



## JOINT TELECOM INDUSTRY STATEMENT ON THE GIGABIT INFRASTRUCTURE ACT

September 2023

Our Associations ECTA, ETNO, GIGAEurope and GSMA Europe represent the European telecommunications industry. Our industry plays a crucial part in connecting European citizens and businesses and facilitating the EU green and digital transition.

We welcome the European Commission's proposal on the Gigabit Infrastructure Act (GIA) that aims at addressing the red tape and the challenge of slow, complex and costly deployment of Very High Capacity Networks (VHCN) across the European Union.

However, while we welcome many of the changes to the Commission's proposal suggested by the Rapporteur and the ITRE Committee, several important modifications must be made to the proposal to ensure that the EU meets its digital targets by 2030: connectivity for all and everywhere. This applies, in particular, to the amendment adopted by the ITRE Committee related to intra-EU communications, as developed below.

We call on Member States to strengthen the Commission's proposal during the Telecommunication Working Group discussion on the Gigabit Infrastructure Act scheduled for 29 September 2023 and that they keep in mind the intended purpose of the whole legislative initiative.

To this end, we highlight a number of important areas of the proposal which should be addressed, considering the European Parliament's mandate to negotiate adopted on 19 September as well:

- 1. Time is of essence and 2030 is approaching:** We encourage Member States to support the choice of a regulation, rather than a directive, as the only legislative tool fully ensuring uniformity, limiting fragmentation across EU Member States and making sure that the GIA provisions will directly and rapidly contribute to the cost-efficient and timely deployment of VHCNs.
- 2. Fast and efficient permit-granting procedure:** It is vital that the building of VHCN connections is fast and streamlined. The Parliament's aim for a two-month period to grant permits is a welcome development, and we hope that this period will be maintained in the final proposal. Along the same line, the proposal that every construction work requiring a permit shall be subject to a 3-month advance notification duty is not appropriate and will slow down the rollout considerably.
- 3. Tacit administrative approval for permit-granting including rights of ways:** Several measures such as the tacit administrative approvals and exemptions for certain categories of network construction works from permit-granting will be essential to ensure that operators' applications are dealt with within the legal timeframe. We encourage Member States to not water down such measures when negotiating the details of national administrative processes.

- 4. Implementing act on permit-free works:** The proposal from the Commission to publish an implementing act defining a minimum list of works not subject to permit granting is essential and should be published on time for the implementation of the GIA. It should be appropriately formulated in a way to ensure maximum legal certainty on the permit-free works. Based on practical examples from those Member States where permit-free works are already a reality, we can confidently say that such an act will considerably ease the deployment. Furthermore, fees for permits and rights of way should not go beyond administrative cost.
- 5. Coordination of civil works extended to public sector bodies:** While civil works account for a large part of the capital expenditure required by operators to roll out Gigabit networks, coordination of civil works for the joint deployment of networks will not only reduce costs but also avoid duplication of works. As a result, this would help achieve environmental objectives as part of the European Green Deal.
- 6. Harmonisation of permit-granting procedures at national level:** It is of utmost importance that, in order to speed up the granting of permits in every country, the process is coherent and harmonized at national level, avoiding local or regional differences and managed through a single information point digitally. Current regional fragmentation in permitting processes and requirements is leading to a heavy administrative burden that is difficult to coordinate and unduly leads to delayed deployments. At the same time, it is important to preserve existing national best practices for permit-granting procedures that go beyond the GIA proposal (e.g. shorter response timelines).
- 7. Easy access to building owners'/condominiums' in-building infrastructure and wiring:** In order to reduce obstacles to the deployment of VHCNs, the GIA should provide that building owners/condominiums meet all reasonable requests by operators for access to in-building physical infrastructure and wiring under non-discriminatory terms and conditions and not subject to any fees or charges.
- 8. Assess existing digital tools for SIP:** When it comes to the digitalisation of single information points (SIP), Member States should carry out an assessment to identify the existing relevant digital tools in order to avoid duplication while saving costs and energy. However, it should be made clear that this assessment should be done before the implementation of the Regulation.
- 9. Shorter dispute resolution period:** We call on the shortening of dispute resolution decisions to two months instead of four months. In any case, the Regulation should provide for a maximum period without prejudice to shorter deadlines that may be set by Member States.
- 10. Safeguard the technology neutrality principle:** For the new rules to boost VHCN availability as much as possible, discrimination and unjustified preferences for some types of infrastructure should be avoided.

It is of utmost importance to keep the focus within the GIA on these necessary elements to facilitate network deployment. The inclusion of unjustified and non-related provisions on intra-EU calls do not



correspond to the purpose and spirit of this Act. There is no evidence of any market failure in the provision of intra-EU calls and SMS justifying such an intrusive measure as a direct requirement to equalize prices with domestic calls and SMS, as the Parliament proposes. According to BEREC, the average price for mobile intra-EU calls is well below the safeguard caps of 0.19 EUR/minute and 0.06 EUR/SMS for intra-EU SMS messages and it continues to decline by approximately 12-15% per year. These developments confirm that competition is effective and this is further underlined by the availability of different call tariff options. We believe that retail price regulation has no place in the Single Market. Moreover, it runs counter to the objectives of this proposal to reduce the costs of the sector and to spur investment in VHCN roll-out. It is economically hurting those same players by unjustifiably curtailing their revenues and should therefore be rejected.



ecta, the [European competitive telecommunications association \(www.ectaportal.com\)](http://www.ectaportal.com), represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. ecta represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile and fixed wireless access networks that qualify as Very High Capacity Networks and who demonstrate unique innovation capabilities.



[ETNO](#), the European Telecommunications Network Operators' Association, represents Europe's telecommunications network operators and is the principal policy group for European e-communications network operators. ETNO's primary purpose is to promote a positive policy environment allowing the EU telecommunications sector to deliver best quality services to consumers and businesses.



[GIGAEurope](#) brings together private operators that build, operate and invest in Gigabit and 5G communications networks across Europe. Our members support Europe's green and digital transition by providing reliable and secure gigabit-speed connections to over 340 million mobile customers and over 40 million fixed broadband customers in 19 European countries (including 16 EU Member States). As leaders in the Internet of Things (IoT), our members connect more than 142 types of devices and platforms. GIGAEurope highlights the importance of EU policies that support a strong and harmonised Digital Single Market, with a clear focus on enabling regulatory and market conditions that allow for sustainable investment, competition and innovation in gigabit-speed infrastructure and IoT.



[The GSMA](#) is a global organisation unifying the mobile ecosystem to discover, develop and deliver innovation foundational to positive business environments and societal change. Our vision is to unlock the full power of connectivity so that people, industry, and society thrive. Representing mobile operators and organisations across the mobile ecosystem and adjacent industries, the GSMA delivers for its members across three broad pillars: Connectivity for Good, Industry Services and Solutions, and Outreach. This activity includes advancing policy, tackling today's biggest societal challenges, underpinning the technology and interoperability that make mobile work.