European Commission Proposals on Gigabit connectivity

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In line with the Digital Decade Policy programme, the European Commission presented, on 23 February 2023, a set of initiatives aimed at making Gigabit connectivity available to all citizens and businesses across the European Union by 2030.

Among the initiatives, a proposal for a "Gigabit Infrastructure Act", which would replace the Broadband Cost Reduction Directive, from 2014. The proposal addresses the costs and administrative burdens associated with the deployment of Gigabit networks and looks specifically at:

- procedures for obtaining access to existing physical infrastructures;

- coordination between electronic communications operators and operators of other networks like gas, water, electricity, and transport, all of whom should make information on their on-going or planned civil works available;

- digitalisation and simplification of permitting procedures, by requiring that permit requests be dealt with under four months, unless national law provides otherwise. Any refusal must be justified based on objective, transparent, non-discriminatory and proportionate criteria;

- the installation of fibre in new or substantially renovated buildings, which will be eligible for the voluntary "broadband-ready" label.

These measures constitute an additional step towards improved connectivity and reflect on the need to overcome the challenge of slow and costly deployment of Gigabit networks by enabling smarter, more flexible and innovative services, products and applications. In accordance with the EU legislative procedure, it is now up to the European Parliament and Council of the EU to examine the proposal. Once both institutions agree on the text, it will be directly applicable in all member states. Until then, the Broadband Cost Reduction Directive remains in force.

In addition to the proposed Act, the Commission also published a draft Gigabit Recommendation on the regulatory promotion of Gigabit connectivity, replacing the Access Recommendations (that is: the Next generation Access Recommendation from 2010 and the Non-discrimination and Costing Methodology

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Recommendation from 2013). The draft is principally aimed at National Regulatory Authorities and provides guidance as to the conditions for accessing the network infrastructures of operators with significant market power (SMP). With this, the Commission seeks to encourage faster deactivation of legacy technologies, and therefore allow for more sustainable competition and accelerated Gigabit networks developments.

Its adoption now awaits the opinion that is to be delivered by BEREC (the Body for European Regulators).

A consultation on the future of the connectivity sector and its infrastructure, also launched on 23 February, should allow the Commission to determine the most appropriate actions to be taken to achieve its objective. The consultation aims at gathering the views of the organisations, businesses and citizens on the electronic communications sector and its evolution. More specifically, it covers:

- The types of infrastructures to be used;

- The amount of investment needed for the coming years, including the possible requirement for all players benefitting from the digital transformation to fairly contribute;

- The affordability of connectivity for consumers and the progress towards a more integrated Single Market

All interested parties may submit a contribution by 19 May 2023.

Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (Text with EEA relevance)

https://eur-lex.europa.eu/eli/dec/2022/2481/oj

Gigabit Infrastructure Act Proposal

https://ec.europa.eu/newsroom/dae/redirection/document/93925

Gigabit Connectivity Recommendation

https://digital-strategy.ec.europa.eu/en/library/gigabit-connectivity-recommendation

Consultation, the future of the electronic communications sector and its infrastructure

https://digital-strategy.ec.europa.eu/en/consultations/future-electronic-communications-sector-and-its-infrastructure

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Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks Text with EEA relevance

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0061

2010/572/EU: Commission Recommendation of 20 September 2010 on regulated access to Next Generation Access Networks (NGA) Text with EEA relevance

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010H0572

2013/466/EU: Commission Recommendation of 11 September 2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013H0466

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