

**WIK-Consult / ICF online workshop:
Review of the Broadband Cost Reduction Directive**
Preliminary results of the evaluation and impact assessment
16 & 18 June 2021

Day 1 (16 June): Access to physical infrastructure

09.30-09.35 **Welcome and introduction**

Carlota Reyners Fontana, European Commission

09.35-09.45 **Overview of the study**

Cara Schwarz-Schilling, WIK-Consult

10.00-11.30 **SESSION 1 Access to physical infrastructure**

In this session, we examine how Member States have applied the provisions of the Broadband Cost Reduction Directive (BCRD) concerning access to existing physical infrastructure (article 3), how Dispute Resolution Bodies (DSB) have settled questions around the pricing of access by telecom operators and other network operators, and to what extent access to existing physical infrastructure has been provided for the deployment of networks. We consider whether changes to the Directive would be appropriate, considering in particular the following questions:

- What is the respective role of physical infrastructure access (PIA) under the BCRD vs PIA imposed via Significant Market Power (SMP) obligations?
- To what extent has PIA been used to support both fixed and wireless infrastructure deployment?
- Should all electronic communications operators be exempted from the obligation to provide access to physical infrastructure under the BCRD? Or operators deploying Very High Capacity Networks (VHCN)? Or only operators under obligations derived from the EECC or state aid rules?
- Should network operators be required to publish a Reference Offer?
- Should there be guidance on the methodology used for calculating access charges? Should charges be cost-oriented? Should there be a distinction between pricing methodologies used for publicly vs privately owned assets? Between assets owned by electronic communications operators vs other network operators?
- Should the access obligation be extended beyond assets that are part of a network and owned by network operators? For example, building on article 57(4) of the EECC, should it cover access to street infrastructure (such as traffic lights and streetlamps), street furniture and public/private buildings for the deployment of networks?
- Are DSBs independent? How effective is the dispute resolution process in settling issues related to access to existing physical infrastructure? Are there aspects of the dispute resolution process or collaboration between different authorities that could be improved in the context of PIA?

Ilsa Godlovitch, WIK-Consult

Q&A

11.30-11.45 **COFFEE BREAK**

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11.45-12.45 **SESSION 2 Transparency for physical infrastructure provisions and the Single Information Point (SIP)**

In this session, we discuss how Member States have applied article 4 of the BCRD concerning the provision of information about existing physical infrastructure. We look at the effectiveness of existing measures and their use in the market alongside examining the costs associated with establishing and maintaining a comprehensive SIP. We consider what improvements could be made to existing systems, and whether changes to the Directive would be appropriate. Relevant questions include:

- How can we maximise the benefits of providing information via a SIP and minimize related costs?
- Should it be mandatory for public sector bodies to provide available information on physical infrastructure of network operators to the SIP?
- Should all network operators be required to provide information via the SIP?
- Should the scope of information made available through the SIP be widened to cover public infrastructure such as street furniture (including traffic lights, lamps, bus shelters) and public/private buildings that could be used for the deployment of infrastructure?
- Should the scope of the minimum information to be provided be extended e.g. to cover information about spare capacity, georeferencing?
- Should the SIP providing information on existing physical infrastructure under the BCRD be integrated or coordinated with other information systems referred to under other BCRD provisions (information on civil works coordination and permit granting conditions)?
- Which public authority is best placed to perform the functions of the SIP? How appropriate and efficient is it to have a single SIP per Member State and what advantages does it bring compared to having several SIPs per Member State?
- Are there best practices from countries that do not provide information on existing physical infrastructure via the SIP but nevertheless have a high degree of shared infrastructure and good flow of information?

Sonia Strube Martins, WIK-Consult
Q&A

12.45-13.50 LUNCH BREAK

13.50-14.50 **SESSION 3 In-building physical infrastructure and access**

In this session, we discuss measures Member States have taken to provide for the installation of in-building physical infrastructure in new and renovated buildings and possible labelling schemes (article 8). We then review the different approaches that have been taken towards access to in-building infrastructure and potential obstacles (article 9). Finally, we consider whether changes to the Directive would be appropriate, with specific focus on the following questions:

- Should the BCRD be updated to provide for FTTH-ready in-building infrastructure?
- Should the scope of the BCRD cover only physical in-building infrastructure, or also wiring (e.g. dark fibre)?
- Should standards for in-building physical infrastructure be mandated?
- Should a Gigabit/VHC broadband-ready labelling scheme be mandated in all countries?
- Is there scope to streamline / remove some provisions in the BCRD on access to in-building infrastructure in view of symmetric access obligations (article 61(3)) in the EECC?
- Is there scope to further specify within the BCRD, rules concerning the price, location or nature of access to in-building physical infrastructure?

If you consider that standards, labels or guidelines would be helpful, are these better done at a national or European level?

Peter Kroon, WIK-Consult

14:50-15.00 **Key take-aways from day 1**

Ilsa Godlovitch, WIK-Consult

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Day 2 (18 June): Permit procedures, civil works co-ordination and sustainable deployment of networks

09:30-11.00 **SESSION 4** Procedures for granting permits for civil works and rights of way

In this session, we review current timeframes and procedures for granting permits across the EU and consider whether measures could be introduced at EU level to facilitate further the introduction of electronic procedures, simplify or limit the need for permit applications in certain circumstances, or make permits subject to certain conditions – such as the deployment of spare physical infrastructure. We will explore the following questions concerning the potential revision of the BCRD provisions concerning permit granting procedures (article 7):

- Is the current definition of permit appropriate? Is there a need to revise it or to clarify it more generally or to clarify the link with rights of way and rights to install facilities?
- Should electronic permit application processes be mandated?
- Can certain types of deployments be exempted from the need for a permit or made subject to prior notification only? What scope is there to extend exemptions beyond those provided for in article 57(4) of the EECC?
- What is a realistic maximum time frame for permit granting? Can it be distinguished e.g. by project size or the nature of the project? Is it reasonable to expect different timeframes to be associated with permits for fixed networks as opposed to wireless infrastructure?
- Should permits for some types of deployment be approved automatically if the deadline for processing expires (tacit approval)?
- Could “frameworks” / forward plans agreed between electronic communications operators and relevant authorities exempt operators from the need for case by case permits?
- Should the cost for permit applications be limited to recover administrative cost?
- Should electronic communications operators and/or transport path (e.g. road) operators be required to install new physical infrastructure or spare capacity when performing civil-works (to facilitate the provision of access to others)? Should any such obligations apply in all circumstances or only certain areas / under certain conditions?
- Should Member States consider measures to streamline the process of obtaining rights of way or limiting associated costs e.g. through granting rights in certain circumstances and/or prescribing templates and pricing guidelines and/or expedited procedures for dispute resolution?
- In which circumstances is a one-stop-shop for permit information and applications most beneficial? What are possible alternatives (e.g. centralized information point gathering best-practices)? Is there scope for national standards for the provision of information and application process while maintaining local responsibility for permit granting?
- What should be the role of DSBs and NRAs as opposed to local and other authorities in the context of permit granting and rights of way? How can co-ordination between different bodies best be facilitated?

Ilsa Godlovitch, WIK-Consult
Q&A

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11.00-12.00 **SESSION 5 Co-ordination of civil works and transparency of relevant information**

In this session, we consider to what extent electronic communications network providers have engaged in civil works co-ordination and what are the conditions under which this can be effective, including procedures, information systems and cost allocation measures. We then review whether there may be a case to revise the BCRD articles 5 and 6, with a focus on the following questions.

- Should all operators (including privately funded operators) be required to engage in civil works co-ordination? In which cases and amongst which parties does it make most sense to co-ordinate civil works? Can the difficulties which are reported in co-ordinating civil works with utilities somehow be overcome?
- Should there be an overall obligation to provide information via the SIP about planned civil works and which area / size should be covered (e.g. community, City, County etc.)? Should the SIP for information on planned civil works be integrated with the SIP for existing physical infrastructure and a potential SIP associated with permit granting? How appropriate and efficient is it to have a unique SIP per Member State?
- Should procedures and/or cost allocation associated with the notification and co-ordination of civil works be further specified?
- Should there be exemptions from the obligation to respond to requests for civil works co-ordination for certain network operators (e.g. for those deploying Very High Capacity networks or for operators offering wholesale access)?
- How can co-ordination between different network operators and permit granting authorities best be facilitated to support civil works co-ordination?

Peter Kroon, WIK-Consult

Q&A

12:00-12.30 BREAK

12:30-13:10 **SESSION 6 Promoting the deployment of sustainable electronic communications networks**

In this final session, we will consider whether measures could be introduced under the new legislative instrument to promote the deployment of sustainable electronic communications networks. Relevant questions include:

- Which types of electronic communication network deployment can be considered environmentally sustainable?
- Could environmentally sustainable networks be subject to more favourable conditions for permit granting and/or access to physical infrastructure?
- Could environmentally sustainable networks be recognized via a labelling scheme?
- Should DSBs, NRAs and/or permit granting authorities be given a remit to take into account environmental impacts in their decision making in the context of the BCRD?
- What should be the role of different authorities at EU, national and local level regarding the promotion of deployment of sustainable network infrastructure in the electronic communications sector?

Ilsa Godlovitch, WIK-Consult

Q&A

13:10-13.25 **Key take-aways from the workshop**

Ilsa Godlovitch, WIK-Consult

13:25-13:30 **Closing remarks**

European Commission