendment 137
Franc Bogovič
Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) A number of different permits for deploying elements of electronic communications networks or associated facilities may be necessary in order to protect national and Union general interests. These can include digging, building, town planning, environmental and other permits as well as rights of way. The number of permits and rights of way required for deploying different types of

Amendment

(38) A number of different permits for deploying elements of electronic communications networks or associated facilities may be necessary in order to protect national and Union general interests. These can include digging, building, town planning, environmental and other permits as well as rights of way. The number of permits and rights of way required for deploying different types of
electronic communications networks or associated facilities and the local character of the deployment could involve applying different procedures and conditions, which can cause difficulties in the network deployment. Therefore, to facilitate deployment, all rules on the conditions and procedures applicable to granting permits and rights of way should be streamlined and consistent at national level. While preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle, all information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be available via single information points. This could reduce complexity and increase efficiency and transparency for all operators and particularly new entrants and smaller operators not active in that area. Moreover, operators should have the right to submit their requests for permits and rights of way in electronic format via a single information point. Those undertakings should also be able to retrieve information in electronic format about the status of their requests and whether they have been granted or refused.

electronic communications networks or associated facilities and the local character of the deployment could involve applying different procedures and conditions, which can cause difficulties in the network deployment. Therefore, to facilitate deployment, all rules on the conditions and procedures applicable to granting permits and rights of way should be streamlined and consistent at national level. While preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle, all information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be available via single information points. This could reduce complexity and increase efficiency and transparency for all undertakings providing or authorised to provide public electronic communications networks and particularly new entrants and smaller undertakings not active in that area. Moreover, undertakings providing or authorised to provide public electronic communications networks should have the right to submit their requests for permits and rights of way in electronic format via a single information point. Those undertakings should also be able to retrieve information in electronic format about the status of their requests and whether they have been granted or refused.

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.
Amendment 138
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Tomas Tobé, Henna Virkkunen, Angelika Niebler

Proposal for a regulation
Recital 38

Text proposed by the Commission
(38) A number of different permits for deploying elements of electronic communications networks or associated facilities may be necessary in order to protect national and Union general interests. These can include digging, building, town planning, environmental and other permits as well as rights of way. The number of permits and rights of way required for deploying different types of electronic communications networks or associated facilities and the local character of the deployment could involve applying different procedures and conditions, which can cause difficulties in the network deployment. Therefore, to facilitate deployment, all rules on the conditions and procedures applicable to granting permits and rights of way should be streamlined and consistent at national level. While preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle, all information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be available via single information points. This could reduce complexity and increase efficiency and transparency for all operators and particularly new entrants and smaller operators not active in that area. Moreover, operators should have the right to submit their requests for permits and rights of way in electronic format via a single information point. Those undertakings should also be able to retrieve information in electronic format about the

Amendment
(38) A number of different permits for deploying elements of electronic communications networks or associated facilities may be necessary in order to protect national and Union general interests. These can include digging, building, town planning, environmental and other permits as well as rights of way. The number of permits and rights of way required for deploying different types of electronic communications networks or associated facilities and the local character of the deployment could involve applying different procedures and conditions, which can cause difficulties in the network deployment. Therefore, to facilitate deployment, all rules on the conditions and procedures applicable to granting permits and rights of way should be streamlined and consistent at national level, while respecting the constitutional structure of every Member State. While preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle, all information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be available via single information points. This could reduce complexity and increase efficiency and transparency for all operators and particularly new entrants and smaller operators not active in that area. Moreover, operators should have the right to submit their requests for permits and rights of way in electronic format via a single information point. Those
status of their requests and whether they have been granted or refused. undertakings should also be able to retrieve information in electronic format about the status of their requests and whether they have been granted or refused.

Amendment 139
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) A number of different permits for deploying elements of electronic communications networks or associated facilities may be necessary in order to protect national and Union general interests. These can include digging, building, town planning, environmental and other permits as well as rights of way. The number of permits and rights of way required for deploying different types of electronic communications networks or associated facilities and the local character of the deployment could involve applying different procedures and conditions, which can cause difficulties in the network deployment. Therefore, to facilitate deployment, all rules on the conditions and procedures applicable to granting permits and rights of way should be streamlined and consistent at national level. While preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle, all information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be available via single information points. This could reduce complexity and increase efficiency and transparency for all operators and particularly new entrants and

Amendment

(38) A number of different permits for deploying elements of electronic communications networks or associated facilities may be necessary in order to protect national and Union general interests. These can include digging, building, town planning, environmental and other permits as well as rights of way. The number of permits and rights of way required for deploying different types of electronic communications networks or associated facilities and the local character of the deployment could involve applying different procedures and conditions, which can cause difficulties in the network deployment. Therefore, to facilitate deployment, all rules on the conditions and procedures applicable to granting permits and rights of way should be streamlined, consistent and harmonized, to the possible extent, at national level. While preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle, all information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be available via single information points. This could reduce complexity and increase efficiency and transparency for all
smaller operators not active in that area. Moreover, operators should have the right to submit their requests for permits and rights of way in electronic format via a single information point. Those undertakings should also be able to retrieve information in electronic format about the status of their requests and whether they have been granted or refused.

Amendment 140
Angelika Winzig, Sara Skyttedal, Massimiliano Salini, Tomas Tobé, Henna Virkkunen

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations. Competent authorities should justify any refusal to grant permits or rights of way in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations. Competent authorities should justify any refusal to grant permits or rights of way under their
under their competence, based on objective, transparent, non-discriminatory and proportionate conditions. Whenever a competent authority doesn't respond within the deadlines set for the granting procedure, it should inform the applicant about the delay and its reasons on its own motion. Member States should introduce incentives in their national legislation for competent authorities to grant permits faster than required by law.

Amendment 141
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of

Amendment

(39) Permit-granting procedures should not be unjustified barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict or hinder the deployment of very high capacity networks. Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.
authorisations. Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Justification

Although the original text was conditional to the possibility of allowing parallel permitting, it is sometimes inefficient to analyse partial permit requests that would be inapplicable due to other conditions not being fulfilled for other parts of the permitting process. A single point of contact would suffice, but changing the permitting procedures only for network deployment might generate unjustified burden.

Amendment 142
Angelika Niebler

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one

Amendment

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request or within the time limits laid down in national law, whichever is shorter. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights
type of authorisation before they can apply for other types of authorisations. Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Amendment 143
Franc Bogovič

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations. Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Amendment

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objective, transparent, non-discriminatory and proportionate conditions. should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 144
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent

Amendment

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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, such as the provisions set out in Article 57 of the Directive (EU) 2018/1972. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated
procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations. Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Amendment 145
Johan Nissinen
Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations.

Amendment

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 3 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations.
Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Amendment 146
Pilar del Castillo Vera

Proposal for a regulation
Recital 39

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 4 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations. Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.

Text proposed by the Commission

Amendment

(39) Permit-granting procedures should not be barriers to investment or harm the internal market. Member States should therefore ensure that a decision on whether or not to grant permits on the deployment of elements of very high capacity networks or associated facilities is made available within 3 months from the receipt of a complete permit request. This is 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. Competent authorities should not restrict, hinder or make the deployment of very high capacity networks or associated facilities economically less attractive. Specifically, they should not prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require operators to obtain one type of authorisation before they can apply for other types of authorisations. Competent authorities should justify any refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.
Justification

Faster permit granting and removing red tape is critical for boosting investment in the deployment of very high capacity networks

Amendment 147
Angelika Winzig, Sara Skyttedal, Tomas Tobé, Henna Virkkunen

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 4 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972. Operators that suffer damage due to the delay of a competent authority to grant permits or rights of way within the applicable deadlines should have the right to compensation.

Amendment

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request without unnecessary delay. The permit request should be deemed complete as soon as possible unless the competent authority invites the applicant to provide any missing information. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights without unnecessary delay. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972.
Amendment 148
Franc Bogovič

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 4 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972. Operators that suffer damage due to the delay of a competent authority to grant permits or rights of way within the applicable deadlines should have the right to compensation.

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(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 4 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972. Undertakings providing or authorised to provide public electronic communications networks that suffer damage due to the delay of a competent authority to grant permits or rights of way within the applicable deadlines should have the right to compensation.
Justification

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 149
Angelika Niebler

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 4 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with

Amendment

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within one month from its receipt or within the time limit laid down in national law, whichever is shorter. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 4 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works
Article 43 of Directive (EU) 2018/1972. Operators that suffer damage due to the delay of a competent authority to grant permits or rights of way within the applicable deadlines should have the right to compensation.

should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972.

Or. de

Amendment 150
Pilar del Castillo Vera

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 4 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972. Operators that suffer damage due to the delay of a competent authority to grant permits or

Amendment

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 3 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972. Operators that suffer damage due to the delay of a competent authority to grant permits or
rights of way within the applicable deadlines should have the right to compensation.


Justification

Faster permit granting and removing red tape is critical for boosting investment in the deployment of very high capacity networks

Amendment 151
Johan Nissinen

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 4 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972. Operators

Amendment

(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 days from its receipt. The permit request should be deemed complete unless the competent authority invites the applicant to provide any missing information within that period. For reasons of equal treatment and transparency, the competent authorities should not consider permit requests for civil works to be admissible if the minimum information required under this Regulation has not been made available via a single information point within 3 months before the first permit request is submitted to the competent authorities. Where, in addition to permits, rights of way are required for deploying elements of very high capacity networks, competent authorities should, by way of derogation from Article 43 of Directive (EU) 2018/1972, grant such rights of way within 3 months from the receipt of the request. Other rights of way not needed in conjunction with permits for civil works should continue to be granted within 6 months in accordance with Article 43 of Directive (EU) 2018/1972. Operators
that suffer damage due to the delay of a competent authority to grant permits or rights of way within the applicable deadlines should have the right to compensation.

Amendment 152
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) In order to ensure uniform conditions for the implementation of Article 7 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. The exemptions from the requirement for permits set out at Union level by way of an implementing act, could be applied to different categories of infrastructure (such as masts, antennae, poles and underground cables) under certain specified conditions, for which building permits, digging permits or other types of permits may be initially required. They could also be applied to technical upgrades of existing maintenance works or installations, small-scale civil works, such as trenching, and renewals of permits.


Amendment

(41) In order to ensure uniform conditions for the implementation of Article 7 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. The exemptions from the requirement for permits set out at Union level by way of an implementing act, that could be applied to different categories of infrastructure (such as masts, antennae, poles and underground cables) under certain specified conditions, for which building permits, digging permits or other types of permits may be initially required. They could also be applied to technical upgrades of existing maintenance works or installations, small-scale civil works, such as trenching, and renewals of permits. The Commission should carry out appropriate consultations during its preparatory work, including at expert level.


Or. en

Amendment 153
Angelika Winzig, Sara Skyttedal, Massimiliano Salini, Seán Kelly, Henna Virkkunen, Angelika Niebler

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) In order to ensure uniform conditions for the implementation of Article 7 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. The exemptions from the requirement for permits set out at Union level by way of an implementing act, could be applied to different categories of infrastructure (such as masts, antennae, poles and underground cables) under certain specified conditions, for which building permits, digging permits or other types of permits may be initially required. They could also be applied to technical upgrades of existing maintenance works or installations, small-scale civil works, such as trenching, and renewals of permits.

Amendment

(41) The Commission should after consulting relevant stakeholders, identify categories of deployment of elements of very high capacity networks or associated facilities that Member States should consider to exempt from any permit-granting procedure. The exemptions from the requirement for permits could be applied to different categories of infrastructure (such as masts, antennae, poles and underground cables) under certain specified conditions, for which building permits, digging permits or other types of permits may be initially required. They could also be applied to technical upgrades of existing maintenance works or installations, small-scale civil works, such as trenching, and renewals of permits.

Amendment 154  
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López  
Proposal for a regulation  
Recital 41  

Text proposed by the Commission  

(41) In order to ensure uniform conditions for the implementation of Article 7 of this Regulation, **implementing powers** should be conferred on the Commission. **Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council**\(^{39}\). The exemptions from the requirement for permits set out at Union level by way of a **implementing act**, could be applied to different categories of infrastructure (such as masts, antennae, poles and underground cables) under certain specified conditions, for which building permits, digging permits or other types of permits may be initially required. They could also be applied to technical upgrades of existing maintenance works or installations, small-scale civil works, such as trenching, and renewals of permits.

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**Amendment 155**
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Tomas Tobé, Henna Virkkunen

**Proposal for a regulation**

**Recital 42**

*Text proposed by the Commission*

(42) In order to ensure that the procedures for granting such permits and rights of way are completed within reasonable deadlines, as appears from certain modernising and good administrative practices at national level, it is necessary to draw up principles for administrative simplification. This should include inter alia limiting the obligation of prior authorisation to cases in which it is essential and introducing tacit approval by the competent authorities after a certain period of time has elapsed. Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.

*Amendment*

(42) In order to ensure that the procedures for granting such permits and rights of way are completed within reasonable deadlines, as appears from certain modernising and good administrative practices at national level, it is necessary to draw up principles for administrative simplification. This should include inter alia limiting the obligation of prior authorisation to cases in which it is essential and introducing tacit approval by the competent authorities after a certain period of time has elapsed. Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.

**Amendment 156**
Beatrice Covassi, Carlos Zorrinho

**Proposal for a regulation**

**Recital 42**

*Text proposed by the Commission*

(42) In order to ensure that the procedures for granting such permits and rights of way are completed within reasonable deadlines, as appears from certain modernising and good administrative practices at national level, it is necessary to draw up principles for administrative simplification. This should include inter alia limiting the obligation of prior authorisation to cases in which it is essential and introducing tacit approval by

*Amendment*

(42) In order to ensure that the procedures for granting such permits and rights of way are completed within reasonable deadlines, as appears from certain modernising and good administrative practices at national level, it is necessary to draw up principles for administrative simplification. This should include inter alia limiting the obligation of prior authorisation to cases in which it is essential and introducing tacit approval by

Additionally, Member States
the competent authorities after a certain period of time has elapsed. Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.

should be able to maintain or introduce simplified authorization procedure or prior communication procedures that may exist under national law, applicable to the deployment of any element of very high capacity networks or associated facilities. Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.

Or. en

Amendment 157
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) To facilitate the deployment of elements of very high capacity networks, any fee related to a permit, other than rights of way, should be limited to the administrative costs related to processing the permit request according to the principles established in Article 16 of Directive (EU) 2018/1972. In the case of rights of way, the provisions established in Articles 42 and 43 of Directive (EU) 2018/1972 apply.

Amendment

(43) To facilitate the deployment of elements of very high capacity networks, any fee related to a permit, other than rights of way, should be limited to and take into account the administrative costs related to processing the permit request according to the principles established in Article 16 of Directive (EU) 2018/1972. In the case of rights of way, the provisions established in Articles 42 and 43 of Directive (EU) 2018/1972 apply.

Or. en

Justification

In line with the proposed changes in the article, local authorities could still benefit from a certain flexibility

Amendment 158
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López
(44) Achieving the targets set out in Decision (EU) 2022/2481 requires that, by 2030, all end users at fixed locations are covered by a gigabit network up to a network termination point and all populated areas are covered by next-generation wireless high-speed networks with at least 5G-equivalent performance, in accordance with the principle of technological neutrality. Providing gigabit networks up to the end user should be facilitated, in particular through fibre-ready in-building physical infrastructure. Providing for mini-ducts during the construction of a building has only a limited incremental cost, while equipping buildings with gigabit infrastructure may represent a significant part of the cost of deploying a gigabit network. Therefore, all new buildings or buildings subject to a major renovation should be equipped with physical infrastructure and in-building fibre wiring, enabling the connection of end users to gigabit speeds. New multi-dwelling buildings and multi-dwelling buildings subject to major renovation should also be equipped with an access point, accessible to one or more undertakings providing or authorised to provide public electronic communications networks. Moreover, building developers should provide for empty ducts from every dwelling to the access point, located in or outside the multi-dwelling building. Major renovations of existing buildings at the end user’s location to enhance energy performance (pursuant to Directive 2010/31/EU of the European Parliament and of the Council 40) provide an opportunity to also equip those buildings with fibre-ready in-building physical infrastructure, in-building fibre wiring and, for multi-dwelling buildings, an access point.

Amendment 159
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) The prospect of equipping a building with fibre-ready in-building physical infrastructure, an access point or in-building fibre wiring may be considered disproportionate in terms of costs, namely for new single dwellings or buildings undergoing major renovation works. This may be based on objective grounds, such as tailor-made cost estimates, economic reasons linked to the location, or urban heritage conservation or environmental reasons (for example, for specific categories of monuments).

Amendment

(45) The prospect of equipping a building with gigabit-ready in-building physical infrastructure, an access point or in-building fibre wiring may be considered disproportionate in terms of costs, namely for new single dwellings or buildings undergoing major renovation works. This may be based on objective grounds, such as tailor-made cost estimates, economic reasons linked to the location, or urban heritage conservation or environmental reasons (for example, for specific categories of monuments).

Amendment 160
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) Prospective buyers and tenants should be able to identify buildings that are equipped with fibre-ready in-building physical infrastructure.

Amendment

(46) Prospective buyers and tenants should be able to identify buildings that are equipped with gigabit-ready in-building physical infrastructure.
The fibre readiness of buildings should also be promoted. Member States should therefore develop a compulsory ‘fibre-ready’ label for buildings equipped with such infrastructure, an access point and in-building fibre wiring in accordance with this Regulation.

Amendment 161
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) Undertakings providing or authorised to provide public electronic communications networks deploying gigabit networks in a specific area could achieve significant economies of scale if they could terminate their network to the building’s access point by using existing physical infrastructure and restoring the affected area. This should be possible irrespective of whether a subscriber has expressed explicit interest for the service at that moment in time and provided that the impact on private property is minimised. Once the network is terminated at the access point, the connection of an additional customer is possible at a significantly lower cost, in particular by means of access to a fibre-ready vertical segment inside the building, where it already exists. That objective is also fulfilled when the building itself is already equipped with a gigabit network to which access is provided to any public communications network provider, which has an active subscriber in the building.

Amendment

(47) Undertakings providing or authorised to provide public electronic communications networks deploying gigabit networks in a specific area could achieve significant economies of scale if they could terminate their network to the building’s access point by using existing physical infrastructure and restoring the affected area. This should be possible irrespective of whether a subscriber has expressed explicit interest for the service at that moment in time and provided that the impact on private property is minimised, and property right is fully respected. Once the network is terminated at the access point, the connection of an additional customer is possible at a significantly lower cost, in particular by means of access to a fibre-ready vertical segment inside the building, where it already exists. That objective is also fulfilled when the building itself is already equipped with a gigabit network to which access is provided to any public communications network provider, which has an active subscriber in the building.
under transparent, proportionate and non-discriminatory terms and conditions. That could in particular be the case in Member States that have taken measures under Article 44 of Directive (EU) 2018/1972.

Amendment 162
Elena Kountoura
on behalf of The Left Group
Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) In order to contribute to ensuring availability of gigabit networks to end users, new buildings and majorly renovated buildings should be equipped with fibre-ready in-building physical infrastructure, in-building fibre wiring and, in the case of multi-dwelling buildings, an access point. Member States should have a degree of flexibility to achieve this. This Regulation, therefore, does not seek to harmonise rules on related costs, including the recovery of costs of equipping buildings with fibre-ready in-building physical infrastructure, in-building fibre wiring and an access point.

Amendment

(48) In order to contribute to ensuring availability of gigabit networks to end users, new buildings and majorly renovated buildings should be equipped with gigabit-ready in-building physical infrastructure, in-building fibre wiring and, in the case of multi-dwelling buildings, an access point. Member States should have a degree of flexibility to achieve this. This Regulation, therefore, does not seek to harmonise rules on related costs, including the recovery of costs of equipping buildings with gigabit-ready in-building physical infrastructure, in-building fibre wiring and an access point.

Amendment 163
Elena Kountoura
on behalf of The Left Group
Proposal for a regulation
Recital 49

Text proposed by the Commission

Amendment
In line with the subsidiarity principle and to take national circumstances into account, Member States should adopt the standards or technical specifications necessary for the purpose of equipping newly constructed or majorly renovated buildings with fibre-ready in-building physical infrastructure and in-building fibre wiring; and new or majorly renovated multi-dwelling buildings with an access point. Those standards or technical specifications should set out at least: the building access point specifications; fibre interface specifications; cable specifications; socket specifications; specifications for pipes or micro-ducts; technical specifications needed to prevent interference with electrical cabling, and the minimum bend radius. Member States should make the issuance of building permits conditional on compliance of the relevant new building or major renovation works project requiring a building permit with the standards or technical specifications based on a certified test report. Member States should also set up certification schemes for the purpose of demonstrating compliance with the standards or technical specifications as well as for qualifying for the ‘fibre-ready’ label. Moreover, to avoid an increase in red tape related to the certification scheme set up under this Regulation, Member States should take into account the procedural requirements applied to certification schemes pursuant to Directive 2010/31/EU and also consider the possibility to enable the combined launch of both request procedures.

Amendment 164
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) In view of the social benefits stemming from digital inclusion and taking into account the economics of deploying very high capacity networks, where there is neither existing passive or active fibre-ready infrastructure serving end users’ premises nor alternatives to providing very high capacity networks to a subscriber, any public communications network provider should have the right to terminate its network to a private premise at its own cost, provided that the impact on private property is minimised, for example, if possible, by reusing the existing physical infrastructure available in the building or ensuring full restoration of the affected areas.

Amendment

(50) In view of the social benefits stemming from digital inclusion and taking into account the economics of deploying very high capacity networks, where there is neither existing passive or active fibre-ready infrastructure serving end users’ premises nor alternatives to providing very high capacity networks to a subscriber, any public communications network provider should have the right to terminate its network to a private premise at its own cost, provided that the impact on private property is minimised and property right is fully respected, for example, if possible, by reusing the existing physical infrastructure available in the building or ensuring full restoration of the affected areas.

Or. en

Amendment 165
Elena Kountoura on behalf of The Left Group

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) In view of the social benefits stemming from digital inclusion and taking into account the economics of deploying very high capacity networks, where there is neither existing passive or active fibre-ready infrastructure serving end users’ premises nor alternatives to providing very high capacity networks to a subscriber, any public communications network provider should have the right to terminate its network to a private premise at its own cost, provided that the impact on private property is minimised, for example, if possible, by reusing the existing physical

Amendment

(50) In view of the social benefits stemming from digital inclusion and taking into account the economics of deploying very high capacity networks, where there is neither existing passive or active gigabit-ready infrastructure serving end users’ premises nor alternatives to providing very high capacity networks to a subscriber, any public communications network provider should have the right to terminate its network to a private premise at its own cost, provided that the impact on private property is minimised, for example, if possible, by reusing the existing physical
infrastructure available in the building or ensuring full restoration of the affected areas.

Amendment 166
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Recital 52

*Text proposed by the Commission*

(52) To ensure consistency of approaches, the Commission, in close cooperation with BEREC, could provide guidance on the applications of provisions on access to in-building physical infrastructure, including but not only on the terms and conditions thereof. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance.

*Amendment*

(52) To ensure consistency of approaches *while taking into account the divergent situation across Member States*, the Commission, in close cooperation with BEREC, could provide guidance on the applications of provisions on access to in-building physical infrastructure, including but not only on the terms and conditions thereof. The views of stakeholders and *particularly of* national dispute settlement bodies should be duly taken into account in the preparation of the guidance *to ensure as best as possible that such guidance would not be disruptive to well established principles, does not violate national dispute settlement bodies procedural rules, and would not be harmful for further very high capacity networks roll out.*

Amendment 167
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

Proposal for a regulation
Recital 52
(52) To ensure consistency of approaches, the Commission, in close cooperation with BEREC, **could** provide guidance on the applications of provisions on access to in-building physical infrastructure, including but not only on the terms and conditions thereof. The views of stakeholders and national dispute settlement bodies should be duly taken into account in the preparation of the guidance.

(53) To foster the modernisation and agility of administrative procedures and reduce the cost of and time spent on the procedures for deploying very high capacity networks, the services of single information points should be performed fully online. To that end, single information points should provide easy access to the necessary digital tools, such as web portals, digital platforms, and digital applications. The tools should give access in an efficient manner to the minimum information on existing physical infrastructure and planned civil works and the possibility to request information. Such digital tools should also give access to the
electronic administrative procedures for granting permits and rights of way and related information on the applicable conditions and procedures. Where more than one single information point is set up in a Member State, all single information points should be easily and seamlessly accessible, by electronic means, via a single national digital entry point. This entry point should have a common user interface ensuring access to the online single information points. The single national digital entry point should facilitate interaction between undertakings providing or authorised to provide public electronic communications networks and competent authorities performing the functions of the single information points.

**Justification**

This Recital is amended to match the proposed amendments in the relevant Articles of the proposal to exclude undertakings only providing associated facilities from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

**Amendment 169**

**Johan Nissinen**

**Proposal for a regulation**

**Recital 58**

**Text proposed by the Commission**

(58) To avoid delays in network deployments, the national dispute settlement body should settle the dispute in a timely manner and, in any event, at the latest within 4 months from receipt of the request to settle the dispute in the case of

**Amendment**

(58) To avoid delays in network deployments, the national dispute settlement body should settle the dispute in a timely manner and, in any event, at the latest within 3 months from receipt of the request to settle the dispute in the case of
disputes on access to existing physical infrastructure and 1 month when it concerns transparency on physical infrastructure, coordination of planned civil works and transparency on planned civil works. Exceptional circumstances justifying a delay in the settlement of a dispute could be beyond the control of the dispute settlement bodies, such as insufficient information or documentation that is necessary to take a decision, including the views of other competent authorities that need to be consulted or the high complexity of the file.

Amendment 170
Henna Virkkunen

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by promoting the joint use of existing physical infrastructure and by enabling a more efficient deployment of new physical infrastructure so that such networks can be rolled out faster and at a lower cost.

Amendment

1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by promoting the joint use of existing physical infrastructure and by enabling a more efficient deployment of new physical infrastructure so that such networks can be rolled out faster and at a lower cost. **However, the scope of this regulation shall not be limited to very high capacity networks.**

Justification

The aim of this Regulation is to facilitate and stimulate the roll-out of very high capacity networks, for example 5G technology in mobile networks. However, for example mobile infrastructure, such as mast and antenna sites, serves different technologies. Therefore, it is not appropriate to narrow down the scope of application to cover only the use for 5G needs, i.e. high capacity networks.
Amendment 171
Adam Jarubas, Janusz Lewandowski

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by promoting the joint use of existing physical infrastructure and by enabling a more efficient deployment of new physical infrastructure so that such networks can be rolled out faster and at a lower cost.

Amendment

1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks, including mobile networks, by promoting the joint use of existing physical infrastructure and by enabling a more efficient deployment of new physical infrastructure so that such networks can be rolled out faster and at a lower cost.

Or. en

Amendment 172
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Seán Kelly, Henna Virkkunen, Angelika Niebler

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. If any provision of this Regulation conflicts with a provision of Directive (EU) 2018/1972 or Directive 2002/77/EC, the relevant provision of those Directives shall prevail.

Amendment


Or. en

Amendment 173
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 2
2. If any provision of this Regulation conflicts with a provision of Directive (EU) 2018/1972 or Directive 2002/77/EC, the relevant provision of those Directives shall prevail.

Amendment

2. If in the implementation of Regulation interpretation conflicts with a provision of Directive (EU) 2018/1972 or Directive 2002/77/EC occur, the relevant provision of those Directives shall prevail.

Or. en

Amendment 174
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López
Proposal for a regulation
Article 1 – paragraph 2

2. If any provision of this Regulation conflicts with a provision of Directive (EU) 2018/1972 or Directive 2002/77/EC, the relevant provision of those Directives shall prevail.

Amendment

2. If any provision of this Regulation conflicts with a more detailed or stringent relevant provision of Directive (EU) 2018/1972 or Directive 2002/77/EC, the latter shall prevail.

Or. en

Amendment 175
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López
Proposal for a regulation
Article 1 – paragraph 3

3. Member States may maintain or introduce measures in conformity with Union law which contain more detailed provisions than those set out in this Regulation where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.

Amendment

3. Member States may maintain or introduce measures in conformity with Union law which contain more detailed and/or stringent provisions than those set out in this Regulation, such as cost-oriented prices, permit exemptions or other legal measures deriving from national law, where they serve to promote
the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.

Or. en

Amendment 176
Adam Jarubas, Janusz Lewandowski

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. Member States may maintain or introduce measures in conformity with Union law which contain more detailed provisions than those set out in this Regulation where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.

Amendment

3. Member States may maintain or introduce measures in accordance with Union law, which provide solutions enabling better achievement of the objectives set out in this regulation, with priority given to the relevant provisions enabling better achievement of the regulation's objectives, particularly the joint use of existing physical infrastructure or a more efficient deployment of new physical infrastructure.

Or. en

Amendment 177
Elena Kountoura on behalf of The Left Group

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. Member States may maintain or introduce measures in conformity with Union law which contain more detailed provisions than those set out in this Regulation where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.

Amendment

3. Member States may maintain or introduce measures in conformity with Union law which complement or go beyond the rights and obligations set out in this Regulation where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.
Amendment 178
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

4. By way of exception to paragraph 3, Member States shall not maintain or introduce in their national law provisions diverging from those laid down in Article 3(3) and (6), Article 4(4), Article 5(2) and (4), Article 6(2) and Article 8(7) and (8).

Amendment

4. By way of exception to paragraph 3, Member States shall not maintain or introduce in their national law provisions diverging from those laid down in Article 3(3) and (6), Article 4(4), Article 5(2) and (4), Article 6(2) and Article 8(7) and (8). The exclusion of Article 5(2) shall not prevent Member States to extend provisions on civil works coordination also to privately finance civil works.

Amendment 179
Johan Nissinen

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

Text proposed by the Commission

4a. The Member States’ sovereign rights regarding national security are explicitly and fully respected by this Regulation.

Amendment

Or. en
Article 2 – paragraph 1

Text proposed by the Commission

For the purposes of this Regulation, the definitions in Directive (EU) 2018/1972 apply.

Amendment

For the purposes of this Regulation, the definitions in Directive (EU) 2018/1972 apply, in particular:

(1) a ‘Very high capacity network’ means a fixed or wireless network as defined in Article 2, point (2) of Directive (EU) 2018/1972;

Or. en

Justification

For the sake of legal certainty, the Regulation should specify that both fixed and wireless VHCNs are in the scope, with a link to the definition of VHCN.

Amendment 181
Markus Pieper

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

Text proposed by the Commission

(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/1972;

Amendment

(a) an undertaking that is authorised to provide or effectively provides a public electronic communications network;

Or. en

Justification

This definition shall apply throughout the text.

Amendment 182
Franc Bogovič

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

Text proposed by the Commission

Amendment

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(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/1972;

(a) an undertaking providing or authorised to provide public electronic communications network;

Justification

Operators merely providing associated facilities should be excluded from the obligations linked to network operators. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible. Fostering competition is one of the main characteristics of this neutral host model and negative effects on network deployment and competition on downstream markets do not exist. As it is, the proposal creates a disproportionate imbalance between benefits and obligations for undertakings only providing associated facilities. Including them as network operator would risk a distortion of investment incentives and a slower roll-out of electronic communications networks in Europe, especially 5G.

Amendment 183
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Tomas Tobé, Seán Kelly, Markus Pieper, Pilar del Castillo Vera, Othmar Karas, Angelika Niebler

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

Text proposed by the Commission
(ii) transport services, including railways, roads, ports and airports;

Amendment
(ii) transport services, including railways, roads, tunnels, ports and airports;

Amendment 184
Henna Virkkunen

Proposal for a regulation
Article 2 – paragraph 2 – point 1 – point b – point ii a (new)

Text proposed by the Commission
(iiia) other physical infrastructure services related to electronic
communications networks.

Justification

Recital 15 states that due to ‘tower companies’, and their increasingly significant role as providers of access to physical infrastructure, the definition of ‘network operator’ should be extended beyond undertakings providing or authorized to provide electronic communications networks and operators of other types of networks. Many telecom companies have divested certain physical mobile infrastructure to such 'tower companies'. These companies should be in the scope of this regulation in order to avoid problems faced in e.g. electricity markets, such as excessive pricing.

Amendment 185
Miapetra Kumpula-Natri

Proposal for a regulation
Article 2 – paragraph 2 – point 1 – point b – point ii a (new)

Text proposed by the Commission

Amendment

(iiia) (iii) other physical infrastructure services related to electronic communications networks

Justification

On the definition of ‘network operator’: many telecom companies have divested certain physical mobile infrastructure to so-called “tower companies”. These companies should be included in this regulation in order to avoid problems in electricity markets, such as excessive pricing.

Amendment 186
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

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

Text proposed by the Commission

Amendment

(1a) 'Very high capacity network' means a fixed or wireless network as
defined in Article 2, point (2) of Directive (EU) 2018/1972;

Or. en

Amendment 187
Ivars Ijabs

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

Text proposed by the Commission

(a) any element of a network that is intended to host other elements of a network without becoming an active element of the network itself, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, antenna installations, towers and poles, as well as buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations;

Amendment

(a) any element of a network that is intended to host other elements of a network without becoming an active element of the network itself, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, antenna installations, towers and poles, as well as buildings or entries to buildings, and any other asset including rooftop or part of a façade, street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations;

Or. en

Justification

Rooftops and facades are the building elements most commonly used to install 5G mobile base stations in densely populated areas. Without such a requirement, it will not be possible to provide mobile broadband of the functionality and quality required for the future in urban environments.

Amendment 188
Miapetra Kumpula-Natri

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

Text proposed by the Commission

(a) any element of a network that is intended to host other elements of a

Amendment

(a) any element of a network that is intended to host other elements of a
network without becoming an active element of the network itself, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, antenna installations, towers and poles, as well as buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations;

network without becoming an active element of the network itself, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, antenna installations, towers and poles, as well as buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations;

Or. en

Justification

For physical infrastructures that are not part of a network and are owned or controlled by public sector bodies, rooftops should be included. 5G will require further densification of mobile networks and therefore access to rooftops is key for installing the necessary infrastructure for state-of-the-art wireless connectivity.

Amendment 189

Elena Kountoura on behalf of The Left Group

Proposal for a regulation

Article 2 – paragraph 2 – point 2 – paragraph 1 – point a

Text proposed by the Commission

(a) any element of a network that is intended to host other elements of a network without becoming an active element of the network itself, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, antenna installations, towers and poles, as well as buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations;

Amendment

(a) any element of a network that is intended to host other elements of a network without becoming an active element of the network itself, such as pipes, masts, ducts, inspection chambers, manholes, cabinets, antenna installations, towers and poles, as well as buildings or entries to buildings, rooftops and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations;

Or. en

Amendment 190
## Proposal for a regulation

**Article 2 – paragraph 2 – point 2 – paragraph 1 – point b**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.</td>
<td>(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings, <strong>including rooftops and walls</strong>, or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.</td>
</tr>
</tbody>
</table>

**Or. en**

### Justification

*Expansion of mobile networks in the cities heavily rely on making use of the buildings' rooftops and walls.*

## Amendment 191

**Andris Ameriks**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point 2 – paragraph 1 – point b**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.</td>
<td>(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, <strong>including rooftops, parts of the facade</strong> and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.</td>
</tr>
</tbody>
</table>

**Or. en**

## Amendment 192

**Ivars Ijabs**
Proposal for a regulation
Article 2 – paragraph 2 – point 2 – paragraph 1 – point b

Text proposed by the Commission

(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.

Amendment

(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, and any other asset including rooftop or part of a façade, street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.

Or. en

Justification

Rooftops and facades are the building elements most commonly used to install 5G mobile base stations in densely populated areas. Without such a requirement, it will not be possible to provide mobile broadband of the functionality and quality required for the future in urban environments.

Amendment 193
Beatrice Covassi, Carlos Zorrinho, Matthias Ecke, Josianne Cutajar, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

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

Text proposed by the Commission

(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.

Amendment

(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings, including rooftops, and entries to buildings, and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.

Or. en

Amendment 194
Matthias Ecke
Proposal for a regulation
Article 2 – paragraph 2 – point 2 a (new)

Text proposed by the Commission

2a. ‘viable alternative’ means any infrastructure available immediately or within a reasonable period of time which is suitable for the provision of very high capacity networks for electronic communications and to which a network operator offers access on fair and reasonable terms and conditions; account being taken of intended use, viable alternatives may in particular be: (a) physical infrastructure, (b) dark fibre and (c) bit-stream access;

Amendment

Or. de

Amendment 195
Adam Jarubas, Janusz Lewandowski, Jerzy Buzek

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

Text proposed by the Commission

(3) ‘civil works’ means every outcome of building or civil engineering works taken as a whole that is sufficient in itself to fulfil an economic or technical function and entails one or more elements of a physical infrastructure;

Amendment

(3) ‘civil works’ means every outcome of building or civil engineering works taken as a whole including construction, as well as works consisting of reconstruction, installation, renovation, or demolition of a building structure;

Or. en

Amendment 196
Miapetra Kumpula-Natri

Proposal for a regulation
Article 2 – paragraph 2 – point 4
(4) ‘public sector body’ means a State, regional or local authority, a body governed by public law or an association formed by one or several such authorities or one or several such bodies governed by public law; or any entity exclusively entrusted with performing tasks on their behalf which entails control directly or by delegation of the physical infrastructure;

Amendment 197
Adam Jarubas, Janusz Lewandowski, Jerzy Buzek

Proposal for a regulation
Article 2 – paragraph 2 – point 5 – point b

Text proposed by the Commission
(b) they have legal personality;

Amendment
(b) they have legal personality or are entitled to legal capacity according to the provisions of the law;

Amendment 198
Adam Jarubas, Janusz Lewandowski, Jerzy Buzek

Proposal for a regulation
Article 2 – paragraph 2 – point 6

Text proposed by the Commission
(6) ‘in-building physical infrastructure’ means physical infrastructure or installations at the end user’s location, including elements under joint ownership, intended to host wired and/or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting the building access point with

Amendment
(6) ‘in-building physical infrastructure’ means physical infrastructure or installations at the end user’s location, including elements under joint ownership e.g. tenants’ co-ownership, intended to host wired and/or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting
the network termination point;  
the building access point with the network termination point;  

Amendment 199  
Dace Melbärde  

Proposal for a regulation  
Article 2 – paragraph 2 – point 8  

Text proposed by the Commission  

(8) ‘fibre-ready in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre elements;  

Amendment  

(8) ‘gigabit-capable in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre, wireless or other elements;  

Or. en  

Justification  

Technologically neutrality.  

Amendment 200  
Andris Ameriks  

Proposal for a regulation  
Article 2 – paragraph 2 – point 8  

Text proposed by the Commission  

(8) ‘fibre-ready in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre elements;  

Amendment  

(8) ‘gigabit-capable in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre or wireless elements;  

Or. en  

Amendment 201  
Elena Kountoura  
on behalf of The Left Group
Proposal for a regulation
Article 2 – paragraph 2 – point 8

Text proposed by the Commission

(8) ‘fibre-ready’ in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre elements;

Amendment

(8) ‘gigabit-ready’ in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre or wireless elements;

Or. en

Amendment 202
Adam Jarubas, Janusz Lewandowski, Jerzy Buzek

Proposal for a regulation
Article 2 – paragraph 2 – point 9

Text proposed by the Commission

(9) ‘major renovation works’ means building or civil engineering works at the end user’s location encompassing structural modifications of the entire in-building physical infrastructure or a significant part thereof and that require a building permit;

Amendment

(9) ‘major renovation and reconstruction works’ means building or civil engineering works at the end user’s location encompassing structural modifications of the entire in-building physical infrastructure or a significant part thereof;

Or. en

Amendment 203
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Article 2 – paragraph 2 – point 10

Text proposed by the Commission

(10) ‘permit’ means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several competent authorities that are needed for an undertaking to carry out building or civil engineering works

Amendment

(10) ‘permit’ means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several competent authorities that are needed for an operator to carry out building or civil engineering works and,
necessary for the deployment of elements of very high capacity networks; after completion in some cases, their use for the intended purpose, necessary for the deployment of elements of very high capacity networks;

Amendment 204
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Article 2 – paragraph 2 – point 11

Text proposed by the Commission

(11) ‘access point’ means a physical point, located inside or outside the building, accessible to one or more undertakings providing or authorised to provide public electronic communications networks, where connection to the fibre-ready in-building physical infrastructure is made available.

Amendment

(11) ‘building access point’ means a physical point, located inside or outside the building, easily accessible to one or more undertakings providing or authorised to provide public electronic communications networks, where connection to the fibre-ready in-building physical infrastructure is made available.

Amendment 205
Angelika Winzig, Sara Skyttedal, Adam Jarubas, Seán Kelly, Markus Pieper, Henna Virkkunen, Othmar Karas, Angelika Niebler

Proposal for a regulation
Article 2 – paragraph 2 – point 11 a (new)

Text proposed by the Commission

(11a) 'rights of way' means rights granted in accordance with Art 43 of the Directive (EU) 2018/1972;

Amendment

Or. en

Justification

The GIA as well as the EECC doesn't define the term 'rights of way' in their respective
articles for definitions. There needs to clarity what is meant by that term. In Article 43 of the EECC the cases where those rights are granted are explained.

Amendment 206
Massimiliano Salini

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Operators shall state the components of the physical infrastructure for which they require access in such written requests, along with a deadline. Where a fair and reasonable price has already been negotiated, agreed in a contract or agreed as part of automatic contract renewals, organisations providing or authorised to provide access to associated facilities, that can demonstrate that they have a contract with an operator providing or authorised to provide a public electronic communications network, are not required to offer access at that price. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Or. en
Amendment 207
Pilar del Castillo Vera

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. To ensure that the access provider has a fair return on investment, which reflects the relevant market conditions and their different business models, undertakings providing or authorised to provide access to associated facilities to more than one hosted operator providing or authorised to provide a public electronic communications network shall not be subject to fair and reasonable price obligations. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions and at prices not exceeding the administrative costs. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Or. en

Amendment 208
Matthias Ecke

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Access entitlement shall be conditional on the absence of a viable alternative. That written request shall specify the project elements for which access is being applied for, including a specific time frame, and shall be accompanied by an up-to-date extract from the single information point that identifies any other physical infrastructure available. Where availability has been established, the request shall set out the reasons why that other physical infrastructure does not constitute a viable alternative.

Or. de

Amendment 209
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities.

Amendment

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities.
Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Justification

*In order to assess the element of “reasonable” we need to provide in the legislation more details on the elements that must be provided in the requests.*

Amendment 210
Ivars Ijabs

Proposal for a regulation
Article 3 – paragraph 1

*Text proposed by the Commission*

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

*Amendment*

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities, including antennas, mobile base stations and transmission network elements. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a
specific time frame and parameters of the electricity connection.

Justification

Infrastructure needed to deploy VHCN should include facilities needed for 5G. The availability of an electricity connection at the site of the communication network is essential for the operation of communication networks.

Amendment 211
Miapetra Kumpula-Natri

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions and at prices not exceeding the costs they incur as a result of granting access. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Justification

To support VHCN rollout while at the same time not making the fees too high for public sector bodies, access to infrastructure of public sector bodies, as well as access to infrastructure of “network operators” other than “operators” (i.e., other than telecoms) should both be at costs caused by granting access (instead of administrative costs only).
Amendment 212
Franc Bogovič

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment

1. Upon written request of an undertaking providing or authorised to provide public electronic communications network, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Or. en

Justification

This amendment is aimed at reflecting the exclusion of undertakings only providing associated facilities from the obligations linked to network operators and the corresponding amendment to the Article 2 on Definitions. In order to allow free competition and to incentivise wider investments they should not benefit from special provisions set out in this Regulation for regulated network operators. Excluding undertakings only providing associated facilities from the list of network operators takes account of the disproportionate imbalance between benefits and obligations imposed on these undertakings by this proposal and the fact that these undertakings already have a strong incentive to share infrastructure and provide access to their facilities to as many parties as possible.

Amendment 213
Johan Nissinen, Margarita de la Pisa Carrión
Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions and at prices not exceeding the administrative costs. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment 214
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under

Amendment

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under
Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment 215
François-Xavier Bellamy

Proposal for a regulation
Article 3 – paragraph 1

**Text proposed by the Commission**

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity network, the elements of the physical infrastructure for which the access is requested, including a specific time frame.

**Amendment**

1. Upon written request of an operator or a network operator duly mandated by an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment 216
Adam Jarubas, Janusz Lewandowski, Jerzy Buzek

Proposal for a regulation
Article 3 – paragraph 1
1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment 217
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Amendment

1. Subject to paragraph 3 of this article, upon written request of an operator, public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable requests for access to that physical infrastructure under fair and reasonable terms and conditions, including price, with a view to deploying elements of very high capacity networks or associated facilities. Public sector bodies owning or controlling physical infrastructure shall meet all reasonable requests for access also under non-discriminatory terms and conditions. Such written requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame.

Or. en
Requested, including a specific time frame.

Amendment 218
Angelika Winzig, Sara Skyttedal

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

Text proposed by the Commission
Amendment

1a. Providers of wireless physical infrastructure such as ‘tower companies’, which operate on a wholesale only model and offer only passive access to more than one host public electronic communications operator, shall be exempted from provisions regulating their pricing models based on paragraph 1.

By [DATE OF ENTRY INTO FORCE + TWO YEARS], the Commission shall present the result of the market analysis in accordance with Article 15.

If the Commission comes to the conclusion that a market failure regarding providers of wireless physical infrastructure such as ‘tower companies’ occurred, the Commission shall adopt a delegated act in accordance with Article 15a to amend this Directive by withdrawing the exemption laid down in the first subparagraph.

Justification

The business case of tower companies has not been regulated yet, as there has not been any indication that the market was failing in that regard. In terms of fact-based legislation, it should be examined whether there is a market failure before their business and pricing model is subjected to regulation.
Massimiliano Salini

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

Text proposed by the Commission

Amendment

1a. Owners of land on which associated facilities for the development of ultra-high-capacity network elements have been or will be installed are obliged to negotiate access to the land, on fair and reasonable terms, including price and in accordance with national contract law, with undertakings providing or authorised to provide such associated facilities.

Or. en

Amendment 220
Angelika Niebler

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

Text proposed by the Commission

Amendment

1a. Providers of wireless physical infrastructure such as 'tower companies', which offer only passive access to more than one host public electronic communications operator, shall be exempted from provisions regulating their pricing models based on paragraph 1.

Or. en

Amendment 221
Adam Jarubas, Janusz Lewandowski

Proposal for a regulation
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment
2. When determining prices as part of fair and reasonable terms and conditions for granting access, network operators and public sector bodies owning or controlling physical infrastructure shall take into account the following:

2. **Excluding undertakings providing or authorised to provide access to associated facilities to more than one hosted operator providing or authorised to provide a public electronic communications network, that will operate on regular market bases to enable fair return on investment,** when determining prices as part of fair and reasonable terms and conditions for granting access, **and to avoid excessive prices,** network operators and public sector bodies owning or controlling physical infrastructure shall take into account the following:

Amendment 222
Miapetra Kumpula-Natri

Proposal for a regulation
Article 3 – paragraph 2 – introductory part

**Text proposed by the Commission**

2. When determining prices as part of fair and reasonable terms and conditions for granting access, network operators and public sector bodies owning or controlling physical infrastructure shall take into account the following:

**Amendment**

2. When determining prices as part of fair and reasonable terms and conditions for granting access, **and to avoid excessive prices,** network operators and public sector bodies owning or controlling physical infrastructure shall take into account the following:

**Justification**

*There should be rules regarding the pricing of physical infrastructure, as very high speed connections benefit the whole society. Normally telecom companies buy physical infrastructure elements from each other, but if there is a lack of balance in negotiating power, there is also a risk that the price level will significantly increase.*

Amendment 223
Johan Nissinen, Margarita de la Pisa Carrión
## Proposal for a regulation
### Article 3 – paragraph 2 – introductory part

<table>
<thead>
<tr>
<th><strong>Text proposed by the Commission</strong></th>
<th><strong>Amendment</strong></th>
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<tr>
<td>2. When determining prices as part of fair and reasonable terms and conditions for granting access, network operators and public sector bodies owning or controlling physical infrastructure shall take into account the following:</td>
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</table>

### Amendment 224
Elena Kountoura
on behalf of The Left Group

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

<table>
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<th><strong>Text proposed by the Commission</strong></th>
<th><strong>Amendment</strong></th>
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<tr>
<td>(a) the need to ensure that the access provider has a fair opportunity to recover the costs it incurs in order to provide</td>
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</table>
access to its physical infrastructure, taking into account specific national conditions and any tariff structures put in place to provide a fair opportunity for cost recovery; in the case of electronic communications networks, any remedies imposed by a national regulatory authority shall also be taken into account.

Justification

The costs incurred by access providers should be taken into account when considering the fees.

Amendment 226
Beatrice Covassi, Carlos Zorrinho, Josianne Cutajar, Patrizia Toia

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

Text proposed by the Commission

(a) the need to ensure that the access provider has a fair opportunity to recover the costs it incurs in order to provide access to its physical infrastructure, taking into account specific national conditions and any tariff structures put in place to provide a fair opportunity for cost recovery; in the case of electronic communications networks, any remedies imposed by a national regulatory authority shall also be taken into account.

Amendment

(a) the need to ensure that the access provider has a fair opportunity to recover the costs it incurs in order to provide access to its physical infrastructure, taking into account specific national conditions and any tariff structures put in place to provide a fair opportunity for cost recovery; in the case of electronic communications networks, any remedies imposed by a national regulatory authority shall also be taken into account.

Amendment 227
Massimiliano Salini

Proposal for a regulation
Article 3 – paragraph 2 – point a
(a) the need to ensure that the access provider has a fair opportunity to recover the costs it incurs in order to provide access to its physical infrastructure, taking into account specific national conditions and any tariff structures put in place to provide a fair opportunity for cost recovery; in the case of electronic communications networks, any remedies imposed by a national regulatory authority shall also be taken into account.

Amendment

(a) the need to ensure that the access provider has a fair opportunity to recover the costs it incurs in order to provide access to its physical infrastructure, taking into account specific national conditions, different business models and any tariff structures put in place to provide a fair opportunity for cost recovery; in the case of electronic communications networks, any remedies imposed by a national regulatory authority shall also be taken into account.

Amendment 228
Adam Jarubas, Janusz Lewandowski

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

Text proposed by the Commission
(a) the need to ensure that the access provider has a fair opportunity to recover the costs it incurs in order to provide access to its physical infrastructure, taking into account specific national conditions and any tariff structures put in place to provide a fair opportunity for cost recovery; in the case of electronic communications networks, any remedies imposed by a national regulatory authority shall also be taken into account.

Amendment
(a) the need to ensure that the access provider recovers the costs it incurs in order to provide access to its physical infrastructure, taking into account specific national conditions and any tariff structures put in place to provide for cost recovery; in the case of electronic communications networks, any remedies imposed by a national regulatory authority shall also be taken into account.

Amendment 229
Massimiliano Salini

Proposal for a regulation
Article 3 – paragraph 2 – point b
Text proposed by the Commission

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested;

Amendment

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested, and the need to guarantee the access provider a fair return on investment, reflecting the specific market conditions and, in particular in the case of associated facilities providers, their different business models; access price offered by associated facilities providers can be considered fair and reasonable whenever they operate as a wholesale only model offering only passive access to more than one public electronic communications host operator on comparable terms.

Or. en

Amendment 230
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia

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

Text proposed by the Commission

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested;

Amendment

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested; additionally, a fair return of investment should be granted to the access providers. Such return should reflect the relevant market conditions and the different business models, such as those of providers of associated facilities. In this case, the access price offered may be considered fair and reasonable when providers offer only passive access to more than one electronic communications operator at comparable conditions.

Or. en
Amendment 231
Miapetra Kumpula-Natri

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

Text proposed by the Commission

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested;

Amendment

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested. Network operators other than operators should, when determining fair and reasonable prices, take into account costs they incur as a result of granting access, unless these costs are already fairly covered through any other regime;

Or. en

Justification

To support VHCN rollout while at the same time not making the fees too high for public sector bodies, access to infrastructure of public sector bodies, as well as access to infrastructure of “network operators” other than “operators” (i.e., other than telecoms) should both be at costs caused by granting access (instead of administrative costs only).

Amendment 232
Adam Jarubas, Janusz Lewandowski

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

Text proposed by the Commission

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested;

Amendment

(b) the impact of the requested access on the access provider’s business plan, to the extent that it concerns the physical infrastructure to which access has been requested, including investments in that physical infrastructure;

Or. en
Amendment 233
Niklas Nienass
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(b) the impact of the requested access on the access provider’s business plan, including investments in the physical infrastructure to which the access has been requested;

Amendment

(b) the local needs of access and the existing services, with due regard to encouraging competition and infrastructure sharing;

Or. en

Justification

Business plans are based on assumptions that depend on market conditions and are driven by profit maximisation, therefore cannot be criteria in public authority decisions. We propose an alternative element that aims at measurable local policy goals and needs.

Amendment 234
Elena Kountoura
on behalf of The Left Group

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

Text proposed by the Commission

(c) in the specific case of access to physical infrastructure of operators, the economic viability of those investments based on their risk profile, any time schedule for the return on investment, any impact of access on downstream competition and consequently on prices and return on investment, any depreciation of the network assets at the time of the access request, any business case underpinning the investment at the time it was made, in particular in the physical infrastructures used for the provision of connectivity, and any

deleted
possibility previously offered to the access seeker to co-invest in the deployment of the physical infrastructure, notably pursuant to Article 76 of Directive (EU) 2018/1972, or to co-deploy alongside it.

Amendment 235
Franc Bogovič

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

Text proposed by the Commission

(c) in the specific case of access to physical infrastructure of operators, the economic viability of those investments based on their risk profile, any time schedule for the return on investment, any impact of access on downstream competition and consequently on prices and return on investment, any depreciation of the network assets at the time of the access request, any business case underpinning the investment at the time it was made, in particular in the physical infrastructures used for the provision of connectivity, and any possibility previously offered to the access seeker to co-invest in the deployment of the physical infrastructure, notably pursuant to Article 76 of Directive (EU) 2018/1972, or to co-deploy alongside it.

Amendment

(c) in the specific case of access to physical infrastructure of undertakings providing or authorised to provide public electronic communications networks, the economic viability of those investments based on their risk profile, any time schedule for the return on investment, any impact of access on downstream competition and consequently on prices and return on investment, any depreciation of the network assets at the time of the access request, any business case underpinning the investment at the time it was made, in particular in the physical infrastructures used for the provision of connectivity, and any possibility previously offered to the access seeker to co-invest in the deployment of the physical infrastructure, notably pursuant to Article 76 of Directive (EU) 2018/1972, or to co-deploy alongside it.

Amendment 236
Angelika Winzig, Sara Skyttedal, Seán Kelly, Henna Virkkunen, Angelika Niebler

Proposal for a regulation
Article 3 – paragraph 2 – point c a (new)
Text proposed by the Commission

Amendment

(ca) the costs to the public sector body of maintaining the infrastructure, the additional operational costs as a result of providing access to the infrastructure;

Or. en

Amendment 237
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia, Lina Gálvez Muñoz, Adriana Maldonado López

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

Text proposed by the Commission

Amendment

(ca) any additional maintenance and adaptation costs deriving from providing access to the relevant infrastructure;

Or. en

Amendment 238
Henna Virkkunen

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

Text proposed by the Commission

Amendment

(ca) whether there is a lack of balance of negotiation power;

Or. en

Justification

Rules are required for the pricing of physical infrastructure. Telecom companies usually buy physical infrastructure elements from each other. However, if there is a lack of balance of negotiation power, there is a risk that the price level will significantly increase. Very high speed connections will benefit the whole society. If the physical infrastructure is owned or controlled by a public body, the fair and reasonable terms may be evaluated using stricter
criteria. It should also be considered whether a public body should give access free of charge or cover administrative costs.

Amendment 239
Miapetra Kumpula-Natri

Proposal for a regulation
Article 3 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

(d) whether there is a lack of balance in the negotiation power

Or. en

Justification

Normally telecom companies buy physical infrastructure elements from each other. However, if there is a lack of balance in negotiating power, there is a huge risk that the price level will significantly increase.

Amendment 240
Henna Virkkunen

Proposal for a regulation
Article 3 – paragraph 2 – point c b (new)

Text proposed by the Commission

(cb) whether the physical infrastructure is owned or controlled by a public sector body.

Or. en

Justification

Rules are required for the pricing of physical infrastructure. Telecom companies usually buy physical infrastructure elements from each other. However, if there is a lack of balance of negotiation power, there is a risk that the price level will significantly increase. Very high speed connections will benefit the whole society. If the physical infrastructure is owned or controlled by a public body, the fair and reasonable terms may be evaluated using stricter criteria. It should also be considered whether a public body should give access free of charge or cover administrative costs.
Amendment 241
Elena Kountoura
on behalf of The Left Group

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

Text proposed by the Commission

(a) there is a lack of technical suitability of the physical infrastructure to which access has been requested to host any of the elements of very high capacity networks referred to in paragraph 2;

Amendment

(a) there is a lack of technical suitability of the physical infrastructure to which access has been requested to host any of the elements of very high capacity networks referred to in paragraph 1;

Or. en

Amendment 242
Elena Kountoura
on behalf of The Left Group

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

Text proposed by the Commission

(b) there is a lack of availability of space to host the elements of very high capacity networks or associated facilities referred to in paragraph 2, including after having taken into account the future need for space of the access provider that is sufficiently demonstrated;

Amendment

(b) there is a lack of availability of space to host the elements of very high capacity networks or associated facilities referred to in paragraph 1, including after having taken into account the future need for space of the access provider that is sufficiently demonstrated;

Or. en

Amendment 243
Johan Nissinen, Margarita de la Pisa Carrión

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

Text proposed by the Commission

Amendment
(c) the existence of safety and public health concerns;  

(c) the existence of safety and scientifically-based public health concerns;  

Or. en

Amendment 244  
Miapetra Kumpula-Natri

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

Text proposed by the Commission  
Amendment

(c) the existence of safety and public health concerns;  

(c) the existence of scientifically based safety and public health concerns;  

Or. en

Justification

Refusal of access to physical infrastructure should not be possible without a proper explanation. Thus, adding reference to well established scientifically based safety and public health concerns will ensure evidence-based decisions.

Amendment 245  
Adam Jarubas, Janusz Lewandowski, Jerzy Buzek

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

Text proposed by the Commission  
Amendment

(c) the existence of safety and public health concerns;  

(c) the existence of scientifically-based public health concerns;  

Or. en

Amendment 246  
Elena Kountoura  
on behalf of The Left Group

Proposal for a regulation  
Article 3 – paragraph 3 – subparagraph 1 – point c
Text proposed by the Commission

(c) the existence of safety and public health concerns;

c) the existence of **scientifically based** safety and public health concerns;

Or. en

Amendment 247
Johan Nissinen

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

Text proposed by the Commission

(d) concerns for the integrity and security of any network, in particular critical national infrastructure;

(d) concerns for the integrity and **national** security of any network, in particular critical national infrastructure;

Or. en

Amendment 248
Niklas Nienass
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(f) the availability of viable alternative means of wholesale physical access to electronic communications networks provided by the same network operator and suitable for the provision of very high capacity networks, provided that such access is offered under fair and reasonable terms and conditions.

(f) the availability of viable alternative means of wholesale physical access to electronic communications networks provided by a network operator and suitable for the provision of very high capacity networks, provided that such access is offered under fair and reasonable terms and conditions.

Or. en

**Justification**

*If a commercial alternative exists, than it should be used instead of duplicating networks. This*
will ensure environmental efficiency and better use of resources.

**Amendment 249**  
Miapetra Kumpula-Natri

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1 – point f**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(f) the availability of viable alternative means of wholesale <strong>physical</strong> access to electronic communications networks provided by the same network operator and suitable for the provision of very high capacity networks, provided that such access is offered under fair and reasonable terms and conditions.</td>
<td>(f) the availability of viable alternative means of wholesale access to electronic communications networks provided by the same network operator and suitable for the provision of very high capacity networks, provided that such access is offered under fair and reasonable terms and conditions.</td>
</tr>
</tbody>
</table>

**Or. en**

**Justification**

It is possible to do “wholesale physical access” with Software Defined Access Networks (SDAN), which enables the partition of network resources into wholesale slices. Access seekers can become full virtual network operators (VNOs), and physical resources are abstracted and delivered as a service to access seekers. Also, some wholesale only providers have based their business case around providing virtual access products. For these providers an obligation to provide dark fibre or fibre unbundling would have a negative impact on their incentives to invest. Therefore, a more general term like ‘wholesale access’ should be used instead of ‘wholesale physical access’.

**Amendment 250**  
Angelika Winzig, Sara Skyttedal, Tomas Tobé, Seán Kelly, Henna Virkkunen, Angelika Niebler

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(fa) the availability of open, non-discriminating access to electronic communications networks of wholesale only operators owned or controlled by public sector bodies suitable for the</td>
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</table>
provision of very high capacity networks covering the area of the infrastructure access was requested to.

Justification

Because of the lack of interest of established ECN-providers to invest in the rollout of VHCNs in some rural areas, municipalities started initiatives on local and regional level to found their own companies to deploy VHCNs themselves. They took up the economical risk themselves, when nobody else did, to provide their citizens with fast internet connections. An inefficient duplication of their infrastructure should not be incentivised, but avoided.

Amendment 251
Johan Nissinen, Margarita de la Pisa Carrión

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

Text proposed by the Commission
In the event of a refusal to provide access, the network operator or the public sector body owning or controlling physical infrastructure shall communicate to the access seeker, in writing, the specific and detailed reasons for such refusal within 1 month from the date of the receipt of the complete request for access.

Amendment
In the event of a refusal to provide access, the network operator or the public sector body owning or controlling physical infrastructure shall communicate to the access seeker, in writing, the specific and detailed reasons which should be objective and, when relevant, scientifically based, for such refusal within 15 days from the date of the receipt of the complete request for access.

Amendment 252
Miapetra Kumpula-Natri

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

Text proposed by the Commission
In the event of a refusal to provide access, the network operator or the public sector

Amendment
In the event of a refusal to provide access, the network operator or the public sector
body owning or controlling physical infrastructure shall communicate to the access seeker, in writing, the specific and detailed reasons for such refusal within 1 month from the date of the receipt of the complete request for access.

Amendment 253
Beatrice Covassi, Carlos Zorrinho, Patrizia Toia

Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission
4. Member States may establish a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide legal and technical advice through the negotiation of access terms and conditions, and facilitate the provision of information via a single information point referred to in Article 10.

Amendment
4. Where public sector bodies that own or control physical infrastructure lack sufficient resources, experience or the necessary technical knowledge to engage in negotiations with operators on access, Member States shall establish a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide legal and technical advice through the negotiation of access terms and conditions, and facilitate the provision of information via a single information point referred to in Article 10.

Amendment 254
Miapetra Kumpula-Natri

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission
5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or

Amendment
5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or
resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place.

When a new market analysis is undertaken following article 67 of the EECC, and prior to the imposition of remedies, this Regulation should be considered as an existing Regulation affecting the market of wholesale access to physical infrastructure, in the sense of article 67.2.c. In cases where the NRA concludes that remedies are required, it should be justified why this Regulation is insufficient to address competition concerns.

Or. en

Justification

The existence of GIA should be considered by national regulatory authorities (NRAs) before imposing ex-ante SMP regulation in future market analysis. In cases where the NRA concludes that the application of GIA is insufficient and remedies are required, it should justify the insufficiency of GIA to tackle competition problems.

Amendment 255
Johan Nissinen, Margarita de la Pisa Carrión

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place.

Amendment

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place. Therefore, the symmetric access obligation pursuant to the GIA regulation should be taken into account by NRAs, among other factors, as a starting point for considering whether to impose the ex-
ante SMP regulation. In case GIA consideration might not suffice to address infrastructure market situation, NRAs should duly justify this assessment.

Amendment 256
Susana Solís Pérez

Proposal for a regulation
Article 3 – paragraph 5

*Text proposed by the Commission*

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place.

*Amendment*

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place. Therefore, the symmetric access obligation pursuant to the GIA regulation should be taken into account by NRAs, among other factors, as a starting point for considering whether to impose the ex-ante SMP regulation. In case GIA consideration might not suffice to address infrastructure market situation, NRAs should duly justify this assessment.

*Justification*

The symmetric access obligation pursuant to the GIA regulation should be taken into account by the regulator, among other factors, as provided for in Article 67(2) of Directive (EU) 2018/1972, as a starting point for considering whether to impose the ex-ante SMP regulation. In case GIA consideration might not suffice to address infrastructure market situation, NRAs should duly justify this assessment.

Amendment 257
Pilar del Castillo Vera
Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place.

Amendment

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place. Consequently, when NRAs consider imposing ex-ante SMP remedies, they should take into account ex-ante significant market power symmetric access obligations pursuant to this regulation.

Amendment 258
Elena Kountoura on behalf of The Left Group

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place.

Amendment

5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities or other competent authorities pursuant to Directive (EU) 2018/1972 or resulting from the application of Union State aid rules shall not be subject to the obligations set out in paragraphs 2, 3 and 4, for as long as such access obligations are in place.

Amendment 259
Adam Jarubas, Janusz Lewandowski

Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to those buildings or categories of buildings for reasons of architectural, historical, religious, or natural value, or for reasons of public security, safety and health. Member States shall identify such buildings or categories of buildings in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.

Amendment

6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to those buildings or categories of buildings for reasons of architectural, historical, religious, or natural value, or for reasons of public security, safety and health. Member States shall identify such buildings or categories of buildings in their territories based on duly justified and proportionate reasons.

Or. en

Amendment 260
Miapetra Kumpula-Natri

Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to those buildings or categories of buildings for reasons of architectural, historical, religious, or natural value, or for reasons of public security, safety and health. Member States shall identify such buildings or categories of buildings in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.

Amendment

6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to those buildings or categories of buildings for reasons of architectural, historical, religious, or natural value, or for reasons of public security, or for science-based safety and health concerns. Member States shall identify such buildings or categories of buildings in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.
to the Commission.

Or. en

Justification

Adding a reference to well established scientifically-based safety and public health concerns will ensure evidence-based decisions.

Amendment 261
Elena Kountoura
on behalf of The Left Group

Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to those buildings or categories of buildings for reasons of architectural, historical, religious, or natural value, or for reasons of public security, safety and health. Member States shall identify such buildings or categories of buildings in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.

Amendment

6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to those buildings or categories of buildings for reasons of environmental protection, architectural, historical, religious or natural value, or for reasons of public security, safety and health. Member States shall identify such buildings or categories of buildings in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.

Or. en

Amendment 262
Niklas Nienass
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

Amendment
6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to those buildings or categories of buildings for reasons of architectural, historical, religious, or natural value, or for reasons of public security, safety and health. Member States shall identify such buildings or categories of buildings in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.

Or. en

Justification

Based on MS different administrative rules, the power to confer restricted status to buildings might lay with regional or local authorities. The second change refers to the fact that proportionality should be part of decision making process and it is assumed to exist whenever the special status is awarded. The application of not of this Regulation should then come as a justified yes/no. Thirdly, an EU wide database of special statuses for buildings is not a proportional measure.