[DE] *Bundesrat* Criticises EU Commission's Broadband Plans

IRIS 2011-1:1/24

Martin Lengyel
Institute of European Media Law (EMR), Saarbrücken/Brussels

The *Bundesrat* (upper house of parliament) has issued a statement criticising parts of the Digital Agenda published by the European Commission. The Digital Agenda includes proposals to build a European high-speed network, with the objective of equipping all European households with Internet speeds of at least 30 Mbit/s, and at least half of European households with more than 100 Mbit/s by 2020 (see IRIS 2010-7/4).

Although, in principle, the *Bundesrat* welcomed the Commission's proposals to develop suitable funding instruments for the broadband sector and reduce investment costs, it criticised the Commission for failing to offer sufficient practical support. It disapproved of the Commission's plan to play only a planning, coordinating and monitoring role in relation to the member states' activities. The lack of concrete information about the "role of the market and the importance of private investments in the expansion of broadband" was also criticised.

In principle, state aid should always be a last resort and remain limited to market failures. However, particularly in rural areas, aid might now be necessary, although EU state aid rules might prevent it. The use of such aid would increase the administrative burden and there was insufficient scope for the promotion of next generation access networks in regions with weak markets. There was therefore an urgent need for the proposals to be simplified and, if necessary, for a special NGA aid programme.

Although there was currently a sufficient number of terrestrial wireless and satellite services, the *Bundesrat* doubted that these would be able to achieve the target of 30 Mbit/s. These technologies should therefore only be supported if they could prove their ability to deliver the required bandwidth to end users.

The *Bundesrat* firmly rejected the Commission's suggestion that in-building wiring could be made a condition for the granting of building permission. On the one hand, the costs of implementing this measure would not reduce the cost of new infrastructure. On the other, the cost would generally be paid by the owners of buildings rather than the operators of the new infrastructure. Furthermore, building regulations in the *Länder* did not include any requirements in terms of the technical equipment of homes. Rather, public law provisions merely contained a set of minimum requirements for a building, which did not include a particular

© European Audiovisual Observatory (Council of Europe) 2026

“quality standard” (compulsory provision of telephone, radio or television).

Stellungnahme des Bundesrates vom 5. November 2010 (BR-Drs. 566/10)

http://www.bundesrat.de/cln_152/SharedDocs/Drucksachen/2010/0501-600/566-10_28B_29,templateId=raw,property=publicationFile.pdf/566-10%28B%29.pdf

Bundesrat statement of 5 November 2010 (BR-Drs. 566/10)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026