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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	5252/24
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act) - Preparation for the trilogue

I. INTRODUCTION

1. The Commission adopted the proposal for a Regulation on measures to reduce the cost of deploying gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act) on 23 February 2023.
2. In the European Parliament, the Committee for Industry, Research and Energy (ITRE) has been nominated as the committee responsible for the file. The Rapporteur is MEP Alin Mituta (Renew Europe, RO). The Plenary voted on the mandate on 3 October 2023.
3. In the Council, the Working Party on Telecommunication and Information Society (hereinafter: WP TELE) examined the proposal. The TTE Telecommunication Council unanimously adopted a General Approach on 5 December 2023.
4. The first trilogue took place under the Spanish Presidency on 5 December 2023, immediately after the adoption of the General Approach. In this trilogue, all three institutions outlined their priorities for the negotiations and the technical level was given a broad mandate to work on the entire proposal.

5. The second trilogue took place already under the Belgian Presidency on 25 January 2024, the Coreper was informed on the outcome the next day. In this trilogue the co-legislators provisionally approved several articles and discussed some key items in the proposal to identify potential landing zones.
6. The co-legislators have held several technical discussions to prepare the third trilogue on 5 February 2024. The WP TELE will discuss the compromise solutions proposed by the Presidency, in its meeting on 30 January 2024.

II. STATE OF PLAY

During the technical meetings held until now, all outstanding articles have been discussed and prepared for confirmation (green) or decision (red) at political level at the final trilogue on 5 February (the four-column table in the Annex to this document). Some lines remain in yellow and are part of discussions on the overall agreement. A number of other elements remain in brackets, related to the date of entry into application, and are subject to discussion at political level.

Some lines still have comments and are subject to additional final checks, without touching on the principles of those lines. The recitals that correspond to the second batch of articles will still need to be aligned with provisional agreement found on the articles. The technical level will continue this work during this week.

The most important changes, as compared to the Council's General Approach, will be presented to the WP TELE on 30 January 2024.

During the final trilogue on 5 February, the intention of the Presidency is to:

- **agree** on the remaining articles that are part of the second batch (**Articles 1, 3, 5, 6, 7, 8, 9, 14 and 18**). A number of lines are still open for discussion on political level during the upcoming trilogue.
- **decide** on the issue of how to ensure the compliance with the deadlines for permit granting procedures.
- **take a political decision** on a number of items for which the technical level could not yet agree:
 - Intra-EU communications;
 - Measures to promote connectivity in rural/remote areas: **lines 112a** (land aggregators) and **112b** (private commercial buildings);
 - Refusal grounds: **line 123f** (in the Council mandate) and **lines 123a-e** (provisionally agreed to be combined in **line 123**) and **153a** (in the Parliaments mandate);
 - Date(s) of application for the specific provisions and the overall Regulation (horizontal issue across a number of articles);
 - The “fibre-ready” label and setting up certification schemes (**lines 200, 201**).

III. POLITICAL ISSUES FOR POTENTIAL AGREEMENT DURING THE THIRD TRILOGUE

In light of the exchanges during the second trilogue of 25 January, the Parliament has indicated that it is ready to show flexibility towards the Council position, provided that it gets satisfactory solutions for its own main priorities. The below political issues at stake (in particular the compliance with deadlines for granting permits) need to be seen in the broader context of all the main political points on the table of this trilogue which is intended to be the final one. It is therefore important that that Presidency can count on the flexibilities of the delegations on the outstanding political points. On this basis, the Presidency will seek to ensure the right balance in the final agreement in a way that is acceptable to the Council.

A. Ensuring the compliance with the deadlines for granting permits

Accelerating the procedures for granting permits for the deployment of very high-capacity networks is a priority of the Parliament. The co-legislators agree that competent authorities need to comply with the deadlines but have different views on how to achieve it.

On **deadlines**, the Parliament seems ready to move towards the Council position and accept a four months' permit granting deadline as part of an overall agreement. The Parliament still sees the principle of "tacit approval" as the most efficient instrument to speed up the permit granting procedures and avoid unjustified delays, however, it has shown openness to the idea of supplementing the "tacit approval" with other measures, as presented by the Council, such as a compensation mechanism for any damage suffered as a result of non-compliance with the deadlines in accordance with national law (second option), or, as proposed by Finland and supported by many Delegations, stating that the applying operator may refer the case to a court or to a supervising authority in the case the permit has not been granted within the 4 month deadline (third option).

That said, the Parliament does not see the second and third options as satisfactory, as it believes this **would open the door for very lengthy (legal) procedures**, which do not contribute to the aim of speeding up the permit-granting procedures. It also questions the added value of the third option, as it believes that permit refusals or problems with the procedure can already, normally, be contested with an appeal body or court today, under national law. **The Parliament would like to see a provision that "guarantees" that after a certain deadline, a decision (could be negative or positive) is taken by the competent authority** on the request for a permit, at the end of the initial process, to give legal certainty to the applicant.

Therefore, during the last trilogue of 25 January, the Commission was asked to present a compromise proposal and introduced the idea of a mandatory **conciliation mechanism, as an intermediary step**, for those Member States who do not wish to implement the principle of tacit approval but prefer to implement options 2 or 3. The conciliation mechanism could be triggered either by the operator or by the competent authority that has failed to adopt an explicit decision within the applicable deadline. In the trilogue, the Parliament requested that the competent authority

should issue a decision within 15 working days after the conciliation hearing. The Commission warned that the Parliament's request for a "guaranteed" decision at the end of the process might lead to more refusals of permits.

The Presidency will seek delegations' views on the following elements:

- 1) Can delegations support the Commission's compromise proposal, adding a mandatory hearing for conciliation to options 2 and 3, as an intermediate step?**
- 2) Do delegations support the introduction of a deadline as requested by the Parliament to ensure a "guaranteed" decision following the conciliation process?**

If the Council can meet the requests of the Parliament, they are willing to provide flexibility on the mandatory establishment of coordinating bodies (lines 125 & 188c), the mandatory compensation mechanism in lines 246 & 188) and the monitoring mechanism (line 188a). The Parliament has – provisionally - already showed openness on the possible extension of the 4-month deadline (line 181).

Both co-legislators also agree that the 4 months deadline shall be without prejudice to other specific deadlines or obligations that exist for the proper conduct of the permit-granting procedure, in accordance with Union law or national law in compliance with Union law.

The Presidency considers that accepting the compromise put forward by the Commission could be conducive to an overall agreement.

B. Intra-EU communications

The key request of the Parliament is an immediate abolishment of the retail surcharges for intra-EU communications (calls and SMS), to protect vulnerable consumers from excessive prices. The Parliament uses the Gigabit Infrastructure Act as a vehicle for this provision, given that the current caps will expire on 14 May 2024^[1].

The Presidency has conveyed towards the Parliament that this issue is out of the scope of this legislative proposal and is not a priority for the Council. However, it has shown openness to explore the idea of a time-limited extension of the current retail price caps (with review clause), while making it clear that a complete abolishment of the retail surcharges is a red line for the Council.

The Commission explained that, bearing in mind its assessment and currently available data, it could be open to help facilitating a compromise through extending the current retail price caps and,

^[1] The current retail price cap for regulated intra-EU communications is EUR 0,19 per minute for calls and EUR 0,06 per SMS message (excluding VAT). The European retail price cap for intra-EU communications was introduced in 2018 into the Open Internet Regulation (EU) 2015/2120 (via the BEREC Regulation).

if necessary, a modest but reasonable gradual decrease of the caps. A full abolishment of the surcharges would be a premature step, that could even result in opposite effects than the one intended by the Parliament, if not based on a sufficient analysis.

The Presidency seeks the views of COREPER on the following question: can Member States indicate flexibility for a possible modest gradual decrease of the retail price caps, to ensure the continuation of consumer protection, especially for vulnerable users, but which would still leave sufficient margin for the operators based on average costs for providing intra-EU communications and maintain competition in this market?

Any opening towards the Parliament related to their request to ensure the continued price regulation of intra-EU communications will be conditional on setting a time-limited extension, as well as a review clause, that allows the Commission to prepare an assessment of the regulatory measures within a broader framework at a later date.

C. Promoting connectivity in rural and remote areas

Throughout the GIA, the Parliament has introduced a number of new obligations to promote the connectivity in rural and remote areas across the EU. A number of issues have been addressed already at technical level, however views remain different related to the following two new provisions added by the Parliament:

1. A provision to address speculative behaviour by “land aggregators” (line 112a)

The Parliament wants to tackle abusive and speculative behavior by land aggregators¹, which might lead to the relocation of towers, antennas and masts, resulting in a discontinuity of mobile coverage and decreased connectivity for end users. After discussion at technical level, the Parliament thoroughly redrafted its provision to (partly) address the concerns raised by the Member States, recognizing that the provision introduced by the Parliament was too far-reaching. The provision now states that land aggregators shall negotiate under fair and reasonable terms and conditions, upon request. They are also obligated to notify the national regulatory authority of the conclusion of agreements, as a first step towards enabling the Member States to monitor this emerging sector.

Bearing in mind the views of Member States that regulating the business of land aggregators, at this point in time, is premature, as it is not clear what the consequences are, the Presidency would like to hear the view of Delegations on the reworked draft provision. Alternatively, the Presidency could

¹ The model of land aggregators is to acquire or lease the land on which towercompanies are installed, in order to manage the lease. They act as an intermediary between towercompanies providing VHCN services and the land owners (e.g. farmers/private owners or public sector bodies). In the revised Parliament’s proposal, they are now defined as “legal persons who are tenants of land or holders of rights over land, others than property rights, on which facilities are planned to be or have been installed with a view to deploying VHCN elements.

suggest to the Parliament that this issue merits further analysis (i.e. by the Commission or by BEREC).

2. The obligation for owners of private commercial buildings to host network elements (line 112b)

This newly added provision imposes an obligation for owners of private buildings - used for commercial purposes – to meet reasonable requests from operators who seek to put a VHCN-element on their building (e.g. rooftop). It would only apply under specific conditions, and in rural and remote areas without any existing non-private infrastructure that is suitable to host network elements.

At technical level, the Presidency conveyed to the Parliament that the Council is not convinced that this obligation is justified and proportionate, as this provision represents a far-reaching encroachment on property rights. Whereas the Parliament redrafted their proposal and further restricted the scope of the provision (e.g. access would be granted at a price reflecting market conditions, Member States can define rural/remote areas, etc.), the Parliament is not willing to take into account other concerns raised by the Council. The Parliament sticks to their position that the owner of the building should provide the access to VHCN-elements on a mandatory basis when he receives a request, rather than just to negotiate about the access. Additionally, questions remain on how this provision will work in practice, i.e. given the ambiguous scope of what can be understood as a building used for commercial practices.

The Presidency invites COREPER to provide enough flexibility to allow the Presidency to continue its negotiations with the Parliament related to these two new obligations in line 112a and 112b, within the boundaries explained above and whilst ensuring that the obligations remain consistent with the EU acquis and remain proportionate.

D. Refusal grounds for access to existing physical infrastructure

Article 3(3) of the GIA spells out a number of refusal grounds for which network operators and public sector bodies that own or control physical infrastructure, may refuse access to any access seekers. Both co-legislators have added an additional refusal ground, with the aim to accelerate VHCN deployment, protect first movers that are willing to invest in the deployment of networks in areas where no other operator has done so, and avoid overbuild (duplication of networks). However, both refusal grounds have ramifications that trigger the need for discussion at political level.

The Parliament's aim is to provide an incentive for deployment of VHCN infrastructure (in particular publicly-owned wholesale-only networks in rural and remote areas) where it is difficult to make a business case. At technical level, the Presidency and the Parliament have provisionally agreed with the redrafted wording in line 123, as this provision protects the first mover willing to make the investments in deploying a VHCN network.

As a further safeguard for these public investments in rural and remote areas, the Parliament introduced a carve-out for these types of public sector deployment projects from the obligation to coordinate civil works (line 153a), which deprives any other interested parties from the possibility to coordinate construction works and thereby sharing the related costs for deploying their network. This would constitute a **differentiated treatment, in rural and remote areas, between civil works conducted by undertakings owned or controlled by public authorities and other civil works** (which could also be fully or partially financed by public means) conducted by other undertakings. The Presidency could only accept this safeguard if this carve out is voluntary for the Member State to implement, which is now mirrored in line 153a, as Article 5(3) already addresses the issue over “overbuilding”, including in rural areas.

The refusal ground that was introduced by the Council in relation to the grounds to refuse access to existing access to physical infrastructure (lines 123f), has a similar objective to protect first movers wanting to invest in network deployment, however, it is wider in scope as it allows for the active access to the network. At technical level, both co-legislators have found an appropriate wording that would prevent adverse effects, however, within the Parliament, the Council’s refusal ground stirs up discussions, as they fear it might undermine the GIA objectives to promote VHCN-deployment.

The Presidency’s intention is to defend the Council’s position (line 123f) and to accept the refusal ground in line 123, together with the safeguard in line 153a, being aware of the delicate balance found here.

E. Date of application & the fibre-ready label

In light of the overall balance of the agreement that will be found during the final trilogue, the Presidency aims to find a provisional agreement with the Parliament on the general date of application of the GIA and its various provisions. It will defend the Council’s mandate (24 months) but, **if necessary to achieve a well-balanced compromise, we suggest showing flexibility on a differentiated approach**, with certain Articles kicking into force already earlier, as close as possible to our mandate, whilst keeping in mind the limited flexibility that was indicated by COREPER last week.

The Presidency also aims to reach a provisional agreement with the Parliament on the nature of the **fibre-ready label** as well as the certification, linked to the establishment of the label.

CONCLUSION

In light of the above, and with a view to obtaining a revised mandate for the trilogue negotiations on the GIA on 5 February, the Permanent Representatives Committee is invited to:

- **endorse the green lines in Articles 1, 3, 5, 6, 7, 8, 9, 14 and 18 as presented in the Annex to this note;**
- **indicate their flexibility with regard to the questions presented in Parts A, B, C.1 and 2, D and E of this note.**

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures to reduce the cost of deploying gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act)
2023/0046(COD)

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Formula				
1	2023/0046 (COD)	2023/0046 (COD)	2023/0046 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures to reduce the cost of deploying gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures to reduce the cost of deploying gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act) Text with EEA Relevance [] intra eu issue Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, <small>Text Origin: Commission Proposal</small>
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, <small>Text Origin: Commission Proposal</small>
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, <small>Text Origin: Commission Proposal</small>
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				Text Origin: Commission Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C,, p.</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C,, p.</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C,, p.</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C,, p.</u> Text Origin: Commission Proposal
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C,, p.</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C,, p.</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C,, p.</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C,, p.</u> Text Origin: Commission Proposal
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Recital 1				
11	(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.	(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, <u>reliable</u> and secure connectivity for everybody and everywhere in Europe <u>including in rural, remote and scarcely populated regions as well as in transport corridors</u> . A high-quality digital infrastructure based on very high capacity networks underpins almost all sectors of a modern and innovative economy. It <u>can provide for innovative services, more efficient business operations and smart, sustainable, digital societies, while contributing to achieving the Union climate targets set in the Commission communication of 11 December 2019 entitled 'the European</u>	(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.	(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, <u>reliable</u> and secure connectivity for everybody and everywhere in Europe <u>including in rural, remote and scarcely populated regions as well as in transport corridors</u> . A high-quality digital infrastructure based on very high capacity networks underpins almost all sectors of a modern and innovative economy. <u>It can provide for innovative services, more efficient business operations and smart, sustainable, digital societies, while contributing to achieving the Union climate targets</u> . It is of strategic importance to social and territorial cohesion and overall for the Union's




Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p><u>Green Deal’ and the twin digital and green transitions envisaged as the Union’s main priorities. It</u> is of strategic importance to social and territorial cohesion and overall for the Union’s competitiveness, <u>resilience, strategic autonomy</u> and digital leadership. <u>Digitalisation has a profound impact on the every-day social, economic, political and cultural life of all people in the Union. In that regard, limited access and insufficient network expansion can deepen social inequalities, thus creating a new digital divide between people who are able to benefit fully from an efficient and secure digital connectivity, allowing them to access a wide range of services, and people who are unable to do so. In that regard, the roll-out of very high capacity networks in rural, remote and scarcely populated regions, as well as in social housing, should be a priority for public and private investment projects, as a key aspect of social inclusion.</u></p> <p>Therefore, people as well as the private and public sectors should have the opportunity to be part of the digital economy.</p>		<p>competitiveness, <u>resilience, strategic autonomy</u> and digital leadership. <u>Digitalisation has a profound impact on the every-day social, economic, political and cultural life of all people in the Union. In that regard, limited access and insufficient network expansion can deepen social inequalities, thus creating a new digital divide between people who are able to benefit fully from an efficient and secure digital connectivity, allowing them to access a wide range of services, and people who are unable to do so. [In that regard, the roll-out of very high capacity networks in rural, remote and scarcely populated regions, as well as in social housing, should be a priority for public and private investment projects, as a key aspect of social inclusion.]</u></p> <p>Therefore, people as well as the private and public sectors should have the opportunity to be part of the digital economy.</p> <p>EP come with redrafted [] part</p> <p>Text Origin: EP Mandate</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Recital 2			
12	<p>(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 2010¹ 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.</p> <p>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 Council² for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council³, 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</p>	<p>(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 2010¹ 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.</p> <p>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 Council² for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council³, 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</p>	<p>(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 2010¹ 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.</p> <p>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 Council² for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council³, 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</p>	<p>(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 2010¹ 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.</p> <p>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 Council² for ensuring connectivity and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council³, 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</p>

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	<p>network, with all populated areas covered by 5G.</p> <p>1. 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.</p> <p>2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</p> <p>3. Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4).</p>	<p>network, with all populated areas covered by <u>next-generation wireless high-speed networks with a performance of at least equivalent to that of</u> 5G.</p> <p>1. 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.</p> <p>2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</p> <p>3. Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4).</p>	<p>network, with all populated areas covered by 5G.</p> <p>1. 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.</p> <p>2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</p> <p>3. Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4).</p>	<p>network, with all populated areas covered by <u>next-generation wireless high-speed networks with a performance of at least equivalent to that of</u> 5G.</p> <p>1. 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.</p> <p>2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</p> <p>3. Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4).</p> <p>Text Origin: EP Mandate</p>
Recital 3				
13	<p>(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.</p>	<p>(3) To achieve those targets, there is a need for policies to speed up, <u>simplify</u> and lower the costs of the deployment <u>and use</u> of very high-capacity fixed and wireless networks across the Union, including proper planning, <u>enhanced</u> coordination and the reduction <u>setting-up of nationwide simplified and streamlined permit</u></p>	<p>(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.</p>	<p>(3) To achieve those targets, there is a need for policies to speed up, <u>simplify</u> and lower the costs of the deployment of very high-capacity fixed and wireless networks across the Union, including proper planning, <u>enhanced</u> coordination and the reduction <u>setting-up of nationwide simplified and streamlined permit procedures as</u></p>

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		<u>procedures as a way of reducing of administrative burdens on both operators and national administrations.</u>		<u>a way of reducing of administrative burdens on both operators and national administrations.</u> [] still tbc after discussion on art 6 Text Origin: EP Mandate
Recital 3a				
13a		<u>(3a) Blending space and terrestrial infrastructure is important for the connectivity roll-out to better prepare for the next wave of digital infrastructure enabling the Union to take the lead. 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, remote and scarcely populated areas. In</u>		<u>(3a) Blending space and terrestrial infrastructure is important for the connectivity roll-out to better prepare for the next wave of digital infrastructure enabling the Union to take the lead. Recent technical progress has allowed satellite based communications constellations to emerge and gradually offer high-speed and low latency connectivity services, enable connectivity and increase cohesion across the Union, including its outermost regions, rural, remote and scarcely populated areas. In that regard, the resources provided by Regulation (EU) 2023/588 of the European Parliament and of the Council, and in particular the potential commercial internet access capabilities of the future</u>

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		<p><u>that regard, the resources provided by Regulation (EU) 2023/588 of the European Parliament and of the Council¹, and in particular the potential commercial internet access capabilities of the future satellite constellation should be included in the planning and deploying of very high capacity fixed and wireless networks across the Union and contribute, where possible, to the deployment of very high capacity networks.</u></p> <p><u>¹. 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 (OJ L 79, 17.3.2023, p. 1).</u></p>		<p><u>satellite constellation might be taken into account in the planning and deploying of very high capacity fixed and wireless networks across the Union and contribute, where possible, to the deployment of very high capacity networks. It is important to underline that satellite connectivity also comes with ground based elements whose deployment may be facilitated through this regulation.</u></p> <p>provisionally agreed and need to add the footnote</p>
Recital 4				
14	<p>(4) Directive 2014/61/EU, which was adopted in response to the need for policies to lower the costs of broadband deployment, included measures on infrastructure sharing, civil works coordination and the reduction of administrative burdens. To further facilitate the roll-out of very high capacity networks, including fibre and 5G,</p>	<p>(4) Directive 2014/61/EU, which was adopted in response to the need for policies to lower the costs of broadband deployment, included measures on infrastructure sharing, civil works coordination and the reduction of administrative burdens. To further facilitate the roll-out of very high capacity networks, including fibre and 5G,</p>	Deleted	Agreed to delete, no text here

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	the European Council, called in its Conclusions on Shaping Europe's Digital Future of 9 June 2020, called for a package of additional measures to support current and emerging network deployment needs, including by reviewing Directive 2014/61/EU.	the European Council, called in its Conclusions on Shaping Europe's Digital Future of 9 June 2020, called for a package of additional measures to support current and emerging network deployment needs, including by reviewing Directive 2014/61/EU.		
Recital 5				
15	(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.	(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.	(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.	
Recital 6				
16	(6) A major part of the costs of deploying very high capacity networks can be attributed to inefficiencies in the roll-out process related to: (i) the use of existing passive infrastructure	(6) A major part of the costs of deploying very high capacity networks can be attributed to inefficiencies in the roll-out process related to: (i) the use of existing passive infrastructure	(6) A major part of the costs of deploying very high capacity networks VHCN can be attributed to inefficiencies in the roll-out process related to: (i) the use of existing passive infrastructure	(6) A major part of the costs of deploying very high capacity networks VHCN can be attributed to inefficiencies in the roll-out process related to: (i) the use of existing passive infrastructure

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	(such as ducts, conduits, manholes, cabinets, poles, masts, antenna installations, towers and other supporting constructions); (ii) bottlenecks related to the coordination of civil works; (iii) burdensome administrative procedures to grant permits; and (iv) bottlenecks in in-building deployment of networks, which lead to high financial barriers, particularly in rural areas.	(such as ducts, conduits, manholes, cabinets, poles, masts, antenna installations, towers and other supporting constructions); (ii) bottlenecks related to the coordination of civil works <u>carried out by network operators or public authorities</u> ; (iii) burdensome <u>and lengthy</u> administrative procedures to grant permits; and (iv) bottlenecks in in-building deployment of networks, which lead to high financial barriers, particularly in rural areas.	(such as ducts, conduits, manholes, cabinets, poles, masts, antenna installations, towers and other supporting constructions); (ii) bottlenecks related to the coordination of civil works; (iii) burdensome administrative procedures to grant permits; and (iv) bottlenecks in in-building deployment of networks, which lead to high financial barriers, particularly in rural areas.	(such as ducts, conduits, manholes, cabinets, poles, masts, antenna installations, towers and other supporting constructions); (ii) bottlenecks related to the coordination of civil works <u>carried out by network operators or public sector body</u> ; (iii) burdensome <u>and lengthy</u> administrative procedures to grant permits; and (iv) bottlenecks in in-building deployment of networks, which lead to high financial barriers, particularly in rural areas. Text Origin: EP Mandate
Recital 7				
17	(7) Directive 2014/61/EU of the European Parliament and of the Council ¹ , which was adopted in response to the need to lower the costs of broadband deployment, included measures on infrastructure sharing, civil works coordination and the reduction of administrative burdens. To further facilitate the roll-out of very high capacity networks, including fibre and 5G, the European Council, in its Conclusions on Shaping Europe's Digital Future of 9 June	(7) Directive 2014/61/EU of the European Parliament and of the Council ¹ , which was adopted in response to the need to lower the costs of broadband deployment, included measures on infrastructure sharing, civil works coordination and the reduction of administrative burdens. To further facilitate the roll-out of very high capacity networks, including fibre and 5G, the European Council, in its Conclusions on Shaping Europe's Digital Future of 9 June	(7) Directive 2014/61/EU of the European Parliament and of the Council ¹ , which was adopted in response to the need to lower the costs of broadband deployment, included measures on infrastructure sharing, civil works coordination and the reduction of administrative burdens. To further facilitate the roll-out of very high capacity networks <u>VHCN</u> , including fibre and 5G, the European Council, in its Conclusions on Shaping Europe's	(7) Directive 2014/61/EU of the European Parliament and of the Council ¹ , which was adopted in response to the need to lower the costs of broadband deployment, included measures on infrastructure sharing, civil works coordination and the reduction of administrative burdens. To further facilitate the roll-out of very high capacity networks <u>VHCN</u> , including fibre and 5G, the European Council, in its Conclusions on Shaping Europe's

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>2020, called for a package of additional measures to support current and emerging network deployment needs, including by reviewing Directive 2014/61/EU.</p> <p>1. 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 (OJ L 155, 23.5.2014, p. 1).</p>	<p>2020, called for a package of additional measures to support current and emerging network deployment needs, including by reviewing Directive 2014/61/EU.</p> <p>1. 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 (OJ L 155, 23.5.2014, p. 1).</p>	<p>Digital Future of 9 June 2020, called for a package of additional measures to support current and emerging network deployment needs, including by reviewing Directive 2014/61/EU.</p> <p>1. <u>III</u> 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 (OJ L 155, 23.5.2014, p. 1).</p>	<p>Digital Future of 9 June 2020, called for a package of additional measures to support current and emerging network deployment needs, including by reviewing Directive 2014/61/EU.</p> <p>1. <u>III</u> 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 (OJ L 155, 23.5.2014, p. 1).</p> <p>Text Origin: Council mandate</p>
Recital 8				
18	<p>(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.</p>	<p>(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 <u>and streamlined</u> to further reduce costs and speed up network deployment.</p>	<p>(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.</p>	<p>(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 <u>and streamlined</u> to further reduce costs and speed up network deployment.</p> <p>Text Origin: EP Mandate</p>
Recital 9				
19	<p>(9) Measures aiming to make</p>	<p>(9) Measures aiming to make</p>	<p>(9) Measures aiming to make</p>	<p>(9) Measures aiming to make</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>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, <u>in particular in rural, remote or scarcely populated areas or in transport corridors</u>. These measures should maintain effective competition without harming the safety, security, and smooth operation of the existing infrastructure <u>and public health and environment, and should be based on adequate methodologies and scientific data</u>.</p>	<p>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 <u>VHCN</u>. These measures should maintain effective competition without harming the safety, security and smooth operation of the existing infrastructure.</p>	<p>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 <u>VHCN, in particular in rural, remote or scarcely populated areas or in transport corridors</u>. These measures should maintain effective competition without harming the safety, security, and smooth operation of the existing infrastructure <u>and public health and environment, and should be based on adequate methodologies and scientific data</u>.</p> <p>Agree with the idea but the last part needs redrafting, waiting for COM new text</p> <p>Text Origin: EP Mandate</p>
Recital 10				
20	<p>(10) Some Member States have adopted measures to reduce the costs of broadband roll-out, including by going beyond the provisions of Directive</p>	<p>(10) Some Member States have adopted measures to reduce the costs of broadband roll-out, including by going beyond the provisions of Directive</p>	<p>(10) Some Member States have adopted measures to reduce the costs of broadband roll-out, including by going beyond the provisions of Directive</p>	<p>(10) Some Member States have adopted measures to reduce the costs of broadband roll-out, including by going beyond the provisions of Directive</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>2014/61/EU. However, those measures are still very different across Member States and have led to different results across the Union. Scaling up some of those measures across the Union and taking new reinforced measures could significantly contribute to the better functioning of the digital single market. Moreover, differences in regulatory requirements and inconsistent implementation of Union rules sometimes prevent cooperation across utility companies. The differences may also raise barriers to entry for new undertakings providing or authorised to provide public electronics communications networks or associated facilities, as defined in Directive (EU) 2018/1972 ('operators'). These differences may also close off new business opportunities, hindering the development of an internal market for the use and deployment of physical infrastructures for very high capacity networks. Moreover, the measures notified in the national roadmaps and implementation reports adopted by Member States under Commission Recommendation (EU) 2020/1307¹</p>	<p>2014/61/EU. However, those measures are still very different across Member States and have led to different results across the Union. Scaling up some of those measures across the Union and taking new reinforced measures could significantly contribute to the better functioning of the digital single market. Moreover, differences in regulatory requirements and inconsistent implementation of Union rules sometimes prevent cooperation across utility companies. The differences may also raise barriers to entry for new undertakings providing or authorised to provide public electronics communications networks or associated facilities, as defined in Directive (EU) 2018/1972 ('operators'). These differences may also close off new business opportunities, hindering the development of an internal market for the use and deployment of physical infrastructures for very high capacity networks. Moreover, the measures notified in the national roadmaps and implementation reports adopted by Member States under Commission Recommendation (EU) 2020/1307¹</p>	<p>2014/61/EU. However, those measures are still very different across Member States and have led to different results across the Union. Scaling up some of those measures across the Union and taking new reinforced measures could significantly contribute to the better functioning of the digital single market. Moreover, differences in regulatory requirements and inconsistent implementation of Union rules sometimes prevent cooperation across utility companies. The differences may also raise barriers to entry for new undertakings providing or authorised to provide public electronics communications networks or associated facilities, as defined in Directive (EU) 2018/1972 ('operators'). These differences may also close off new business opportunities, hindering the development of an internal market for the use and deployment of physical infrastructures for very high capacity networks VHCN. Moreover, the measures notified in the national roadmaps and implementation reports adopted by Member States under Commission Recommendation (EU) 2020/1307¹</p>	<p>2014/61/EU. However, those measures are still very different across Member States and have led to different results across the Union. Scaling up some of those measures across the Union and taking new reinforced measures could significantly contribute to the better functioning of the digital single market. Moreover, differences in regulatory requirements and inconsistent implementation of Union rules sometimes prevent cooperation across utility companies. The differences may also raise barriers to entry for new undertakings providing or authorised to provide public electronics communications networks or associated facilities, as defined in Directive (EU) 2018/1972 ('operators'). These differences may also close off new business opportunities, hindering the development of an internal market for the use and deployment of physical infrastructures for very high capacity networks VHCN. Moreover, the measures notified in the national roadmaps and implementation reports adopted by Member States under Commission Recommendation (EU) 2020/1307¹</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>neither cover all the areas of Directive 2014/61/EU nor address all issues in a consistent and complete manner. This is despite how essential it is to take action across the whole roll-out process and across sectors to achieve a coherent and significant impact.</p> <p>1. Commission Recommendation (EU) 2020/1307 of 18 September 2020 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union (OJ L 305, 21.9.2020, p. 33).</p>	<p>neither cover all the areas of Directive 2014/61/EU nor address all issues in a consistent and complete manner. This is despite how essential it is to take action across the whole roll-out process and across sectors to achieve a coherent and significant impact.</p> <p><u><i>Member States should be encouraged to continue implementing the best practices set out in the Commission Recommendation (EU) 2020/1307 that can facilitate the implementation of this Regulation in line with the minimum harmonisation principle.</i></u></p> <p>1. Commission Recommendation (EU) 2020/1307 of 18 September 2020 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union (OJ L 305, 21.9.2020, p. 33).</p>	<p>neither cover all the areas of Directive 2014/61/EU nor address all issues in a consistent and complete manner. This is despite how essential it is to take action across the whole roll-out process and across sectors to achieve a coherent and significant impact.</p> <p>1. <u><i>II</i></u> Commission Recommendation (EU) 2020/1307 of 18 September 2020 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union (OJ L 305, 21.9.2020, p. 33).</p>	<p>neither cover all the areas of Directive 2014/61/EU nor address all issues in a consistent and complete manner. This is despite how essential it is to take action across the whole roll-out process and across sectors to achieve a coherent and significant impact.</p> <p><u><i>Member States should be encouraged to continue implementing the best practices set out in the Commission Recommendation (EU) 2020/1307 that can facilitate the implementation of this Regulation in line with the minimum harmonisation principle.</i></u></p> <p>1. Commission Recommendation (EU) 2020/1307 of 18 September 2020 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union (OJ L 305, 21.9.2020, p. 33).</p> <p>Text Origin: EP Mandate</p>
	Recital 11			
21	(11) This Regulation aims to strengthen and harmonise rights	(11) This Regulation aims to strengthen and harmonise rights	(11) This Regulation aims to strengthen and harmonise rights	(11) This Regulation aims to strengthen and harmonise rights

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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</p>	<p>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 <u>and rapid</u> deployment of new physical infrastructure by complementing <u>or going beyond</u> the rights and obligations laid down in this Regulation. For example, Member States could <u>shorten the deadlines to grant or deny permits necessary for deployment, introduce</u></p>	<p>and obligations applicable across the Union to accelerate the roll-out of very high capacity networks <u>VHCN</u> and cross-sector coordination. Due to the persistent fragmentation of electronic communications markets in individual national markets, <u>including backbone and 5G-ready-networks. This will help</u> undertakings providing or authorised to provide electronic communications networks are unable to achieve economies of scale. <u>This A lack of high quality connectivity in the Union</u> 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 <u>stricter or more detailed</u> national measures <u>rules</u> 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 <u>or going beyond</u> the rights and obligations laid</p>	<p>and obligations applicable across the Union to accelerate the roll-out of very high capacity <u>VHCN and cross-sector coordination, including backbone and next-generation wireless high-speed</u> networks and cross-sector coordination <u>with a performance of at least equivalent to that of 5G.</u> 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. <u>This A lack of high quality connectivity in the Union</u> 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 <u>[stricter or more detailed</u> national measures <u>rules]</u> in compliance with Union law that serve to promote the joint use of existing physical infrastructure or enable a more efficient <u>and rapid</u> deployment of new physical</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p><u>supplementary permit exemptions</u>, 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, <u>expand the provisions on access to existing physical infrastructure to privately owned buildings, as well as introduce further incentives for administrative bodies to speed up permitting procedures, give guidance on methodologies for access price setting, including through the use of cost-oriented principle where appropriate</u>, provided that they do not violate Union law including the provisions of this Regulation.</p>	<p>down in this Regulation <u>and provide solutions to better achieve its objectives</u>. For example, Member States could extend <u>go beyond</u> provisions on civil works coordination <u>by applying them</u> also to privately funded projects or require <u>requiring</u> that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format <u>or applying shorter deadlines</u>, provided that they do not violate Union law including the provisions of this Regulation.</p>	<p>infrastructure by complementing <u>or going beyond</u> the rights and obligations laid down in this Regulation <u>and provide solutions to achieve its objectives</u>. For example, Member States could <u>shorten the deadlines to grant or deny permits necessary for deployment, introduce supplementary permit exemptions</u>, extend provisions on civil works coordination also to privately funded projects or require <u>requiring</u> that more information on physical infrastructure or planned civil works is provided to a single information point in electronic format, <u>expand the provisions on access to existing physical infrastructure to privately owned buildings, as well as introduce further incentives for administrative bodies to speed up permitting procedures, give guidance on methodologies for access price setting, including through the use of cost-oriented principle where appropriate</u>, provided that they do not violate Union law including the provisions of this Regulation.</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				<p>[] to be aligned with line 81</p> <p>Text Origin: Commission Proposal</p>
Recital 12				
22	<p>(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/EC¹, the provisions of these directives should prevail over this Regulation.</p> <p>1. Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).</p>	<p>(12) To ensure legal certainty, including regarding specific regulatory measures imposed under Directive (EU) 2018/1972, under Title II, Chapters II to IV and, <u>Commission Directive 2002/77/EC¹, and Directive (EU) 2022/2555 of the European Parliament and the Council²</u>, the provisions of these<u>those</u> directives <u>and national measures for their implementation</u> should prevail over this Regulation.</p> <p>1. Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).</p> <p>2. <u>Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80).</u></p>	<p>(12) To ensure legal certainty, including regarding specific regulatory measures imposed under Directive (EU) 2018/1972, under <u>Part II</u>, Title II, Chapters II to IV and Directive 2002/77/EC¹, the provisions of these directives should prevail over this Regulation. <u>This Regulation is without prejudice to the possibility for national regulatory authorities to maintain or introduce measures falling outside the scope of this Regulation, such as access obligations for in-building wiring, in accordance with the Directive (EU) 2018/1972.</u></p> <p>1. <u>[]</u> Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).</p>	<p>(12) To ensure legal certainty, including regarding specific regulatory measures imposed under Directive (EU) 2018/1972, under <u>Part II</u> Title II, Chapters II to IV and, <u>Commission Directive 2002/77/EC¹, and Directive (EU) 2022/2555 of the European Parliament and the Council²</u>, the provisions of these<u>those</u> directives should prevail over this Regulation. <u>This Regulation is without prejudice to the possibility for national regulatory authorities to maintain or introduce measures falling outside the scope of this Regulation, such as access obligations for in-building wiring, in accordance with the Directive (EU) 2018/1972.</u></p> <p>1. Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).</p> <p>2. <u>Directive (EU) 2022/2555 of the</u></p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				<p><u>European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80).</u></p> <p>TBC COM text regarding NIS2</p> <p>Text Origin: EP Mandate</p>
Recital 13				
23	<p>(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</p>	<p>(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</p>	<p>(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 <u>VHCN</u> 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</p>	<p>(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 <u>VHCN</u> 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</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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 <u>or limit the exercise of such rights.</u>	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. <u>When applicable, rights of tenants should also be taken into account for that purpose.</u>	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 <u>or limit the exercise of such rights. When applicable, rights of tenants should also be taken into account for that purpose.</u> Text Origin: EP Mandate
Recital 14				
24	(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	(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	(14) To improve the deployment of very high capacity networks <u>VHCN</u> in the internal market, this Regulation should lay down rights for undertakings providing public electronic communications networks or	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	(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.	(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. <u>At the same time, it is important to ensure that the access providers have a fair return on investment, which reflects the relevant market conditions and, in particular in the case of providers of associated facilities, their different business models. Where access is provided through a contract agreed before the date of entry into force of this Regulation, and the price has already been negotiated and agreed, or included in the contract, the price should not be required to comply with fair and reasonable terms.</u> 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.	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.	
Recital 15				
25	(15) In particular, taking into account the fast development of providers of wireless physical	(15) In particular, taking into account the fast development of providers of wireless physical	(15) In particular, taking into account the fast development of providers of wireless physical	(15) In particular, taking into account the fast development of providers of wireless physical

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>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 <u>should also fall under the scope of this</u> Regulation, except the provisions regarding in-building physical infrastructure and access. <u>The provisions regarding the fair and reasonable terms and conditions for granting access should not apply to associated facilities when they operate as a wholesale only model, which offers physical access to more than one host undertaking providing or authorised to provide public electronic communication networks, unless national</u></p>	<p>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 <u>should also fall under the scope of this</u> Regulation, except the provisions regarding in-building physical infrastructure and access. <u>The provisions regarding the fair and reasonable terms and conditions for granting access should not apply to associated facilities when they operate as a wholesale only model, which offers physical access to more than one host undertaking providing or authorised to provide public electronic communication networks, unless national</u></p>	<p>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 <u>should also fall under the scope of this</u> Regulation, except the provisions regarding in-building physical infrastructure and access. <u>The provisions regarding the fair and reasonable terms and conditions for granting access should not apply to associated facilities when they operate as a wholesale only model, which offers physical access to more than one host undertaking providing or authorised to provide public electronic communication networks, unless national</u></p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>regulatory authorities substantiate the need to impose market remedies as a result of a market analysis. In order to ensure continuity of service and predictability for the planned deployments of associated facilities, owners of land where associated facilities have been installed, should be required to negotiate access to land with undertakings providing or authorised to provide those associated facilities under fair and reasonable terms and conditions, including price, in accordance with national contract law.</u>		<u>regulatory authorities substantiate the need to impose market remedies as a result of a market analysis. In order to ensure continuity of service and predictability for the planned deployments of associated facilities, owners of land where associated facilities have been installed, should be required to negotiate access to land with undertakings providing or authorised to provide those associated facilities under fair and reasonable terms and conditions, including price, in accordance with national contract law.]</u> Tbc with Article 3 Text Origin: EP Mandate
Recital 15a				
25a			<u>(15a) Member states can extend the obligations set out in this Regulation to bodies that do not fall in its scope, such as organisational units not endowed by law with legal personality, which do have legal capacity and can fully participate in economic transactions, or undertakings</u>	<u>(15a) Member states can extend the obligations set out in this Regulation to bodies that do not fall in its scope, such as organisational units not endowed by law with legal personality, which do have legal capacity and can fully participate in economic transactions, or undertakings</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>enjoying a concession from public bodies.</u>	<u>enjoying a concession from public bodies.</u> <small>Text Origin: Council mandate</small>
Recital 16				
26	(16) In view of their low degree of differentiation, the physical facilities of a network can often host a wide range of electronic communications network elements at the same time without affecting the main service provided and with minimum adaptation costs. These elements include those capable of delivering broadband access services at speeds of at least 100 Mbps in line with the technological neutrality principle. Therefore, physical infrastructure, that is intended to only host other elements of a network without becoming an active network element itself, such as dark fibre, can in principle be used to accommodate electronic communications cables, equipment or any other element of electronic communications networks, regardless of its current use or its ownership, security concerns or future business interests of the	(16) In view of their low degree of differentiation, the physical facilities of a network can often host a wide range of electronic communications network elements at the same time without affecting the main service provided and with minimum adaptation costs. These elements include those capable of delivering broadband access services at speeds of at least 100 Mbps in line with the technological neutrality principle. Therefore, physical infrastructure, that is intended to only host other elements of a network without becoming an active network element itself, such as dark fibre, can in principle be used to accommodate electronic communications cables, equipment or any other element of electronic communications networks, regardless of its current use or its ownership, security concerns or future business interests of the	(16) In view of their low degree of differentiation, the physical facilities of a network can often host a wide range of electronic communications network elements at the same time without affecting the main service provided and with minimum adaptation costs. These elements include those capable of delivering broadband access services at speeds of at least 100 Mbps <u>VHCN</u> in line with the technological neutrality principle. Therefore, physical infrastructure, that is intended to only host other elements of a network without becoming an active network element itself, such as dark fibre, can in principle be used to accommodate electronic communications cables, equipment or any other element of electronic communications networks, regardless of its current use or its ownership, security concerns or future business interests of the	(16) In view of their low degree of differentiation, the physical facilities of a network can often host a wide range of electronic communications network elements at the same time without affecting the main service provided and with minimum adaptation costs. These elements include those capable of delivering broadband access services at speeds of at least 100 Mbps in line with the technological neutrality principle. Therefore, physical infrastructure, that is intended to only host other elements of a network without becoming an active network element itself, such as dark fibre, can in principle be used to accommodate electronic communications cables, equipment or any other element of electronic communications networks, regardless of its current use or its ownership, security concerns or future business interests of the

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>infrastructure's owner. The physical infrastructure of public electronic communications networks can in principle also be used to accommodate elements of other networks. Therefore, in appropriate cases, public electronic communications network operators may give access to their networks so that other networks can be deployed. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies between network operators should at the same time be encouraged to contribute to achieving the digital targets set out in Decision (EU) 2022/2481.</p>	<p>infrastructure's owner. The physical infrastructure of public electronic communications networks can in principle also be used to accommodate elements of other networks. Therefore, in appropriate cases, public electronic communications network operators may give access to their networks so that other networks can be deployed. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies between network operators should at the same time be encouraged to contribute to achieving the digital targets set out in Decision (EU) 2022/2481.</p>	<p>infrastructure's owner. The physical infrastructure of public electronic communications networks can in principle also be used to accommodate elements of other networks. Therefore, in appropriate cases, public electronic communications network operators may give access to their networks so that other networks can be deployed. Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies between network operators should at the same time be encouraged to contribute to achieving the digital targets set out in Decision (EU) 2022/2481.</p>	<p>infrastructure's owner. The physical infrastructure of public electronic communications networks can in principle also be used to accommodate elements of other networks. Therefore, in appropriate cases, public electronic communications network operators may give access to their networks so that other networks can be deployed. <u>Member States may specify formal administrative requirements of these requests for access, such the form of such requests or of the draft contract or of the draft project of VHCN installation.</u> Without prejudice to the pursuit of the specific general interest linked to the provision of the main service, synergies between network operators should at the same time be encouraged to contribute to achieving the digital targets set out in Decision (EU) 2022/2481.</p> <p>to use this language on all of articles concerning detailed requirements</p> <p>EP to check with LS</p> <p>Text Origin: Commission Proposal</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Recital 17			
27	<p>(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.</p>	<p>(17) In the absence of a justified exception, physical infrastructure elements owned or controlled by public sector bodies <u>or any entity exclusively entrusted with performing tasks on behalf of those public sector bodies</u>, 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, <u>rooftops and facades of buildings</u>, 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 <u>, in cooperation with regional and local authorities</u> 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</p>	<p>(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 <u>in such cases</u> should be made accessible to facilitate installing network elements of very high capacity networks <u>VHCN</u>, in particular wireless networks. Examples of physical infrastructure elements are buildings, <u>including their rooftops and part of their facades</u>, entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, <u>toll frames</u>, bus and tramway stops and metro <u>and railway</u> stations. It is for Member States to identify specific buildings <u>categories of physical infrastructure</u> 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 <u>enviromental</u> value.</p>	<p>(17) In the absence of a justified exception, physical infrastructure elements owned or controlled by public sector bodies, <u>including when managed by any entity entrusted with performing tasks on behalf of those public sector bodies</u>, even when they are not part of a network, can also host electronic communications network elements and <u>in such cases</u> should be made accessible to facilitate installing network elements of very high capacity networks <u>VHCN</u>, in particular wireless networks. Examples of physical infrastructure elements are buildings, <u>including their rooftops and part of their facades</u>, entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, <u>toll frames</u>, bus and tramway stops and metro <u>and railway</u> stations <u>and tunnels</u>. It is for Member States <u>, in cooperation with regional and local authorities</u> to identify specific buildings <u>categories of physical infrastructure</u> owned or controlled by public sector bodies in their</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		or natural value, <u><i>national security or road safety. In order to ensure public acceptance and sustainable deployment, network elements of very high capacity networks should have minimal visual impact.</i></u>		territories where access obligations cannot apply, for example, for reasons of architectural, historical, religious, <u><i>environmental value, national security or road safety. In order to ensure public acceptance and sustainable deployment, network elements of very high capacity networks should have minimal visual impact</i></u> <i>-or natural value.</i> Text Origin: EP Mandate
Recital 17a				
27a		<u><i>(17a) On the one hand, entire areas, especially in rural regions, could be left without connectivity due to the fact that the public sector infrastructure does not allow or is not suitable for the installation of elements of very high capacity networks. On the other hand, there are commercial buildings that are the only alternative to hosting such elements. Aiming to ensure connectivity in remote and scarcely populated areas and to bridge the digital coverage gap between rural and urban areas, while keeping the interference</i></u>		<u><i>(17a) On the one hand, entire areas, especially in rural regions, could be left without connectivity due to the fact that the public sector infrastructure does not allow or is not suitable for the installation of elements of very high capacity networks. On the other hand, there are commercial buildings that are the only alternative to hosting such elements. Aiming to ensure connectivity in remote and scarcely populated areas and to bridge the digital coverage gap between rural and urban areas, while keeping the interference</i></u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<p><u>with private property to a minimum, the requirements to provide access to existing physical infrastructure should, in very limited situations, be extended to commercial buildings. The obligation to provide access in those cases would be justified provided that there is no alternative to developing very high capacity networks in the area concerned and subject to fair conditions, including concerning the remuneration for providing such access. That obligation would be applied only where one of the following conditions is met: there is no very high capacity network deployed in the area concerned and there is no proven plan to do so within a year from the request for access by the network operator; there is no available existing physical infrastructure owned or controlled by network operators or public sector bodies which is technically suitable to host elements of very high capacity networks in the area concerned; or the requesting operator proves that it has failed to obtain State aid to deploy a very high capacity network in the</u></p>	<p><u>with private property to a minimum, the requirements to provide access to existing physical infrastructure should, in very limited situations, be extended to commercial buildings. The obligation to provide access in those cases would be justified provided that there is no alternative to developing very high capacity networks in the area concerned and subject to fair conditions, including concerning the remuneration for providing such access. That obligation would be applied only where one of the following conditions is met: there is no very high capacity network deployed in the area concerned and there is no proven plan to do so within a year from the request for access by the network operator; there is no available existing physical infrastructure owned or controlled by network operators or public sector bodies which is technically suitable to host elements of very high capacity networks in the area concerned.</u></p> <p>provisional agreed, waiting for the Council feedback on art3 para 1b line 112b -112e</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>area concerned or to find a suitable co-investor to deploy such physical infrastructure.</u>		Text Origin: EP Mandate
Recital 18				
28	<p>(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</p>	<p>(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 <u>or a public sector body</u> 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</p>	<p>(18) This Regulation should be without prejudice to any specific safeguard needed to ensure <u>national security</u>, 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</p>	<p>(18) This Regulation should be without prejudice to any specific safeguard needed to ensure <u>national security</u>, 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 <u>or a public sector body</u> 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</p>

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	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.	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.	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.	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. Text Origin: EP Mandate
Recital 19				
29	(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	(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	(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	(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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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 capacity¹.</p> <p>1. Commission Recommendation (EU) 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code, 18.12.2020, C(2020) 8750, OJ L 439, 29.12.2020, p. 23.</p>	<p>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 capacity¹.</p> <p>1. Commission Recommendation (EU) 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code, 18.12.2020, C(2020) 8750, OJ L 439, 29.12.2020, p. 23.</p>	<p>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 capacity¹.</p> <p>1. II Commission Recommendation (EU) 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code, 18.12.2020, C(2020) 8750, OJ L 439, 29.12.2020, p. 23.</p>	<p>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 capacity¹.</p> <p>1. II Commission Recommendation (EU) 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code, 18.12.2020, C(2020) 8750, OJ L 439, 29.12.2020, p. 23.</p> <p>Text Origin: Council mandate</p>
Recital 20				
30	<p>(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</p>	<p>(20) To ensure proportionality and preserve investment incentives, <u>especially for very high capacity networks pioneers, and thus create an incentive for the rapid rollout of very high capacity</u></p>	<p>(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</p>	<p>still to align with the art</p> <p>To preserve investment incentives and avoid adverse and unintended economic impacts on the business</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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</p>	<p><u>networks to rural and remote areas</u> 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</p>	<p>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</p>	<p>model of the first mover operator in deploying FttP networks, especially in rural areas, Member States where a similar refusal ground is already applied in national law, could provide that when an undertaking providing or authorised to provide electronic communications networks seeks access to the only fibre network present in its target coverage area, the access provider could refuse access to its physical infrastructure if it provides, at fair and reasonable terms and conditions, a viable alternative means of wholesale active access which is suitable for the provision of very high capacity networks. This wholesale active access should ensure to the requesting operator the availability of VHCN and the possibility to deliver services with the quality and characteristics inherent to VHCN. Moreover, these viable alternative means of wholesale active access should be provided on a non-discriminatory and open basis. This entails that the operator providing access applies equivalent conditions in equivalent circumstances to other operators, and provides services and information to others under the same conditions and of the same quality as it provides for its own services, or those of its subsidiaries or partners, this in order</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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</p>	<p>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</p>	<p>the elements of very high capacity networks <u>VHCN</u> 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 <u>passive</u> 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. <u><i>This Regulation does not prevent Member States from restricting the conditions for access refusal</i></u></p>	<p>to guarantee equal treatment, offering equal possibilities, between all operators, including the providing operator.</p> <p>this is an addition to recital 20 still to be fine tune and check by the the EP</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>operators, and incentives to invest. It may also risk an inefficient duplication of network elements, <u>which should, in particular, be avoided until sufficient coverage of rural areas with very high capacity networks is achieved</u>. 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, <u>inter alia</u>inter alia, the underlying business model of the undertaking providing or authorised to provide public electronic communications networks granting accessand, the need to avoid any reinforcement of the significant market power, if any, of either party, <u>and the need to ensure a fair return on investment reflecting the relevant market conditions and business model in the case of the providers of associated facilities</u>.</p>	<p><u>based on the existence of alternative offering of dark fibre or fibre unblinding where such products would not constitute in the relevant market a viable alternative means of passive wholesale physical access to electronic communication networks.</u> . It may also risk an inefficient duplication of network elements<u>physical infrastructure</u>. 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, <u>inter alia</u>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; <u>and whether the access provider ties or bundles access with services which are not absolutely necessary. To preserve investment incentives and avoid adverse and unintended economic impacts on the business model of the first mover operator in deploying FttP networks, especially in rural areas, Member</u></p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>States could provide that when an undertaking providing or authorised to provide electronic communications networks seeks access to the only fibre network present in its target coverage area, the access provider could refuse access to its physical infrastructure if it provides, at fair and reasonable terms and conditions, a viable alternative means of wholesale active access which is suitable for the provision of very high capacity networks.</u>	
Recital 21				
31	(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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>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<u>avoid</u> 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.</p>	<p>factors could influence the conditions under which such access is granted. These <u>conditions should ensure that the access providers has a fair opportunity to obtain a fair return on investment and recover the costs incurred in order to provide access, and may</u> 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, <u>including minimising the visual impact on infrastructure to ensure public acceptance and sustainable deployment</u>, public health, public security or to meet town and</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			country planning objectives.	
Recital 22				
32	<p>(22) Investments in physical infrastructure of public electronic communications networks or associated facilities should directly contribute to the objectives set out in Decision (EU) 2022/2481 and avoid opportunistic behaviour. Therefore, any obligation of access to existing physical infrastructure or coordination of civil works should fully take into account a number of factors such as (i) the economic viability of those investments based on their risk profile; (ii) any time schedule for the return on investment; (iii) any impact that the access has on downstream competition and consequently on prices and return on investment; (iv) any depreciation of the network assets at the time of the access request; (v) any business case underpinning the investment, in particular in the physical infrastructure used for providing very high capacity network services; and (vi) any possibility previously offered to the access seeker to co-deploy.</p>	<p>(22) Investments in physical infrastructure of public electronic communications networks or associated facilities should directly contribute to the objectives set out in Decision (EU) 2022/2481 and avoid opportunistic behaviour. Therefore, any obligation of access to existing physical infrastructure or coordination of civil works should fully take into account a number of factors such as (i) the economic viability of those investments based on their risk profile; (ii) any time schedule for the return on investment; (iii) any impact that the access has on downstream competition and consequently on prices and return on investment; (iv) any depreciation of the network assets at the time of the access request; (v) any business case underpinning the investment, in particular in the physical infrastructure used for providing very high capacity network services; and (vi) any possibility previously offered to the access seeker to co-deploy.</p>	<p>(22) Investments in physical infrastructure of public electronic communications networks or associated facilities should directly contribute to the objectives set out in Decision (EU) 2022/2481 and avoid opportunistic behaviour. Therefore, any obligation of access to existing physical infrastructure or coordination of civil works should fully take into account a number of factors such as (i) the economic viability of those investments based on their risk profile; (ii) any time schedule for the return on investment; (iii) any impact that the access has on downstream competition and consequently on prices and return on investment; (iv) any depreciation of the network assets at the time of the access request; (v) any business case underpinning the investment, in particular in the physical infrastructure used for providing very high capacity network services; and (vi) any possibility previously offered to the access seeker to co-deploy. <u>In the</u></p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>context of the determination of prices, terms and conditions by network operators and public sector bodies owning or controlling physical infrastructure, certain existing contracts and commercial terms and conditions agreed between access seekers and access providers could be used by either access providers or dispute settlement bodies as benchmarking factor to determine whether prices, terms and conditions are fair and reasonable, since they reflect market prices and conditions.</u>	
Recital 23				
33	(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	(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. <u>In such a case, in order</u> to facilitate access to these public sector bodies' physical infrastructure, a body could <u>should</u> be appointed to coordinate the access requests, provide legal and technical advice for negotiating	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	access terms and conditions, and make relevant information on such physical infrastructure available via a single information point. The coordinating body could <u>should</u> 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.	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.	
Recital 24				
34	(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.	(24) To ensure consistency of approaches among Member States, <u>while taking into account the distinct situations across Member States</u> the Commission, in close cooperation with the Body of European Regulators for Electronic Communications (BEREC), could <u>should</u> provide guidance on applying the provisions on access to physical infrastructure, including but not only on the application of fair and reasonable conditions, <u>by at least the date of entry into force of this Regulation</u> . The views of stakeholders, <u>national authorities</u> and national dispute settlement	(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 <u>may</u> 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. <u>When the bodies appointed to issue the</u>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<p>bodies should be duly taken into account in the preparation of the guidance <u>to ensure, to the extent possible, that such guidance are not disruptive to well-established principles, are in line with national dispute settlement bodies procedural rules, and are not harmful for further deployment of very high capacity networks. In order to avoid market disruptions and reverse effects in investments, when establishing the guidelines on a fair and reasonable price, the Commission should take into account the features of the network operators and their business model, in particular when it is based on renting infrastructure to third parties, such as tower companies or wholesale only operators as well as determine criteria for the establishment of prices for different categories of infrastructure. Considering the level of flexibility that the Member States are granted in the application of the provisions on access to physical infrastructure, and in order to be efficient, the Commission guidance should provide an appropriate level of</u></p>	<p><u>guidance are different from the national dispute settlement bodies, views of the latter should be duly taken into account.</u></p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>granularity.</u>		
Recital 25				
35	<p>(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</p>	<p>(25) Operators should have access to minimum information on physical infrastructure and planned civil works <u>planned by a network operator or, in specific cases, such as road construction relevant for the deployment of very high capacity network, by a public sector body</u> in the area of deployment. <u>The Commission should issue guidelines on the type of public civil works and information that is to be made available to facilitate deployment of very high capacity networks.</u> 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</p>	<p>(25) Operators should have access <u>upon request</u> 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 <u>VHCN</u> 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, <u>as appropriate, as well as existing</u> as well as existing or planned physical infrastructure) and to facilitate access to that information (across sectors and borders), the network operators and public</p>	<p>(25) Operators should have access <u>upon request</u> to minimum information on physical infrastructure and planned civil works in the area of deployment. <u>[The Commission should issue guidelines on the type of public civil works and information that is to be made available to facilitate deployment of very high capacity networks.]</u> This will enable them to effectively plan deploying very high capacity networks <u>VHCN</u> 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, <u>as appropriate</u>, as well as existing or</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>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, <u>where feasible</u> 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. <u>Network operators and public sector bodies subject to transparency</u></p>	<p>sector bodies subject to transparency obligations should proactively (rather than upon request) provide and maintain such <u>promptly, within the deadline, make available such up-to-date</u> 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<u>made available</u> 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.</p>	<p>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 <u>promptly, within the deadline, make available such up-to-date</u> 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. <u>Network operators and public sector bodies subject to transparency obligations could proactively and on a voluntary basis expand the minimum information provided, to</u></p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>obligations could proactively and on a voluntary basis expand the minimum information provided, to additional characteristics, such as information regarding the occupation level of the physical infrastructure, where available, or indicative information regarding the availability of dark fibre.</u>		<u>additional characteristics, such as information regarding the occupation level of the physical infrastructure, where available, or indicative information regarding the availability of dark fibre.</u> Text Origin: Commission Proposal
Recital 26				
36	(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	(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	(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 <u>could</u> consist of a repository of information in electronic format, where information can be accessed <u>or made available</u> and requests can be made online using digital tools, such as webpages, <u>electronic addresses</u> , 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	(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 <u>could</u> consist of a repository of information in electronic format, where information can be accessed <u>or made available</u> 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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	operating and business secrets. The single information point does not have to host the information as long as it ensures that links are available <u>it provides connections</u> to other digital tools, such as web portals, digital platforms <u>databases</u> , or digital applications, where the information is stored. <u>Accordingly, different models for a single information point can be envisaged.</u> 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.	secrets. The single information point does not have to host the information as long as it ensures that links are available <u>it provides interconnections</u> to other digital tools, such as web portals, digital platforms <u>databases</u> , or digital applications, where the information is stored. <u>Accordingly, different models for a single information point can be envisaged.</u> 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. <small>Text Origin: Council mandate</small>
Recital 27				
37	(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	(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	(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	(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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.	without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.	without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.	without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets. Text Origin: Commission Proposal
Recital 28				
38	(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.	(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 <u>planned by network operators</u> via a single information point.	(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 <u>could</u> also be enforced by making permit-granting applications subject to prior publication of <u>firstly make available</u> information on planned civil works via a single information point.	
Recital 29				
39	(29) The discretion that Member States retain to allocate the functions of the single information points to more than one competent body should not affect their ability	(29) The discretion that Member States retain to allocate the functions of the single information points to more than one competent body should not affect their ability	(29) The discretion that Member States retain to allocate the functions of the single information points to more than one competent body should not affect their ability	(29) The discretion that Member States retain to allocate the functions of the single information points to more than one competent body should not affect their ability

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>to effectively fulfil those functions. Where more than one single information point is set up in a Member State, a single national digital entry point consisting of a common user interface should ensure seamless access to all single information points by electronic means. The single information point should be fully digitised and provide easy access to the relevant digital tools. This will enable network operators and public sector bodies exercise their rights and comply with the obligations set out in this Regulation. This includes fast access to the minimum information on existing physical infrastructure and planned civil works, electronic administrative procedures for granting permits and rights of way, and the applicable conditions and procedures. As part of this minimum information, the single information point should give access to georeferenced information on the location of existing physical infrastructure and planned civil works. To facilitate this, Member States should provide automated digital tools for the submission of the georeferenced</p>	<p>to effectively fulfil those functions. Where more than one single information point is set up in a Member State, a single national digital entry point consisting of a common user interface should ensure seamless access to all single information points by electronic means. The single information point should be fully digitised and provide easy access to the relevant digital tools. This will enable network operators and public sector bodies exercise their rights and comply with the obligations set out in this Regulation. This includes fast access to the minimum information on existing physical infrastructure and planned civil works, electronic administrative procedures for granting permits and rights of way, and the applicable conditions and procedures. As part of this minimum information, the single information point should give access to georeferenced information on the location of existing physical infrastructure and planned civil works. To facilitate this, Member States should provide automated digital tools for the submission of the georeferenced</p>	<p>to effectively fulfil those functions. Where more than one single information point is set up in a Member State, a single national digital entry point consisting of a common user interface should ensure seamless access to all single information points by electronic means. The single information point should be fully digitised and provide easy access to the relevant digital tools. This will enable network operators and public sector bodies exercise their rights and comply with the obligations set out in this Regulation. This includes fast access to the minimum information on existing physical infrastructure and planned civil works, <u>general conditions of network operators for access to existing physical infrastructure</u>, electronic administrative procedures for granting permits and rights of way, and the applicable conditions and procedures. As part of this minimum information, the single information point should give access to georeferenced information on the location of existing physical infrastructure and planned civil works. To facilitate</p>	<p>to effectively fulfil those functions. Where more than one single information point is set up in a Member State, a single national digital entry point consisting of a common user interface should ensure seamless access to all single information points by electronic means. The single information point should be fully digitised and provide easy access to the relevant digital tools. This will enable network operators and public sector bodies exercise their rights and comply with the obligations set out in this Regulation. This includes fast access to the minimum information on existing physical infrastructure and planned civil works, electronic administrative procedures for granting permits and rights of way, and the applicable conditions and procedures. As part of this minimum information, the single information point should give access to georeferenced information on the location of existing physical infrastructure and planned civil works. To facilitate this, Member States should provide automated digital tools for the submission of the georeferenced</p>

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	<p>information and conversion tools to the supported data formats. These could be made available to network operators and public sector bodies responsible for providing this information via the single information point. Furthermore, where georeferenced location data are available via other digital tools, such as the INSPIRE Geoportal under Directive 2007/2/EC of the European Parliament and of the Council¹, the single information point could provide user-friendly access to this information.</p> <p>1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).</p>	<p>information and conversion tools to the supported data formats. These could be made available to network operators and public sector bodies responsible for providing this information via the single information point. Furthermore, where georeferenced location data are available via other digital tools, such as the INSPIRE Geoportal under Directive 2007/2/EC of the European Parliament and of the Council¹, the single information point could provide user-friendly access to this information.</p> <p>1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).</p>	<p>this, Member States should provide automated digital tools for the submission of the georeferenced information and conversion tools to the supported data formats. These could be made available to network operators and public sector bodies responsible for providing this information via the single information point. Furthermore, where georeferenced location data are available via other digital tools, such as the INSPIRE Geoportal under Directive 2007/2/EC of the European Parliament and of the Council¹, the single information point could provide user-friendly access to this information.</p> <p>1. <u>III</u> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).</p>	<p>information and conversion tools to the supported data formats. These could be made available to network operators and public sector bodies responsible for providing this information via the single information point. Furthermore, where georeferenced location data are available via other digital tools, such as the INSPIRE Geoportal under Directive 2007/2/EC of the European Parliament and of the Council¹, the single information point could provide user-friendly access to this information.</p> <p>1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).</p> <p>Text Origin: Commission Proposal</p>
Recital 30				
40	<p>(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</p>	<p>(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</p>	<p>(30) To ensure proportionality and security, the requirement to provide<u>make available</u> information on existing physical infrastructure via the single information point need not apply for the same</p>	<p>(30) To ensure proportionality and security, the requirement to provide<u>make available</u> information on existing physical infrastructure via the single information point need not apply for the same</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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</p>	<p>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</p>	<p>reasons as those justifying a refusal of an access request. In addition, providing<u>making available</u> 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<u>make available</u> 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,</p>	<p>reasons as those justifying a refusal of an access request. In addition, providing<u>making available</u> 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<u>make available</u> 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,</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	this obligation should be notified to the Commission.	this obligation should be notified to the Commission.	and the specific physical infrastructure to be exempted from this obligation should be notified to the Commission. publicly available via a single information point.	and the specific physical infrastructure to be exempted from this obligation should be notified to the Commission. publicly available via a single information point. Text Origin: Council mandate
Recital 31				
41	(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	(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	(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	(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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>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.</p>	<p>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.</p>	<p>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.</p> <p>Text Origin: Commission Proposal</p>
Recital 32				
42	<p>(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</p>	<p>(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</p>	<p>(32) <u>Member States may decide that</u> the transparency obligation for the coordination of civil works need<u>do</u> not apply to civil works for reasons of national security or in an emergency. This could be the case,</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	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 <u>make available</u> the types of civil works falling under those circumstances to the Commission and publish them via a single information point.	
Recital 33				
43	(33) To ensure significant savings and minimise inconveniences to the area affected by the deployment of new electronic communications networks, regulatory constraints preventing as a general rule the negotiation among network operators of agreements to coordinate civil works to deploy very high capacity networks should be prohibited. If civil works are not financed by public means, this Regulation should be without prejudice to the possibility for network operators to	(33) To ensure significant savings and minimise inconveniences to the area affected by the deployment of new electronic communications networks, regulatory constraints preventing as a general rule the negotiation among network operators of agreements to coordinate civil works to deploy very high capacity networks should be prohibited. If civil works are not financed by public means, this Regulation should be without prejudice to the possibility for network operators to	(33) To ensure significant savings and minimise inconveniences to the area affected by the deployment of new electronic communications networks, regulatory constraints preventing as a general rule the negotiation among network operators of agreements to coordinate civil works to deploy very high capacity networks <u>VHCN</u> should be prohibited. If civil works are not financed by public means, this Regulation should be without prejudice to the possibility for	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	conclude civil works coordination agreements according to their own investment and business plans and their preferred timing.	conclude civil works coordination agreements according to their own investment and business plans and their preferred timing.	network operators to conclude civil works coordination agreements according to their own investment and business plans and their preferred timing.	
Recital 34				
44	(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 sub-contractor) under proportionate, non-discriminatory and transparent terms. For example, the requesting operator should cover any additional costs, including those	(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 sub-contractor) under proportionate, non-discriminatory and transparent terms. For example, the requesting operator should cover any additional costs, including those	(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 <u>VHCN</u> . 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 <u>VHCN</u> should be met by the network operator carrying out the civil works concerned directly or indirectly (for example, through a sub-contractor) under proportionate, non-discriminatory and transparent terms. For example, the requesting operator should cover any additional costs,	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	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.	
Recital 35				
45	(35) In some cases, in particular for deployments in rural, remote or scarcely populated areas, the obligation to coordinate civil works might put at risk the financial viability of such deployments and eventually disincentivize investments carried out under market terms. Therefore, a request to an undertaking providing or authorised to provide public electronic communications networks to coordinate civil works	(35) In some cases, in particular for deployments in rural, remote or scarcely populated areas, the obligation <u>on network operators</u> to coordinate civil works might put at risk the financial viability of such deployments and eventually disincentivize investments carried out under market terms. Therefore, a request to an undertaking providing or authorised to provide public electronic communications networks to coordinate civil works	(35) In some cases, in particular for deployments in rural, remote or scarcely populated areas, the obligation to coordinate civil works might put at risk the financial viability of such deployments and eventually disincentivize investments carried out under market terms. Therefore, a request to an undertaking providing or authorised to provide public electronic communications networks to coordinate civil works	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>might be considered unreasonable under specific circumstances. This should be the case, in particular, if the requesting undertaking providing or authorised to provide electronic communications networks did not state its intention to deploy very high capacity networks in that area (either as a new deployment, an upgrade or an extension of a network) and there had been a forecast or invitation to declare an intention to deploy very high capacity networks in designated areas (pursuant to Article 22 of Directive (EU) 2018/1972) or a public consultation under Union State aid rules. If more than one of those forecasts, invitations and/or public consultations have occurred, only the lack of an expression of interest at the most recent occasion covering the period during which the request for coordination of civil works is made should be considered. To ensure the possibility to access the deployed infrastructure in the future, the undertaking providing or authorised to provide public electronic communications networks performing the civil</p>	<p>might be considered unreasonable under specific circumstances. This should be the case, in particular, if the requesting undertaking providing or authorised to provide electronic communications networks did not state its intention to deploy very high capacity networks in that area (either as a new deployment, an upgrade or an extension of a network) and there had been a forecast or invitation to declare an intention to deploy very high capacity networks in designated areas (pursuant to Article 22 of Directive (EU) 2018/1972) or a public consultation under Union State aid rules. If more than one of those forecasts, invitations and/or public consultations have occurred, only the lack of an expression of interest at the most recent occasion covering the period during which the request for coordination of civil works is made should be considered. To ensure the possibility to access the deployed infrastructure in the future, the undertaking providing or authorised to provide public electronic communications networks performing the civil</p>	<p>might be considered unreasonable under specific circumstances. This should be the case, in particular, if the requesting undertaking providing or authorised to provide electronic communications networks did not state its intention to deploy very high capacity networks VHCN in that area (either as a new deployment, an upgrade or an extension of a network) and there had been a forecast or invitation to declare an intention to deploy very high capacity networks VHCN in designated areas (pursuant to Article 22 of Directive (EU) 2018/1972) or a public consultation under Union State aid rules. If more than one of those forecasts, invitations and/or public consultations have occurred, only the lack of an expression of interest at the most recent occasion covering the period during which the request for coordination of civil works is made should be considered. To ensure the possibility to access the deployed infrastructure in the future, the undertaking providing or authorised to provide public electronic communications networks performing the civil</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	works should guarantee that it will deploy physical infrastructure with sufficient capacity, taking into account the guidance provided by the Commission. This is without prejudice to the rules and conditions attached to the assignment of public funds and the application of State aid rules.	works should guarantee that it will deploy physical infrastructure with sufficient capacity, taking into account the guidance provided by the Commission. This is without prejudice to the rules and conditions attached to the assignment of public funds and the application of State aid rules.	works should guarantee that it will deploy physical infrastructure with sufficient capacity, taking into account the <u>capacity requirements expressed by the undertaking requesting coordination of civil works and, when appropriate, the</u> guidance provided by the Commission <u>Member States</u> . This is without prejudice to the rules and conditions attached to the assignment of public funds and the application of State aid rules.	
Recital 35a				
G 45a			<u>(35a) Member States may decide not to apply the provisions of this Regulation on the coordination of civil works, including transparency, to civil works that are limited in scope, such as in terms of value, size or duration. This could be for example, to civil works lasting less than 48 hours, using microtrenching or of an emergency character.</u>	<u>(35a) Member States may decide not to apply the provisions of this Regulation on the coordination of civil works, including transparency, to civil works that are limited in scope, such as in terms of value, size or duration. This could be for example, to civil works lasting less than a set of numbers of hours or days, using minimally invasive techniques such as microtrenching or of an emergency character.</u>
Recital 36				
G 46				G

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>(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.</p>	<p>(36) To ensure consistency of approaches, <u>while taking into account the diverse situations across Member States</u>, the Commission, in close cooperation with the Body of European Regulators (BEREC), could<u>should</u> provide guidance, <u>by at least the date of entry into force of this Regulation</u>, on applying the provisions on civil work coordination, including but not only on apportioning of costs. -The views of stakeholders and <u>particular of</u> national dispute settlement bodies should be duly taken into account in the preparation of the guidance. <u>Considering the level of flexibility that Member States are granted in the application of the provisions on civil work coordination, and in order to enhance efficiencies, the Commission guidance should provide an appropriate level of granularity.</u></p>	<p>(36) To ensure consistency of approaches, the Commission, in close cooperation with the Body of European Regulators (BEREC), could<u>Member States may</u> 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.</p>	<p>(36) To ensure consistency of approaches, the Commission, in close cooperation with the<u>while taking into account the diverse situations across Member States</u>, 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<u>should in close cooperation with the Commission provide guidelines [by entry into force + 24 months] on applying the provisions on civil work coordination.</u></p> <p>Text Origin: EP Mandate</p>
Recital 37				
47	<p>(37) Effective coordination can help reduce costs and delays as well as deployment disruption, which can be caused by problems</p>	<p>(37) Effective coordination can help reduce costs and delays as well as deployment disruption, which can be caused by problems</p>	<p>(37) Effective coordination can help reduce costs and delays as well as deployment disruption, which can be caused by problems</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	on site. One example where coordination of civil works can provide clear benefits are cross-sector projects to deploy 5G corridors along transport paths, such as road, rail and in-land waterways. These projects can often also require design coordination or co-design based on early cooperation between the project participants. As part of the co-design, the parties concerned may agree in advance on physical infrastructure deployment paths and the technology and equipment to be used, before the coordination of civil works. Therefore, the request for coordination of civil works should be filed as soon as possible.	on site. One example where coordination of civil works can provide clear benefits are cross-sector projects to deploy 5G corridors along transport paths, such as road, rail and in-land waterways. These projects can often also require design coordination or co-design based on early cooperation between the project participants. As part of the co-design, the parties concerned may agree in advance on physical infrastructure deployment paths and the technology and equipment to be used, before the coordination of civil works. Therefore, the request for coordination of civil works should be filed as soon as possible.	on site. One example where coordination of civil works can provide clear benefits are cross-sector projects <u>within but not limited to Trans-European Energy (TEN-E) and Trans-European Transport (TEN-T) networks, such as</u> to deploy 5G corridors along transport paths, such as road, rail and in-land waterways. These projects can often also require design coordination or co-design based on early cooperation between the project participants. As part of the co-design, the parties concerned may agree in advance on physical infrastructure deployment paths and the technology and equipment to be used, before the coordination of civil works. Therefore, the request for coordination of civil works should be filed as soon as possible.	
Recital 38				
48	(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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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</p>	<p>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 <u>and, to the extent possible, harmonised</u> at national level <u>, while respecting the legal order of each Member State. In order to reduce the administrative burden and ensure shorter timeframes for the permitting procedure, where multiple competent authorities are involved in the granting of a number of different permits and rights of way associated to one request, Member States should assign a single coordination body. That body should be tasked to facilitate the coordination between</u></p>	<p>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</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p><u>the various competent authorities involved, through different mechanisms, including through joint coordination procedures such as on-site visits,</u> -while preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle, all. <u>The information on the procedures and general conditions applicable to granting permits for civil works and rights of way should be made available via single information points by each competent authority involved.</u> 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.</p>	<p>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 <u>Each competent authority should keep informed applicants</u> in electronic format about the <u>on the actual</u> status of their requests and the <u>permit applications, which it is competent to handle, including whether they the permit</u> have been granted or refused, <u>and ensure that such information is accessible to the applicant via a single information point.</u></p>	
Recital 39				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
49	<p>(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</p>	<p>(39) Permit-granting procedures should not be amount to 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 4two months <u>after the expiry of the 15 days</u> from the receipt of a complete permit request <u>or the deadline set by national law, whichever is shorter. Member States should introduce incentives in their national legislation for competent authorities to grant or refuse permits faster than required by law. In exceptional, duly substantiated cases, the competent authority should be able to extend the two month deadline for a further period of up to three months. For that purpose, Member States should set out in advance in a harmonised manner, the criteria and reasons for extensions.</u> This is without prejudice to other specific deadlines or obligations laid down for the proper conduct of the</p>	<p>(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 <u>VHCN</u> or associated facilities is made available within 4 months from the receipt of a complete permit request. This is without prejudice to <u>Union law or national law providing</u> other specific deadlines or obligations laid down for the proper conduct of the procedure, which <u>such as a public consultation required in an administrative procedure to grant an environmental permit or appeal proceedings, that</u> are applicable to the permit-granting procedure in accordance with national or Union law <u>should prevail over the deadline set out in this Regulation.</u> Competent authorities should not restrict, hinder or make the deployment of very high capacity networks <u>VHCN</u> or associated facilities economically less attractive. Specifically, they should not</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions.</p>	<p>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. <u><i>In exceptional, duly substantiated cases, where, for reasons beyond their control, the network operators are not able to perform works within the validity period of the granted permit and in order to avoid a repeated application process for the same work, competent authorities should allow the extension of the validity of those permits upon request. When determining the</i></u></p>	<p>prevent procedures for granting permits and rights of way from proceeding in parallel, where possible, or require, <u><i>when not justified</i></u>, 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.</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>period of extension, competent authorities should take into account the circumstances of each individual case, the type of works and the time needed for completion of works. The period for extension should not exceed the maximum of the period granted for the initial permit.</u>		
Recital 40				
50	(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	(40) To avoid undue delays, competent authorities must <u>should</u> 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, <u>the deadline of two months should start.</u> Competent authorities should not consider permit requests for civil works to be admissible if the minimum <u>be able to request any missing information after the expiry of the 15 days, via the single</u> information required under this Regulation has not been made available via a single information	(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within 15 <u>20</u> <u>working</u> 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>point within 3 months before the first permit request is submitted to the competent authorities<u>point provided that the deadline of two months to decide whether to grant permits on the deployment of elements of very high capacity networks or associated facilities is respected.</u> 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<u>two</u> 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.</p>	<p>permits, rights of way are required for deploying elements of very high capacity networks<u>VHCN</u>, 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, <u>except in cases of expropriation</u>. 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.</p>	
Recital 41				
51	(41) In order to ensure uniform	(41) In order to ensure uniform	(41) In order to ensure uniform	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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 Council¹. 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.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>conditions for the implementation of Article 7 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised<u>exempt certain elements of very high capacity networks from the requirement for permits set out at Union level and without prejudice to additional exemptions that might be introduced by Member States, the power to adopt acts</u> in accordance with Regulation (EU) No 182/2011<u>Article 290 of the Treaty on the Functioning of the European Parliament and of the Council¹. 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<u>Union should</u></u></p>	<p>conditions for the implementation of Article 7 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised<u>Member States should,</u> in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. The exemptions from the requirement for permits set out at Union level by way of an implementing act, could be applied to different<u>national law, specify</u> categories of infrastructure (such as masts, antennae, poles and underground eables<u>ducts</u>) under certain specified conditions, for which<u>that are not be subject to</u> building permits, digging permits or other types of permits may be initially required. They. <u>Such</u> could also be applied to<u>the case for</u> technical upgrades of existing maintenance works or installations, <u>and</u> small-scale civil works, such as trenching, and renewals of permits.</p> <p>¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of</p>	<p>There is a bug in the TTE system, that mixes the EP and the COM texts.</p>

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		<p><u>be delegated to the Commission to supplement this Regulation by adopting a list setting out the minimum categories of deployment of elements of very high capacity networks or associated facilities that are not subject to any permit-granting procedure. The exemptions from permit-granting procedure could also cover technical upgrades of existing maintenance works or installations, small scale civil works, such as trenching, and renewal of permits. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert</u></p>	<p>implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<p><u>groups dealing with the preparation of delegated acts.</u></p> <p><i>†. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</i></p>		
Recital 42				
52	<p>(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</p>	<p>(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 <u>inter alia</u> 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. <u>Member States in which the principle of administrative tacit approval does not exist in the national legal system should be</u></p>	<p>(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<u>could</u> include <u>inter alia</u> 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</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	national law.	<p><u>able to apply the tacit approval or introduce any alternative means to ensure that the competent authorities comply with the deadline for granting or refusing permits. Additionally, Member States should be able to maintain or introduce simplified authorization procedure to prior communication procedures that may exist under national law, applicable to the deployment of any element of very high capacity networks or associated facilitates.</u></p> <p>Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.</p>	<p>national law.</p>	
Recital 43				
53	<p>(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</p>	<p>(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 <u>and take into account</u> 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, <u>competent</u></p>	<p>(43) To facilitate the deployment of elements of very high capacity networks <u>VHCN</u>, 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</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	provisions established in Articles 42 and 43 of Directive (EU) 2018/1972 apply.	<u>authorities should establish the fees taking into account</u> the provisions established in Articles 42 and 43 of Directive (EU) 2018/1972. <u>Member States should promote the harmonisation of regional and local policy regarding the criteria for the setting of fees for rights of way on public land and exchange best practices among competent authorities</u> apply .	provisions established in Articles 42 and 43 of Directive (EU) 2018/1972 apply. <u>This does not include ancillary costs, unrelated to the processing of the permit request, for example for the depreciation, repair or replacement of public infrastructure resulting from; or measures to ensure public safety during, civil works levied by public sector bodies on the operator in line with national law.</u>	
Recital 44				
54	(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	(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	(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 <u>the</u> network termination point and all populated areas are covered by next-generation wireless high-speed networks with <u>performance</u> at least 5G-equivalent <u>performance equivalent to that of 5G</u> , in accordance with the principle of technological neutrality. Providing gigabit networks up to the end user should be facilitated <u>by a modern and future proof fibre-based</u>	

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	<p>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 Council¹) provide an opportunity to also equip those buildings with fibre-</p>	<p>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 Council¹) provide an opportunity to also equip those buildings with fibre-</p>	<p><u>technology suitable</u>, in particular through fibre ready <u>to a modern and future proof</u> in-building physical infrastructure, <u>building access point and inbuilding wiring</u>. 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 <u>encompassing structural modifications of the entire in-building physical infrastructure or a significant part thereof</u>, should also be equipped with an <u>physical infrastructure, a building access point</u>, <u>easily</u> accessible to one or more undertakings providing or authorised to provide public electronic communications</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>ready in-building physical infrastructure, in-building fibre wiring and, for multi-dwelling buildings, an access point.</p> <p>1. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).</p>	<p>ready in-building physical infrastructure, in-building fibre wiring and, for multi-dwelling buildings, an access point.</p> <p>1. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).</p>	<p>networks <u>and in-building fibre wiring, enabling the connection of end users to gigabit speeds.</u></p> <p>Moreover, building developers should provide for empty ducts from every dwelling to the <u>building</u> access point, located inside or outside the multi-dwelling building, <u>allowing connections up to the network termination points, or, in those Member State where it is allowed to place the network termination point outside the end user's particular location, up to the physical point where the end user connects to access the public network.</u> 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 Council¹) provide a <u>a modernisation</u> opportunity to also equip those buildings with fibre-ready in-building physical infrastructure, in-building fibre wiring and, for multi-dwelling buildings, an <u>a building</u> access point.</p> <p>1. <u>[1]</u> Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			buildings (OJ L 153, 18.6.2010, p. 13).	
Recital 44a				
54a			<u>(44a) The access point to the building should be easily accessible by multiple operators, that is, accessible without excessive effort, especially in cases when it is located inside the building, without creating or facilitating a monopoly in the building.</u>	Agreed to add: or, in those Member States where the network termination point is placed, in accordance with national or Union law, outside the end-user's particular location, up to the physical point where the end-user connects to the public network.
Recital 44b				
54b			<u>(44b) The provisions regarding fiber-ready in-building physical infrastructure, fiber-ready building access point and wiring do not preclude the presence of other type of technology within the same in-building physical infrastructure. These provisions should not affect the right of building owners to equip the building with in-building wiring in addition to fibre, with additional in-building physical infrastructure capable of hosting wiring in addition to fibre or other elements of electronic</u>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>communication networks.</u>	
Recital 45				
55	(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).	(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).	(45) The prospect of equipping a building with fibre-ready in-building physical infrastructure, ##a fiber-ready building access point or in-building fibre wiring may be considered disproportionate in terms of costs <u>in specific cases, such as for some-</u> 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).	
Recital 46				
56	(46) Prospective buyers and tenants should be able to identify buildings that are equipped with fibre-ready in-building physical infrastructure, an access point and in-building fibre wiring and that therefore have considerable cost-	(46) Prospective buyers and tenants should be able to identify buildings that are equipped with fibre-ready in-building physical infrastructure, an access point and in-building fibre wiring and that therefore have considerable cost-	(46) Prospective buyers and tenants should be able to identify <u>would benefit from identifying</u> buildings that are equipped with fibre-ready in-building physical infrastructure, ##a fiber-ready building access	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	saving potential. 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.	saving potential. 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.	point and in-building fibre wiring and that therefore have considerable cost-saving potential. The fibre readiness of buildings should also be promoted. Member States should ^{may} therefore develop a compulsory ‘fibre-ready’ label for buildings equipped with such infrastructure, and a <u>fiber-ready building</u> access point and in-building fibre wiring in accordance with this Regulation.	
Recital 47				
57	(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	(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, <u>and the right to property is fully respected.</u> Once	(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 <u>building</u> access	(47) <u>[</u> 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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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.</p>	<p>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.</p>	<p>point, the connection of an additional customer is possible at a significantly lower cost, in particular by means of <u>connections up to the network termination points, or, in those Member States where it is allowed to situate the network termination point outside the end user's particular location, up to the physical point where the end user connects to access the public network, in particular via an</u> 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. <u>The undertakings providing or authorised to provide public electronic communications networks should, to the extent possible, remove the elements of</u></p>	<p>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. <u>The undertakings providing or authorised to provide public electronic communications networks should, to the extent possible, remove the elements of its network (such as obsolete cables, equipment) and restore the affected area upon termination of the contract with the subscriber.</u></p> <p>[] part still to be discussed the last part is agreed</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>its network (such as obsolete cables, equipment) and restore the affected area upon termination of the contract with the subscriber.</u>	Text Origin: Commission Proposal
Recital 48				
58	(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.	(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.	(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 <u>a building access point except in cases where it is disproportionate in relation to the total costs of the renovation works</u> . 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 ## <u>a building</u> access point.	
Recital 49				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
59	<p>(49) 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</p>	<p>(49) 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 <u>and fibre</u> 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</p>	<p>(49) 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 <u>should may</u> 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 <u>should may</u> 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</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	test report <u>or a similar procedure set up by Member States. In addition to the building permit, which are granted by the competent authorities after verification that the construction technical project complies with the relevant regulations, in some -</u> Member States should <u>permit to use the building for its intended purpose after completion of its construction is also required.</u> <u>Member States may</u> 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 <u>could</u> 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.	
Recital 50				
60	(50) In view of the social benefits	(50) In view of the social benefits	(50) In view of the social benefits	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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 <u>and the right to property is fully respected</u> , for example, if possible, by reusing the existing physical infrastructure available in the building or ensuring full restoration of the affected areas.	stemming from digital inclusion and taking into account the economics of deploying very high capacity networks <u>VHCN</u> , where there is neither existing passive or active fibre-ready infrastructure serving end users' premises nor alternatives to providing very high capacity networks <u>VHCN</u> to a subscriber, any <u>provider of</u> public communications network <u>provider networks</u> 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.	
Recital 51				
61	(51) Requests for access to the in-building physical infrastructure should fall under the scope of this Regulation, whereas a request for access to fibre wiring is to fall under the scope of Directive (EU) 2018/1972. Moreover, access to in-building physical infrastructure could be refused if access to in-	(51) Requests for access to the in-building physical infrastructure should fall under the scope of this Regulation, whereas a request for access to fibre wiring is to fall under the scope of Directive (EU) 2018/1972. Moreover, access to in-building physical infrastructure could be refused if access to in-	(51) Requests for access to the in-building physical infrastructure should fall under the scope of this Regulation, whereas a request for access to fibre wiring is to fall under the scope of Directive (EU) 2018/1972. Moreover, access to in-building physical infrastructure could be refused if access to in-	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	building fibre wiring is made available under fair, reasonable and non-discriminatory terms and conditions, including price.	building fibre wiring is made available under fair, reasonable and non-discriminatory terms and conditions, including price.	building fibre wiring is made available under fair, reasonable and non-discriminatory terms and conditions, including price.	
Recital 52				
62	(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.	(52) To ensure consistency of approaches, <u>while taking into account the distinct situation across Member States</u> , the Commission, in close cooperation with BEREC, could <u>should</u> provide guidance, <u>by the date of application of this Regulation</u> , 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 <u>particularly of</u> national dispute settlement bodies should be duly taken into account in the preparation of the guidance <u>to ensure that such guidance would not be disruptive to well established principles, would be in line with national dispute settlement bodies procedural rules and not be harmful for further very high capacity networks roll-out. Considering the level of flexibility that the Member States</u>	(52) To ensure consistency of approaches, the Commission, in close cooperation with BEREC, could <u>Member states may</u> 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.	(52) To ensure consistency of approaches, <u>while taking into account the distinct situation across Member States, BEREC</u> the Commission , in close cooperation with BEREC, could provide guidance on the applications of provisions on <u>the Commission, should publish guidelines, [by the date of entry into force + 24 months] on terms and conditions of</u> access to in-building physical infrastructure, including but not only on the <u>on the application of fair and reasonable</u> terms and conditions, <u>and the criteria that the national dispute settlement bodies should follow when settling disputes thereof</u> . The views of stakeholders and <u>particularly of</u> national dispute settlement bodies should be duly taken into account in the preparation of the guidance <u>guidelines to ensure that such guidelines would not be disruptive to well established</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>are granted in the application of these provisions, and in order to be efficient, the Commission guidance should provide an appropriate level of granularity.</u>		<u>principles, would be in line with national dispute settlement bodies procedural rules and not be harmful for further very high capacity networks roll-out. Considering the level of flexibility that the Member States are granted in the application of these provisions, and in order to be efficient, BEREC guidelines should provide an appropriate level of granularity.</u> Text Origin: EP Mandate
Recital 53				
63	(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	(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	(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 <u>VHCN</u> , 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, <u>electronic addresses, databases</u> , digital platforms, and digital applications. The tools should give access in an efficient manner to the minimum	(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 <u>VHCN</u> , 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, <u>databases</u> , digital platforms, and digital applications. The tools should give access in an efficient manner to the minimum information on existing physical

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>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 operators and competent authorities performing the functions of the single information points.</p>	<p>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 operators and competent authorities performing the functions of the single information points.</p>	<p>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 operators and competent authorities performing the functions of the single information points.</p>	<p>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 operators and competent authorities performing the functions of the single information points.</p> <p><small>Text Origin: Council mandate</small></p>
Recital 54				
64	(54) Member States should be allowed to rely on, and where necessary improve, digital tools,	(54) Member States should be allowed to rely on, and where necessary improve, digital tools,	(54) Member States should be allowed to rely on, and where necessary improve, digital tools,	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>such as web portals, digital platforms, and digital applications that might already be available at local, regional or national level to provide the functions of the single information point provided they comply with the obligations set out in this Regulation. This includes access through a single national digital entry point and the availability of all the functionalities set out in this Regulation. To comply with the ‘once-only’ data minimisation and accuracy principles, Member States should be allowed to integrate more digital platforms or applications supporting the single information points, as appropriate. For example, the digital platforms or applications supporting the single information points on existing physical infrastructure could be interconnected or fully or partially integrated with the ones for planned civil works and granting permits.</p>	<p>such as web portals, digital platforms, and digital applications that might already be available at local, regional or national level to provide the functions of the single information point provided they comply with the obligations set out in this Regulation. This includes access through a single national digital entry point and the availability of all the functionalities set out in this Regulation. To comply with the ‘once-only’ data minimisation and accuracy principles, Member States should be allowed to integrate more digital platforms or applications supporting the single information points, as appropriate. For example, the digital platforms or applications supporting the single information points on existing physical infrastructure could be interconnected or fully or partially integrated with the ones for planned civil works and granting permits. <u><i>In order to avoid duplication and ensure seamless integration, Member States should carry out a comprehensive assessment of already existing digital tools at national, regional and local levels and build on best</i></u></p>	<p>such as web portals, <u><i>electronic addresses, databases</i></u>, digital platforms, and digital applications that might already be available at local, regional or national level to provide the functions of the single information point provided they comply with the obligations set out in this Regulation. This includes access through a single national digital entry point and the availability of all the functionalities set out in this Regulation. To comply with the ‘once-only’ data minimisation and accuracy principles, Member States should be allowed to integrate more digital platforms, <u><i>databases</i></u>, or applications supporting the single information points, as appropriate. For example, the digital platforms, <u><i>databases</i></u> or applications supporting the single information points on existing physical infrastructure could be interconnected or fully or partially integrated with the ones for planned civil works and granting permits.</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>practices when designing the single information point.</u>		
Recital 55				
65	(55) To ensure the effectiveness of the single information points provided for under this Regulation, Member States should ensure adequate resources as well as readily available relevant information on a specific geographical area. The information should be presented with the right level of detail to maximise efficiency in view of the tasks assigned, including at the local cadastre. In that regard, Member States could consider the possible synergies and economies of scale with the points of single contact within the meaning of Article 6 of Directive 2006/123/EC of the European Parliament and of the Council ¹ and other planned or existing e-government solutions with a view to building on existing structures and maximising the benefits for users. Similarly, the Single Digital Gateway provided for in Regulation (EU) 2018/1724 of the European Parliament and of the Council ² should link to the	(55) To ensure the effectiveness of the single information points provided for under this Regulation, Member States should ensure adequate resources as well as readily available relevant information on a specific geographical area. The information should be presented with the right level of detail to maximise efficiency in view of the tasks assigned, including at the local cadastre. In that regard, Member States could consider the possible synergies and economies of scale with the points of single contact within the meaning of Article 6 of Directive 2006/123/EC of the European Parliament and of the Council ¹ and other planned or existing e-government solutions with a view to building on existing structures and maximising the benefits for users. Similarly, the Single Digital Gateway provided for in Regulation (EU) 2018/1724 of the European Parliament and of the Council ² should link to the	(55) To ensure the effectiveness of the single information points provided for under this Regulation, Member States should ensure adequate resources as well as readily available relevant information on a specific geographical area. The information should be presented with the right level of detail to maximise efficiency in view of the tasks assigned, including at the local cadastre. In that regard, Member States could consider the possible synergies and economies of scale with the points of single contact within the meaning of Article 6 of Directive 2006/123/EC of the European Parliament and of the Council ¹ and other planned or existing e-government solutions with a view to building on existing structures and maximising the benefits for users. Similarly, the Single Digital Gateway provided for in Regulation (EU) 2018/1724 of the European Parliament and of the Council ² should link to the	(55) To ensure the effectiveness of the single information points provided for under this Regulation, Member States should ensure adequate resources as well as readily available relevant information on a specific geographical area. The information should be presented with the right level of detail to maximise efficiency in view of the tasks assigned, including at the local cadastre. In that regard, Member States could consider the possible synergies and economies of scale with the points of single contact within the meaning of Article 6 of Directive 2006/123/EC of the European Parliament and of the Council ¹ and other planned or existing e-government solutions with a view to building on existing structures and maximising the benefits for users. Similarly, the Single Digital Gateway provided for in Regulation (EU) 2018/1724 of the European Parliament and of the Council ² should link to the

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>single information points.</p> <p>1. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36). 2. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).</p>	<p>single information points.</p> <p>1. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36). 2. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).</p>	<p>single information points.</p> <p>1. 11 Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36). 2. 21 Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).</p>	<p>single information points.</p> <p>1. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36). 2. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).</p> <p>Text Origin: Commission Proposal</p>
Recital 56				
66	<p>(56) The costs for setting-up the single national digital entry point, the single information points and the digital tools needed to comply with the provisions of this Regulation could be fully or partly eligible for financial support under Union funds, such as the European Regional Development Fund - specific objective: a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT¹; the Digital Europe Programme² - specific objective:</p>	<p>(56) The costs for setting-up the single national digital entry point, the single information points and the digital tools needed to comply with the provisions of this Regulation could be fully or partly eligible for financial support under Union funds, such as the European Regional Development Fund - specific objective: a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT¹; the Digital Europe Programme² - specific objective:</p>	<p>(56) The costs for setting-up the single national digital entry point, the single information points and the digital tools needed to comply with the provisions of this Regulation could be fully or partly eligible for financial support under Union funds, such as the European Regional Development Fund - specific objective: a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT¹; the Digital Europe Programme² - specific objective:</p>	<p>(56) The costs for setting-up the single national digital entry point, the single information points and the digital tools needed to comply with the provisions of this Regulation could be fully or partly eligible for financial support under Union funds, such as the European Regional Development Fund - specific objective: a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT¹; the Digital Europe Programme² - specific objective:</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>deployment and best use of digital capacities and interoperability and the Recovery and Resilience Facility³ - pillars on digital transformation and on smart, sustainable and inclusive growth, including economic cohesion, jobs, productivity, competitiveness, research, development and innovation, and a well-functioning internal market with strong SMEs, provided they comply with the objectives and eligibility criteria therein.</p> <p>1. Article 3(1)(a) of Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60)</p> <p>2. Article 8 of Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1)</p> <p>3. Article 3 of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17)</p>	<p>deployment and best use of digital capacities and interoperability and the Recovery and Resilience Facility³ - pillars on digital transformation and on smart, sustainable and inclusive growth, including economic cohesion, jobs, productivity, competitiveness, research, development and innovation, and a well-functioning internal market with strong SMEs, provided they comply with the objectives and eligibility criteria therein.</p> <p>1. Article 3(1)(a) of Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60)</p> <p>2. Article 8 of Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1)</p> <p>3. Article 3 of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17)</p>	<p>deployment and best use of digital capacities and interoperability and the Recovery and Resilience Facility³ - pillars on digital transformation and on smart, sustainable and inclusive growth, including economic cohesion, jobs, productivity, competitiveness, research, development and innovation, and a well-functioning internal market with strong SMEs, provided they comply with the objectives and eligibility criteria therein.</p> <p>1. [1] Article 3(1)(a) of Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60)</p> <p>2. [2] Article 8 of Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1)</p> <p>3. [3] Article 3 of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17)</p>	<p>deployment and best use of digital capacities and interoperability and the Recovery and Resilience Facility³ - pillars on digital transformation and on smart, sustainable and inclusive growth, including economic cohesion, jobs, productivity, competitiveness, research, development and innovation, and a well-functioning internal market with strong SMEs, provided they comply with the objectives and eligibility criteria therein.</p> <p>1. Article 3(1)(a) of Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60)</p> <p>2. Article 8 of Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1)</p> <p>3. Article 3 of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17)</p> <p>Text Origin: Commission Proposal</p>
Recital 57				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
67	<p>(57) In the event of a disagreement on technical and commercial terms and conditions during commercial negotiations on access to physical infrastructure or coordination of civil works, each party should be able to call on a national dispute settlement body to impose a solution on the parties to avoid unjustified refusals to meet the request or the imposition of unreasonable conditions. When determining prices for granting access to or cost-sharing for coordinated civil works, the dispute settlement body should ensure that the access provider and network operators planning civil works have a fair opportunity to recover their costs incurred in providing access to their physical infrastructure or coordinating their planned civil works. This should take into account the appropriate Commission guidance, any specific national conditions, any tariff structures put in place and any previous imposition of remedies by a national regulatory authority. The dispute settlement body should also take into account the impact of the requested access or coordination of</p>	<p>(57) In the event of a disagreement on technical and commercial terms and conditions during commercial negotiations on access to physical infrastructure or coordination of civil works, each party should be able to call on a national dispute settlement body to impose a solution on the parties to avoid unjustified refusals to meet the request or the imposition of unreasonable conditions. When determining prices for granting access to or cost-sharing for coordinated civil works, the dispute settlement body should ensure that the access provider and network operators planning civil works have a fair opportunity to recover their costs incurred in providing access to their physical infrastructure or coordinating their planned civil works. This should take into account the appropriate Commission guidance, any specific national conditions, any tariff structures put in place and any previous imposition of remedies by a national regulatory authority. The dispute settlement body should also take into account the impact of the requested access or coordination of</p>	<p>(57) In the event of a disagreement on technical and commercial terms and conditions during commercial negotiations on access to physical infrastructure or coordination of civil works, each party should be able to call on a national dispute settlement body to impose a solution on the parties to avoid unjustified refusals to meet the request or the imposition of unreasonable conditions. When determining prices for granting access to or cost-sharing for coordinated civil works, the dispute settlement body should ensure that the access provider and network operators planning civil works have a fair opportunity to recover their costs incurred in providing access to their physical infrastructure or coordinating their planned civil works. This should take into account the appropriate Commission guidance, any specific national conditions, any tariff structures put in place and any previous imposition of remedies by a national regulatory authority. The dispute settlement body should also take into account the impact of the requested access or coordination of</p>	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	planned civil works on the business plan of the access provider or network operators planning civil works, including their investments made or planned, in particular investments in the physical infrastructure to which the request refers.	planned civil works on the business plan of the access provider or network operators planning civil works, including their investments made or planned, in particular investments in the physical infrastructure to which the request refers.	planned civil works on the business plan of the access provider or network operators planning civil works, including their investments made or planned, in particular investments in the physical infrastructure to which the request refers.	
Recital 58				
68	(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 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	(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 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	(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 disputes on access to existing physical infrastructure and 1 month 2 months 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	be consulted or the high complexity of the file.	be consulted or the high complexity of the file. <u>In exceptional, duly substantiated cases, it should be possible to extend those deadlines by a maximum period of one month.</u>	competent authorities that need to be consulted or the high complexity of the file.	
Recital 59				
69	(59) Where disputes arise on access to the physical infrastructure, planned civil works or information thereof to deploy very high capacity networks, the dispute settlement body should have the power to resolve such disputes by means of a binding decision. In any case, decisions of such a body should be without prejudice to the possibility of any party to refer the case to a court or to conduct a prior or parallel conciliation mechanism to the formal dispute settlement, which could take the form of mediation or an additional round of exchanges.	(59) Where disputes arise on access to the physical infrastructure, planned civil works or information thereof to deploy very high capacity networks, the dispute settlement body should have the power to resolve such disputes by means of a binding decision. In any case, decisions of such a body should be without prejudice to the possibility of any party to refer the case to a court or to conduct a prior or parallel conciliation mechanism to the formal dispute settlement, which could take the form of mediation or an additional round of exchanges. <u>In order to ensure transparency and predictability and to enhance enforcement and trust in dispute resolution mechanisms, national dispute settlements bodies should publish their decisions in a transparent and clear manner via</u>	(59) Where disputes arise on access to the physical infrastructure, planned civil works or information thereof to deploy very high capacity networks, the dispute settlement body should have the power to resolve such disputes by means of a binding decision. In any case, decisions of such a body should be without prejudice to the possibility of any party to refer the case to a court or to conduct a prior or parallel conciliation mechanism to the formal dispute settlement, which could take the form of mediation or an additional round of exchanges.	(59) Where disputes arise on access to the physical infrastructure, planned civil works or information thereof to deploy very high capacity networks, the dispute settlement body should have the power to resolve such disputes by means of a binding decision. In any case, decisions of such a body should be without prejudice to the possibility of any party to refer the case to a court or to conduct a prior or parallel conciliation mechanism to the formal dispute settlement, which could take the form of mediation or an additional round of exchanges. <u>In order to ensure transparency and predictability and to enhance enforcement and trust in dispute resolution mechanisms, national dispute settlements bodies should publish their decision while respecting the principles of</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>the single information point, while respecting the principles of confidentiality and business secrets.</u>		<u>confidentiality and business secrets and the single information points should ensure access to these decisions.</u> <u>(59a) Provisions of Directive 2014/61/EU concerning dispute settlement shall continue to apply to any dispute settlement proceedings that were initiated under that Directive before ... (date of entry into force/date of application of this Regulation).</u> Recital (59) stays before new Recital (59a) Text Origin: EP Mandate
Recital 60				
70	(60) In accordance with the principle of subsidiarity, this Regulation should be without prejudice to the possibility of Member States to allocate regulatory tasks to the authorities best suited to fulfil them in accordance with the national constitutional system of attribution of competences and powers and the requirements set out in this Regulation. To reduce the	(60) In accordance with the principle of subsidiarity, this Regulation should be without prejudice to the possibility of Member States to allocate regulatory tasks to the authorities best suited to fulfil them in accordance with the national constitutional system of attribution of competences and powers and the requirements set out in this Regulation. To reduce the	(60) In accordance with the principle of subsidiarity, this Regulation should be without prejudice to the possibility of Member States to allocate regulatory tasks to the authorities best suited to fulfil them in accordance with the national constitutional system of attribution of competences and powers and the requirements set out in this Regulation. To reduce the	(60) In accordance with the principle of subsidiarity, this Regulation should be without prejudice to the possibility of Member States to allocate regulatory tasks to the authorities best suited to fulfil them in accordance with the national constitutional system of attribution of competences and powers and the requirements set out in this Regulation. To reduce the

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	administrative burden, Member States should be allowed to appoint an existing body or maintain the competent bodies already appointed pursuant to Directive (EU) 2014/61/EU. Information on the tasks allocated to the competent body or bodies should be published via a single information point and notified to the Commission, unless already done pursuant to Directive (EU) 2014/61/EU. The discretion that Member States retain to allocate the functions of the single information point to more than one competent body should not affect their ability to effectively fulfil those functions.	administrative burden, Member States should be allowed to appoint an existing body or maintain the competent bodies already appointed pursuant to Directive (EU) 2014/61/EU. Information on the tasks allocated to the competent body or bodies should be published via a single information point and notified to the Commission, unless already done pursuant to Directive (EU) 2014/61/EU. The discretion that Member States retain to allocate the functions of the single information point to more than one competent body should not affect their ability to effectively fulfil those functions.	administrative burden, Member States should be allowed to appoint an existing body or maintain the competent bodies already appointed pursuant to Directive (EU) 2014/61/EU. Information on the tasks allocated to the competent body or bodies should be published via a single information point and notified to the Commission, unless already done pursuant to Directive (EU) 2014/61/EU. The discretion that Member States retain to allocate the functions of the single information point to more than one competent body should not affect their ability to effectively fulfil those functions.	administrative burden, Member States should be allowed to appoint an existing body or maintain the competent bodies already appointed pursuant to Directive (EU) 2014/61/EU. Information on the tasks allocated to the competent body or bodies should be published via a single information point and notified to the Commission, unless already done pursuant to Directive (EU) 2014/61/EU. The discretion that Member States retain to allocate the functions of the single information point to more than one competent body should not affect their ability to effectively fulfil those functions. Text Origin: Commission Proposal
Recital 61				
71	(61) The designated national dispute settlement body and the competent body performing the functions of the single information point should ensure impartiality, independence and structural separation towards the parties involved, exercise their powers impartially, transparently and in a	(61) The designated national dispute settlement body and the competent body performing the functions of the single information point should ensure impartiality, <u>political independence pursuant to Directive (EU) 2018/1972</u> and structural separation towards the parties involved, exercise their	(61) The designated national dispute settlement body and the competent body performing the functions of the single information point should ensure impartiality, independence and structural separation towards the parties involved, exercise their powers impartially, transparently and in a	(61) The designated national dispute settlement body and the competent body performing the functions of the single information point should ensure impartiality, independence and structural separation towards the parties involved, exercise their powers impartially, transparently and in a

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	timely manner; and have the appropriate competencies and resources.	powers impartially, transparently and in a timely manner; and have the appropriate competencies and resources.	timely manner; and have the appropriate competencies and resources.	timely manner; and have the appropriate competencies and resources. <u>National dispute settlement bodies should act independently and objectively, and should not seek or take instructions from any other body when deciding on the disputes submitted to them.</u> Text Origin: Commission Proposal
Recital 62				
72	(62) Member States should provide for appropriate, effective, proportionate and dissuasive penalties in the event of non-compliance with this Regulation or with a binding decision adopted by the competent bodies, including cases where a network operator or public sector body knowingly or grossly and negligently provides misleading, erroneous or incomplete information via a single information point.	(62) Member States should provide for appropriate, effective, proportionate and dissuasive penalties in the event of non-compliance with this Regulation or with a binding decision adopted by the competent bodies, including cases where a network operator or public sector body knowingly or grossly and negligently provides misleading, erroneous or incomplete information via a single information point.	(62) Member States should provide for appropriate, effective, proportionate and dissuasive penalties in the event of non-compliance with this Regulation or with a binding decision adopted by the competent bodies, including cases where a network operator or public sector body knowingly or grossly and negligently provides misleading, erroneous or incomplete information via a single information point.	
Recital 63				
73	(63) Since the objectives of this	(63) Since the objectives of this	(63) Since the objectives of this	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Regulation aiming at facilitating the deployment of physical infrastructures suitable for very high capacity networks across the Union cannot be sufficiently achieved by the Member States because of persistent divergent approaches as well as the slow and ineffective transposition of Directive 2014/61/EU but can rather, by reason of the scale of the network deployments and investment required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	Regulation aiming at facilitating the deployment of physical infrastructures suitable for very high capacity networks across the Union cannot be sufficiently achieved by the Member States because of persistent divergent approaches as well as the slow and ineffective transposition of Directive 2014/61/EU but can rather, by reason of the scale of the network deployments and investment required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	Regulation aiming at facilitating the deployment of physical infrastructures suitable for very high capacity networks across the Union <u>VHCN across the Union in a way which promotes the internal market</u> cannot be sufficiently achieved by the Member States because of persistent divergent approaches as well as the slow and ineffective transposition of Directive 2014/61/EU but can rather, by reason of the scale of the network deployments and investment required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	
Recital 63a				
73a			<u>(63a) This Regulation is without prejudice to the Member States' responsibility for safeguarding national security or their power to safeguard other essential State functions, in particular</u>	<u>(63a) This Regulation is without prejudice to the Member States' responsibility for safeguarding national security or their power to safeguard other essential State functions, in particular</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>concerning public security, territorial integrity and the maintenance of law and order. In line with this, exceptions from this regulation, made with regard to such matters, should be considered duly justified and proportionate.</u>	<u>concerning public security, territorial integrity and the maintenance of law and order.</u> Text Origin: Council mandate
Recital 64				
74	(64) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular this Regulation seeks to ensure full respect for the right to private life and the protection of business secrets, the freedom to conduct business, the right to property and the right to an effective remedy. This Regulation has to be applied in accordance with those rights and principles.	(64) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular this Regulation seeks to ensure full respect for the right to private life and the protection of business secrets, the freedom to conduct business, the right to property and the right to an effective remedy. This Regulation has to be applied in accordance with those rights and principles.	(64) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular this Regulation seeks to ensure full respect for the right to private life and the protection of business secrets, the freedom to conduct business, the right to property and the right to an effective remedy. This Regulation has to be applied in accordance with those rights and principles.	(64) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular this Regulation seeks to ensure full respect for the right to private life and the protection of business secrets, the freedom to conduct business, the right to property and the right to an effective remedy. This Regulation has to be applied in accordance with those rights and principles. Text Origin: Commission Proposal
Recital 65				
75	(65) This Regulation includes	(65) This Regulation includes	(65) This Regulation includes	(65) This Regulation includes

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	provisions covering all the substance areas covered by Directive 2014/61/EU, which should therefore be repealed.	provisions covering all the substance areas covered by Directive 2014/61/EU, which should therefore be repealed.	provisions covering all the substance areas covered by Directive 2014/61/EU, which should therefore be repealed.	provisions covering all the substance areas covered by Directive 2014/61/EU, which should therefore be repealed. Text Origin: Commission Proposal
Recital 66				
76	(66) A period of six months between the entry into force and the application aims to give sufficient time to Member States to ensure their national legislation does not contain any obstacles to the uniform and effective application of this Regulation. The period of 6 months is without prejudice to the specific rules in this Regulation on the delayed application of specific provisions as specified therein. Member States are to withdraw national provisions overlapping with this Regulation or contradicting it by the time it starts to apply. As regards adopting new legislation during this period, it follows from Article 4(3) TEU that Member States have a duty of sincere cooperation not to take action that would conflict with prospective Union legal rules,	(66) A period of six months between the <u>dates of</u> entry into force and the application <u>of this Regulation</u> aims to give sufficient time to Member States to ensure their national legislation does not contain any obstacles to the uniform and effective application of this Regulation. The period of 6 months is without prejudice to the specific rules in this Regulation on the delayed application of specific provisions as specified therein. Member States are to withdraw national provisions overlapping with this Regulation or contradicting it by the time it starts to apply. As regards adopting new legislation during this period, it follows from Article 4(3) TEU that Member States have a duty of sincere cooperation not to take action that would conflict with	(66) A period of six <u>twenty four</u> months between the entry into force and the application aims to give sufficient time to Member States to ensure their national legislation does not contain any obstacles to the uniform and effective application of this Regulation. <u>In case of small municipalities of less than 3,500 inhabitants Member States may, under the conditions set out in this Regulation, provide that the deadline to provide information on requests to access physical infrastructure is extended by an additional</u> The <u>period of 612 months. The period of twenty four</u> months is without prejudice to the specific rules in this Regulation on the delayed application of specific provisions as specified therein. Member States are to withdraw	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		prospective Union legal rules,	national provisions overlapping with this Regulation or contradicting it by the time it starts to apply. As regards adopting new legislation during this period, it follows from Article 4(3) TEU that Member States have a duty of sincere cooperation not to take action that would conflict with prospective Union legal rules,	
Formula				
77	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: <small>Text Origin: Commission Proposal</small>
Article 1				
78	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope <small>Text Origin: Commission Proposal</small>
Article 1(1)				
79	1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by	1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by	1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by	1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	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.	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. Text Origin: Commission Proposal
Article 1(2)				
80	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.	2. If any provision of this Regulation conflicts with a provision of Directive (EU) 2018/1972, <u>Directive 2002/77/EC</u> or Directive <u>2002/77/EC(EU) 2022/2555</u> , the relevant provision of those Directives shall prevail.	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.	2. If any provision of this Regulation conflicts with a provision of Directive (EU) 2018/1972, <u>Directive 2002/77/EC</u> or Directive <u>2002/77/EC(EU) 2022/2555</u> , the relevant provision of those Directives shall prevail. Text Origin: EP Mandate
Article 1(3)				
81	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	3. Member States may maintain or introduce measures in conformity with Union law which contain more detailed provisions, <u>which complement or go beyond the rights and obligations</u> than those set out in this Regulation where they serve to promote the joint use	3. <u>This Regulation sets minimum requirements for achieving the aims set out in paragraph 1.</u> Member States may maintain or introduce measures <u>rules</u> in conformity with Union law which contain <u>are stricter or</u> more detailed provisions than those set	3. <u>This Regulation sets minimum requirements for achieving the aims set out in paragraph 1.</u> Member States may maintain or introduce measures in conformity with Union law which contain <u>are stricter or</u> more detailed provisions than those set out in this

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	deployment of new physical infrastructure.	of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.	out in this Regulation <u>minimum requirements</u> , where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.	Regulation <u>minimum requirements</u> , where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure. Text Origin: Council mandate
Article 1(4)				
82	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).	4. By way of exception derogation from paragraph 3 <u>of this Article</u> , 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), <u>second sub-paragraph</u> and (4), Article 6(2), <u>Article 7(1)</u> , and Article 8(7) and (8).	4. By way of exception to paragraph 3, Member States shall not maintain or introduce in their national law provisions diverging from <u>rules which are stricter or more detailed than</u> those laid down in Article 3(3) <u>subparagraph points (a) to (e)</u> , and (6), Article 4(4) <u>4(5) second subparagraph</u> , Article 5(2) <u>second subparagraph</u> and (4), Article 6(2) and Article 8(7) and (8).	4. By way of exception to paragraph 3, Member States shall not maintain or introduce <u>the measures referred to in that paragraph in respect of Article 3(3) subparagraph 1 points (a) to (e) and second subparagraph, Article 3(6)</u> in their national law provisions diverging from those laid down in Article 3(3) and (6) , Article 4(4), <u>(5) second subparagraph</u> , Article 5(2) <u>second subparagraph</u> and (4), Article 6(2) and Article 8(7) and (8). Text Origin: Council mandate
Article 1(4a)				
82a			<u>4a. This Regulation is without prejudice to the Member States'</u>	<u>4a. This Regulation is without prejudice to the Member States'</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>responsibility for safeguarding national security and their power to safeguard other essential State functions, including ensuring the territorial integrity of the State and maintaining law and order.</u>	<u>responsibility for safeguarding national security and their power to safeguard other essential State functions, including ensuring the territorial integrity of the State and maintaining law and order.</u> Text Origin: Council mandate
Article 2				
83	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions
Article 2, first paragraph				
84	For the purposes of this Regulation, the definitions in Directive (EU) 2018/1972 apply.	For the purposes of this Regulation, the definitions in Directive (EU) 2018/1972 apply.	For the purposes of this Regulation, the definitions in Directive (EU) 2018/1972 apply, <u>in particular the definitions of ‘electronic communications network’, ‘very high capacity network’, ‘public electronic communications network’, ‘network termination point’, ‘associated facilities’, ‘end-user’, ‘security of networks and services’, ‘access’, and ‘operator’.</u>	For the purposes of this Regulation, the definitions in Directive (EU) 2018/1972 apply, <u>in particular the definitions of ‘electronic communications network’, ‘very high capacity network’, ‘public electronic communications network’, ‘network termination point’, ‘associated facilities’, ‘end-user’, ‘security of networks and services’, ‘access’, and ‘operator’.</u> Row 94a to delete
Article 2, second paragraph				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
85	The following definitions also apply:	The following definitions also apply:	The following definitions also apply:	The following definitions also apply:
Article 2, second paragraph, point (1)				
86	(1) 'network operator' means:	(1) 'network operator' means:	(1) 'network operator' means:	(1) 'network operator' means: Text Origin: Commission Proposal
Article 2, second paragraph, point (1)(a)				
87	(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/172;	(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/172;	(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/172;	(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/172; Text Origin: Commission Proposal
Article 2, second paragraph, point (1)(b)				
88	(b) an undertaking providing a physical infrastructure intended to provide:	(b) an undertaking providing a physical infrastructure intended to provide:	(b) an undertaking providing a physical infrastructure intended to provide:	(b) an undertaking providing a physical infrastructure intended to provide: Text Origin: Commission Proposal
Article 2, second paragraph, point (1)(b)(i)				
89				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	(i) a service of production, transport or distribution of:	(i) a service of production, transport or distribution of:	(i) a service of production, transport or distribution of:	(i) a service of production, transport or distribution of: <small>Text Origin: Commission Proposal</small>
Article 2, second paragraph, point (1)(b)(i), first indent				
90	- gas;	- gas;	- gas;	- gas; <small>Text Origin: Commission Proposal</small>
Article 2, second paragraph, point (1)(b)(i), second indent				
91	- electricity, including public lighting;	- electricity, including public lighting;	- electricity, including public lighting;	- electricity, including public lighting; <small>Text Origin: Commission Proposal</small>
Article 2, second paragraph, point (1)(b)(i), third indent				
92	- heating;	- heating;	- heating;	- heating; <small>Text Origin: Commission Proposal</small>
Article 2, second paragraph, point (1)(b)(i), fourth indent				
93	- water, including disposal or treatment of wastewater and	- water, including disposal or treatment of wastewater and	- water, including disposal or treatment of wastewater and	- water, including disposal or treatment of wastewater and

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	sewage, and drainage systems;	sewage, and drainage systems;	sewage, and drainage systems;	sewage, and drainage systems; Text Origin: Commission Proposal
Article 2, second paragraph, point (1)(b)(ii)				
94	(ii) transport services, including railways, roads, ports and airports;	(ii) transport services, including railways, roads, <u>tunnels</u> , ports and airports;	(ii) transport services, including railways, roads, <u>including urban roads</u> , ports and airports;	(ii) <u>(ii)</u> transport services, including railways, roads, <u>including urban roads, tunnels</u> , ports and airports; Need to be aligned with the rest of the text
Article 2, second paragraph, point (1)(b)(iia)				
94a		<u>(1a) 'very high capacity network' means a very high capacity network as defined in Article 2, point (2), of Directive (EU) 2018/1972;</u>		Deleted following row 84
Article 2, second paragraph, point (1a)				
94b			<u>(2) '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</u>	<u>(2) '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</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>public law;</u>	<u>public law;</u>
	Article 2, second paragraph, point (1b)			
G 94c			<u>(3) 'bodies governed by public law' means bodies that have all of the following characteristics:</u>	<u>(3) 'bodies governed by public law' means bodies that have all of the following characteristics:</u>
	Article 2, second paragraph, point (1b)(a)			
G 94d			<u>(a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;</u>	<u>(a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;</u>
	Article 2, second paragraph, point (1b)(b)			
G 94e			<u>(b) they have legal personality;</u>	<u>(b) they have legal personality;</u>
	Article 2, second paragraph, point (1b)(c)			
G 94f			<u>(c) they are financed, in full or for the most part, by state, regional or local authorities or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board,</u>	<u>(c) they are financed, in full or for the most part, by state, regional or local authorities or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board,</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>more than half of whose members are appointed by state, regional or local authorities or by other bodies governed by public law;</u>	<u>more than half of whose members are appointed by state, regional or local authorities or by other bodies governed by public law;</u>
Article 2, second paragraph, point (2), first subparagraph				
95	(2) 'physical infrastructure' means:	(2) 'physical infrastructure' means:	(2) <u>(4)</u> 'physical infrastructure' means:	(2) 'physical infrastructure' means:
Article 2, second paragraph, point (2), first subparagraph, point (a)				
96	(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;	(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, <u>including rooftops, parts of the facade</u> and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations;	(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 <u>including their rooftops and parts of their facades</u> or entries to buildings, and any other asset <u>that could be suitable to host elements of a networks</u> , including street furniture, such as light poles, street signs, traffic lights, billboards, <u>tolls frames</u> , bus and tramway stops and metro <u>and railway</u> stations;	(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 <u>including their rooftops and parts of their facades</u> or entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, <u>tolls frames</u> , bus and tramway stops and metro <u>and railway</u> stations;

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 2, second paragraph, point (2), first subparagraph, point (b)			
97	(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.	(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, <u>including rooftops, parts of the facade</u> and any other asset including street furniture, such as light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.	(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings <u>including their rooftops and parts of their facades</u> or entries to buildings, and any other asset <u>that could be suitable to host elements of a network</u> , including street furniture, such as light poles, street signs, traffic lights, billboards, <u>tolls frames</u> , bus and tramway stops and metro <u>and railway</u> stations.	(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings <u>including their rooftops and parts of their facades</u> or entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, <u>tolls frames</u> , bus and tramway stops and metro <u>and railway</u> stations.
	Article 2, second paragraph, point (2), second subparagraph			
98	Cables, including dark fibre, as well as elements of networks used for the provision of water intended for human consumption as defined in Article 2, point 1, of Council (EU) 2020/2184 of the European Parliament and of the Council ¹ are not physical infrastructure within the meaning of this Regulation; 1. Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).	Cables, including dark fibre, as well as elements of networks used for the provision of water intended for human consumption as defined in Article 2, point 1, of Council (EU) 2020/2184 of the European Parliament and of the Council ¹ are not physical infrastructure within the meaning of this Regulation; 1. Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).	Cables, including dark fibre, as well as elements of networks used for the provision of water intended for human consumption as defined in Article 2, point 1, of Council (EU) 2020/2184 of the European Parliament and of the Council ¹ are not physical infrastructure within the meaning of this Regulation; 1. <u>[1]</u> Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).	Cables, including dark fibre, as well as elements of networks used for the provision of water intended for human consumption as defined in Article 2, point 1, of Council (EU) 2020/2184 of the European Parliament and of the Council ¹ are not physical infrastructure within the meaning of this Regulation; 1. <u>[1]</u> Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 2, second paragraph, point (3)			
99	(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;	(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;	(3) (5) ‘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;	(3) (5) ‘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;
	Article 2, second paragraph, point (4)			
100	(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;	(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;	See row 94b	Moved to row 94b
	Article 2, second paragraph, point (5)			
101	(5) ‘bodies governed by public law’ means bodies that have all of the following characteristics:	(5) ‘bodies governed by public law’ means bodies that have all of the following characteristics:	See row 94c	Moved to row 94c
	Article 2, second paragraph, point (5)(a)			
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	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	(a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;	(a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;	See row 94d	Moved to row 94d
Article 2, second paragraph, point (5)(b)				
103	(b) they have legal personality;	(b) they have legal personality;	See row 94e	Moved to row 94e
Article 2, second paragraph, point (5)(c)				
104	(c) they are financed, in full or for the most part, by state, regional or local authorities or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by state, regional or local authorities or by other bodies governed by public law;	(c) they are financed, in full or for the most part, by state, regional or local authorities or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by state, regional or local authorities or by other bodies governed by public law;	See row 94f	Moved to row 94f
Article 2, second paragraph, point (6)				
105	(6) 'in-building physical infrastructure' means physical infrastructure or installations at the	(6) 'in-building physical infrastructure' means physical infrastructure or installations at the	(6) 'in-building physical infrastructure' means physical infrastructure or installations at the	(6) 'in-building physical infrastructure' means physical infrastructure or installations at the

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 the network termination point;	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 the network termination point;	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 the network termination point; <u>or, in those Member States where it is allowed to place the network termination point outside the end user's particular location, up to the physical point where the end user connects to access the public network.</u>	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 the network termination point; Text Origin: Commission Proposal
Article 2, second paragraph, point (7)				
106	(7) 'in-building fibre wiring' means optical fibre cables at the end user's location, including elements under joint ownership, intended to deliver electronic communications services and connecting the building access point with the network termination point;	(7) 'in-building fibre wiring' means optical fibre cables at the end user's location, including elements under joint ownership, intended to deliver electronic communications services and connecting the building access point with the network termination point;	(7) 'in-building fibre wiring' means optical fibre cables at the end-user end-user's location, including elements under joint ownership, intended to deliver electronic communications services and connecting the building access point with the network termination point; <u>or, in those Member States, where it is allowed to place the network termination point outside the end user's particular location, up to the physical point where the end user connects to be able to</u>	(7) 'in-building fibre wiring' means optical fibre cables at the end user's location, including elements under joint ownership, intended to deliver electronic communications services and connecting the building access point with the network termination point; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			access the public network.	
Article 2, second paragraph, point (8)				
107	(8) ‘fibre-ready in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre elements;	(8) ‘fibre-ready in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre elements;	(8) ‘fibre-ready in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre elements;	(8) ‘fibre-ready in-building physical infrastructure’ means in-building physical infrastructure intended to host optical fibre elements; Text Origin: Commission Proposal
Article 2, second paragraph, point (9)				
108	(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;	(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;	(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, in accordance with national law , a building permit;	(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, in accordance with national law , a building permit;
Article 2, second paragraph, point (10)				
109	(10) ‘permit’ means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several	(10) ‘permit’ means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several	(10) ‘permit’ means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several	(10) ‘permit’ means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	competent authorities that are needed for an undertaking to carry out building or civil engineering works necessary for the deployment of elements of very high capacity networks;	competent authorities that are needed for an undertaking to carry out building or civil engineering works necessary for the deployment of elements of very high capacity networks;	competent authorities that are needed <u>required under national law</u> for an undertaking to carry out building or civil engineering works necessary for the deployment of elements of very high capacity networks <u>VHCN</u> ;	competent authorities that are needed <u>required under national law</u> for an undertaking to carry out building or civil engineering works necessary for the deployment of elements of very high capacity networks <u>VHCN</u> ;
Article 2, second paragraph, point (11)				
110	(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.	(11) ‘access point’ means a physical point, located inside or outside the building, accessible to one or more undertakings providing or <u>that provide or that are</u> authorised to provide public electronic communications networks, where connection to the fibre-ready in-building physical infrastructure is made available.	(11) ‘ <u>building</u> access point’ means a physical point, located inside or outside the building, <u>easily</u> accessible to one or more <u>multiple</u> undertakings providing or authorised to provide public electronic communications networks, where connection to the fibre-ready in-building physical infrastructure is made available.	(11) ‘access point’ means a physical point, located inside or outside the building, accessible to <u>undertakings that provide or that are</u> 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. 9/01: a new recital is to be created on 'easily accessible' building access points, to clarify relations to the newly built buildings. COM to propose.
Article 2, second paragraph, point (11a)				
110a		<u>(11a) ‘rights of way’ means rights referred to in Article 43(1) of the Directive (EU) 2018/1972.</u>	<u>(11a) ‘rights of way’ means rights referred to in Article 43(1) of the Directive (EU) 2018/1972, granted to an operator to install facilities</u>	<u>(11a) ‘rights of way’ means rights referred to in Article 43(1) of the Directive (EU) 2018/1972, granted to an operator to install facilities</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>on, over or under public or private property to deploy VHCN and associated facilities.</u>	<u>on, over or under public or private property to deploy VHCN and associated facilities.</u>
Article 3				
111	Article 3 Access to existing physical infrastructure	Article 3 Access to existing physical infrastructure	Article 3 Access to existing physical infrastructure	Article 3 Access to existing physical infrastructure
Article 3(1)				
112	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,	1. Upon written request of an operator, <u>Network operators or</u> public sector bodies owning or controlling physical infrastructure or network operators shall meet all reasonable <u>written</u> requests <u>of operators</u> 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	1. Upon written request of an operator, <u>Without prejudice to paragraph 3, all</u> public sector bodies owning or controlling physical infrastructure or and all network operators, shall meet, <u>upon written request of an operator,</u> 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 <u>VHCN</u> 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	1. Upon written request of an operator, <u>Network operators and</u> public sector bodies owning or controlling physical infrastructure or network operators shall meet <u>shall meet, upon written request of an operator,</u> 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 <u>VHCN</u> 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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	including a specific time frame.	which the access is requested, including a specific time frame.	requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame. <u>Member States may specify detailed requirements for these requests.</u>	requests shall specify the elements of the physical infrastructure for which the access is requested, including a specific time frame. <u>Member States may specify detailed requirements for these requests.</u>
Article 3(1a)				
112a		<u>1a. Where necessary to ensure the continuity of the electronic communication service, owners of land on which associated facilities have been installed with a view to deploying elements of very high capacity networks, shall negotiate with undertakings that provide or are authorised to provide those associated facilities under fair and reasonable terms and conditions, and in accordance with national contract law, on the access to such land, including the price for such access.</u>		<u>1a. Legal persons who are tenants of land or holders of rights over land, other than property rights, on which facilities are planned to be or have been installed with a view to deploying elements of very high capacity networks, shall negotiate upon request of an operator with operators under fair and reasonable terms and conditions, and in accordance with national contract law, on the access to such land, including the price for such access.</u> <u>2a. Legal persons shall inform the national regulatory authority of the conclusion of agreements with operators in accordance with paragraph 1a.</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 3(1b)				
112b		<p><u>1b. Owners of private buildings used exclusively for commercial purposes, which are not part of a network, shall also meet reasonable requests for access to those buildings, including the rooftops of those buildings, with a view to installing elements of very high capacity networks or associated facilities under fair and reasonable terms and conditions, including with regard to the price for such access, where:</u></p>		<p><u>1b. Owners of private buildings used for commercial purposes, which are not part of a network, shall meet, upon written request of an operator, reasonable requests for access to those buildings, including the rooftops of those buildings, with a view to installing elements of very high capacity networks or associated facilities under fair and reasonable terms and conditions, and at a price reflecting market conditions. Prior to such request from the access seeker all of the following conditions have to be met:</u></p> <p><u>a) the building is located in a rural or remote area, as defined by the Member States; and</u></p> <p><u>(b) no very high capacity network is deployed in the area for which the request for access is made and there is no plan to deploy such a network according to the information collected via the single information point available at the date of the request, and</u></p> <p><u>(c) there is no existing physical infrastructure in the area for which the request for access is made, that is owned or controlled</u></p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				<p><u>by network operators or public sector bodies and is technically suitable to host elements of very high capacity networks.</u></p> <p><u>Member States may determine categories of commercial buildings that may be exempted from the obligation to provide such an access request, for reasons of public security, defense, safety and health. The list of categories of physical infrastructure and their criteria applied to identify them shall be published via a single information point.</u></p>
	Article 3(1c)			
G	112c	<p><u>(a) no very high capacity network is deployed in the area for which the request for access is made and there is no proven plan to deploy such a nrtwork within a year from the moment when the network operator requests access;</u></p>		<p><u>1c. (a) no very high capacity network is deployed in the area for which the request for access is made and there is no proven plan to deploy such a nrtwork within a year from the moment when the network operator requests access;</u></p> <p>Deleted no text here</p>
	Article 3(1d)			
G	112d			

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>(b) there is no existing physical infrastructure in the area for which the request for access is made, that is owned or controlled by network operators or public sector bodies and is technically suitable to host elements of very high capacity networks; or</u>		<u>1d. (b) there is no existing physical infrastructure in the area for which the request for access is made, that is owned or controlled by network operators or public sector bodies and is technically suitable to host elements of very high capacity networks; or</u> Deleted no text here
	Article 3(1e), first subparagraph			
112e		<u>(c) the requesting operator proves that it has failed to obtain State aid to deploy physical infrastructure in that area, or to find a suitable co-investor to deploy physical infrastructure in the area with regard to which the access request is made.</u>		Deleted no text here
	Article 3(1b), second paragraph			
112f		<u>This paragraph shall be without prejudice to the right of Member States to expand the obligation to meet reasonable requests for access to physical infrastructure to buildings which are not part of the network.</u>		Deleted, no text here. Agreed to move Council text to a recital COM to propose the text

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 3(2)				
113	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. When determining prices as part of fair and reasonable terms and conditions for granting access, <u>and in order to avoid excessive prices,</u> network operators and public sector bodies owning or controlling physical infrastructure shall take into account the following:	2. When determining prices as part of fair, and reasonable terms and conditions, <u>including prices,</u> for granting access, network operators and public sector bodies owning or controlling physical infrastructure shall, <u>where relevant,</u> take into account <u>at least</u> the following:	2. When determining prices as part of fair, and reasonable terms and conditions, <u>including prices,</u> for granting access, <u>and in order to avoid excessive prices,</u> network operators and public sector bodies owning or controlling physical infrastructure shall, <u>where relevant,</u> take into account <u>at least</u> the following: COM to double check the current wording
Article 3(2), point (-a)				
113a			<u>(-a) (a) existing contracts and commercial terms and conditions agreed between operators seeking access and network operators or public bodies granting access to physical infrastructures.</u>	<u>(-a) (a) existing contracts and commercial terms and conditions agreed between operators seeking access and network operators or public bodies granting access to physical infrastructures.</u> EP can accept however COM will double check Council proposal, linked to recital 22 Text Origin: Council mandate
Article 3(2), point (a)				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
114	(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.	(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, <u>different business models</u> , 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.	(a) <u>(b)</u> the need to ensure that the access provider, <u>including the providers of associated facilities</u> , 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, <u>business models</u> , 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.	(a) <u>(b)</u> 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, <u>business models</u> , 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. <u>NEW LINE 114a (116g previously)</u> <u>(c) any additional maintenance and adaptation costs resulting from providing access to the relevant infrastructure.</u> Line 116g needs to be moved to new line 114a, same wording as in 116g
Article 3(2), point (b)				
115	(b) the impact of the requested access on the access provider's business plan, including investments in the physical	(b) the impact of the requested access on the access provider's business plan, including investments in the physical	(b) <u>(c)</u> the impact of the requested access on the access provider's business plan, including investments in the physical	(b) the impact of the requested access on the access provider's business plan, including investments in the physical

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	infrastructure to which the access has been requested;	infrastructure to which the access has been requested, <u>as well as the need to ensure that the access provider receives a fair return on its investment, which reflects the relevant market conditions and, in particular in the case of the providers of associated facilities, their different business models.</u>	infrastructure to which the access has been requested, <u>as well as the need to ensure that the access provider receives a fair return on its investment, which reflects the relevant market conditions and, in particular in the case of the undertakings that primarily provide tower infrastructure and offers physical access to more than one undertaking that provides or that is authorised to provide public electronic networks, their different business models;</u>	infrastructure to which the access has been requested; Text Origin: Commission Proposal
Article 3(2), point (ba)(c)				
116	(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	(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	(c) <u>(ba)</u> 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	(c) <u>(ba)</u> 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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	for the provision of connectivity, and any possibility previously offered to <u>dispute settlement bodies, taking into account when relevant the guidance established in accordance with paragraph 9, may consider when determining the fair and reasonable terms and conditions, including the prices, for granting</u> 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.;	for the provision of connectivity, and any possibility previously offered to, <u>such operators, taking into account when relevant the guidance established in accordance with paragraph 9, shall consider when determining the fair and reasonable terms and conditions, including the prices, for granting</u> 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.;
Article 3(2), point (ba)(c) a				
G 116a			- <u>the economic viability of those investments based on their risk profile,</u>	- <u>the economic viability of those investments based on their risk profile,</u> Text Origin: Council mandate
Article 3(2), point (bb)				
G 116b			- <u>any time schedule for the return on investment,</u>	(bb) - <u>the need for a fair return on investment and for any time schedule for such return on investment,</u> Text Origin: Council mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 3(2), point (bc)			
G 116c			- <u>any impact of access on downstream competition and consequently on prices and return on investment,</u>	(bc) - <u>any impact of access on downstream competition and consequently on prices and return on investment,</u> Text Origin: Council mandate
	Article 3(2), point (bd)			
G 116d			- <u>any depreciation of the network assets at the time of the access request,</u>	(bd) - <u>any depreciation of the network assets at the time of the access request,</u> Text Origin: Council mandate
	Article 3(2), point (be)			
G 116e			- <u>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</u>	(be) - <u>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</u> Text Origin: Council mandate
	Article 3(2), point (bf)			
G 116f				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>- 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.</u>	<u>(bf) - 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.</u> Text Origin: Council mandate
Article 3(2), point (bg)				
116g		<u>(ca) any additional maintenance and adaptation costs resulting from providing access to the relevant infrastructure.</u>		<u>(d) when considering the need for operators for a fair return on investment which reflects the relevant market conditions, their different business models, in particular in the case of undertakings that primarily provide associated facilities and offer physical access to more than one undertaking that provides or that is authorised to provide public electronic communication networks.</u> EP text of 116g was moved to new 114a current wording is a merged text of EP + Council from line 115

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				Text Origin: EP Mandate
Article 3(2), point (bh)				
116h		<i><u>(2a) Paragraph 2 shall not apply to associated facilities when they operate as a wholesale only model which offers physical access to more than one host undertaking that provide or that are authorised to provide public electronic networks, unless national regulatory authorities justify, on the basis of a market analysis, the need for market remedies to be imposed.</u></i>		Deleted no text here
Article 3(3), first subparagraph				
117	3. Network operators and public sector bodies owning or controlling physical infrastructure may refuse access to specific physical infrastructure based on one or more of the following conditions:	3. Network operators and public sector bodies owning or controlling physical infrastructure may refuse access to specific physical infrastructure based on <u>on the basis of</u> one or more of the following conditions <u>grounds</u> :	3. Network operators and public sector bodies owning or controlling physical infrastructure may refuse access to specific physical infrastructure based on one or more of the following conditions:	3. Network operators and public sector bodies owning or controlling physical infrastructure may refuse access to specific physical infrastructure based on <u>on the basis of</u> one or more of the following conditions <u>grounds</u> :
Article 3(3), first subparagraph, point (a)				
118	(a) there is a lack of technical suitability of the physical	(a) there is a lack of technical suitability of the physical	(a) there is a lack of technical suitability of the physical	(a) there is a lack of technical suitability of the physical

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	infrastructure to which access has been requested to host any of the elements of very high capacity networks referred to in paragraph 2;	infrastructure to which access has been requested to host any of the elements of very high capacity networks referred to in paragraph 2;	infrastructure to which access has been requested to host any of the elements of very high capacity networks <u>VHCN</u> referred to in paragraph 2 <u>1</u> ;	infrastructure to which access has been requested to host any of the elements of very high capacity networks <u>VHCN</u> referred to in paragraph 2 <u>1</u> ;
Article 3(3), first subparagraph, point (b)				
119	(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;	(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;	(b) there is a lack of availability of space to host the elements of very high capacity networks <u>VHCN</u> or associated facilities referred to in paragraph 2 <u>1</u> , including after having taken into account the future need for space of the access provider that is sufficiently demonstrated, <u>such as in the publicly available investments plans or by a threshold for allowed capacity as a percentage of the entire capacity</u> ;	(b) there is a lack of availability of space to host the elements of very high capacity networks <u>VHCN</u> or associated facilities referred to in paragraph 2 <u>1</u> , including after having taken into account the future need for space of the access provider that is sufficiently demonstrated, <u>such as by referring to publicly available investments plans or to a consistently applied percentage for the capacity reserved for future needs (compared to the entire capacity of the physical infrastructure)</u> ;
Article 3(3), first subparagraph, point (c)				
120	(c) the existence of safety and public health concerns;	(c) the existence of safety and public health concerns;	(c) the existence of <u>justified reasons regarding safety, national security</u> and public health concerns ;	(c) the existence of <u>justified reasons regarding safety, national security</u> and public health concerns ;

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 3(3), first subparagraph, point (d)			
121	(d) concerns for the integrity and security of any network, in particular critical national infrastructure;	(d) concerns for the integrity and security of any network, in particular critical national infrastructure;	(d) concerns for the existence of <u>duly justified reasons regarding</u> the integrity and security of any network, in particular critical national infrastructure;	(d) concerns for the existence of <u>duly justified reasons regarding</u> the integrity and security of any network, in particular critical national infrastructure;
	Article 3(3), first subparagraph, point (e)			
122	(e) the risk of serious interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure; or	(e) the risk of serious interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure; or	(e) the <u>existence of duly justified</u> risk of serious interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure; or	(e) the <u>existence of duly justified</u> risk of serious interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure; or
	Article 3(3), first subparagraph, point (f)			
123	(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 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 <u>passive</u> wholesale physical access to electronic communications networks, <u>including access to dark fibre or fibre unbundling</u> , provided by the same network operator and suitable for the provision of very high capacity networks <u>VHCN</u> , provided that such access is offered under fair and reasonable terms and	(f) the availability of viable alternative means of wholesale physical access to electronic communications networks, <u>suitable for the provision of VHCN, and offered under fair and reasonable terms and conditions, that are</u> 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

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			conditions.	reasonable terms and conditions <u>or, in the specific case of rural or remote areas where a network is operated on a wholesale only basis and owned or controlled by public sector bodies, that are provided by the operator of such network.</u>
Article 3(3), first subparagraph, point (fa)				
123a		<u>(fa) the availability of viable alternative means of physical access to open, non-discriminatory electronic communications networks, which are:</u>		Deleted no text here Text Origin: EP Mandate
Article 3(3), first subparagraph, point (fb)				
123b		<u>(i) located in rural or remote areas,</u>		Deleted no text here Text Origin: EP Mandate
Article 3(3), first subparagraph, point (fc)				
123c		<u>(ii) operated on a wholesale only basis,</u>		Deleted no text here Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 3(3), first subparagraph, point (fd)			
G	123d	<u>(iii) owned or controlled by public sector bodies, and</u>		Deleted no text here Text Origin: EP Mandate
	Article 3(3), first subparagraph, point (fe)			
G	123e	<u>(iv) suitable for the provision of very high capacity networks, provided that such access is offered under fair and reasonable terms and conditions.</u>		Deleted no text here Text Origin: EP Mandate
	Article 3(3a)			
Y	123f		<u>Member States may provide that the network operators and public sector bodies owning or controlling physical infrastructure may refuse access to specific physical infrastructure where the availability of viable alternative means of non-discriminatory open wholesale access to very high capacity communications networks provided by the same network operator or by the same</u>	<u>3a. Member States may provide that the network operators and public sector bodies owning or controlling physical infrastructure may refuse access to specific physical infrastructure where the existence of viable alternative means of non-discriminatory open wholesale active access, to very high capacity communications networks is provided by the same network operator or by the same</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>public body, provided that:</u>	<u>public body, provided that the following cumulative conditions are met:</u> <u>(a) such alternative means of wholesale access is offered under fair and reasonable terms and conditions, including price;</u> <u>(b) the deployment project of the requesting operator addresses the same coverage area and there is no other fiber network connecting end-user premises (FttP) serving this coverage area;</u> <u>c) Such refusal possibility exists in current applicable national law at the date of the entry into force of this regulation.</u> EP to double check
Article 3(3a), point (a)				
123g			<u>(a) i. such alternative means of wholesale access is offered under fair and reasonable terms and conditions; and</u>	Deleted no text, moved to 123f
Article 3(3a), point (b)				
123h			<u>(b) ii. the deployment project of the requesting operator addresses the same coverage area</u>	Deleted no text, moved to 123f

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>and there is no other fibre network connecting end-user premises (FttP) serving this coverage area.</u>	
Article 3(3), second subparagraph				
124	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.	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.	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 <u>as soon as possible, and no later than two months</u> from the date of the receipt of the complete request for access, <u>except for critical national infrastructure as defined under national law, for which specific and detailed reasons shall not be required in the communication of refusal to the seeker.</u>	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 <u>no later than one</u> month from the date of the receipt of the complete request for access, <u>except for critical national infrastructure as defined under national law, for which specific and detailed reasons shall not be required in the communication of refusal to the access seeker.</u>
Article 3(4)				
125	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	4. Member States may <u>shall</u> establish a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide	4. Member States may establish <u>or designate</u> a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide	4. Member States may establish <u>or designate</u> a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	through the negotiation of access terms and conditions, and facilitate the provision of information via a single information point referred to in Article 10.	legal and technical advice through the negotiation of access terms and conditions, <u>including with respect to access to land</u> , and facilitate the provision of information via a single information point referred to in Article 10.	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.	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. part of a trilogue package deal Text Origin: Council mandate
Article 3(5)				
126	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.	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.	5. Physical infrastructure which is already subject to access obligations imposed by national regulatory authorities pursuant to Directive (EU) 2018/1972, <u>by other competent authorities</u> 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 <u>1, 2, and 3</u> , for as long as such access obligations are in place.	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 <u>1, 2, and 3</u> , for as long as such access obligations are in place.
Article 3(6)				
127	6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to	6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to	6. Public sector bodies owning or controlling buildings <u>physical infrastructure</u> or certain categories of buildings <u>physical infrastructure</u>	6. Public sector bodies owning or controlling buildings <u>physical infrastructure</u> or certain categories of buildings <u>physical infrastructure</u>

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	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.	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 <u>and regional and local authorities</u> shall identify such buildings or categories of buildings in their territories based on duly justified and <u>on the basis of duly substantiated</u> , proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.	may not apply paragraphs 1, 2 and 3 to those buildings <u>physical infrastructure</u> or categories of buildings <u>physical infrastructure</u> for reasons of architectural, historical, religious, or natural <u>enviromental</u> value, or for reasons of public security, <u>defence</u> , safety and health. Member States shall identify such buildings <u>physical infrastructure</u> or categories of buildings <u>physical infrastructure</u> in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings <u>The list of categories of physical infrastructure and the criteria applied to identify them</u> , shall be published via a single information point and notified to the Commission.	may not apply paragraphs 1, 2 and 3 to those buildings <u>physical infrastructure</u> or categories of buildings <u>physical infrastructure</u> for reasons of architectural, historical, religious, or natural <u>enviromental</u> value, or for reasons of public security, <u>defence</u> , safety and health. Member States, <u>or, as appropriate, regional and local authorities</u> , shall identify such buildings <u>physical infrastructure</u> or categories of buildings <u>physical infrastructure</u> in their territories based on duly justified and proportionate reasons. Information on such buildings or categories of buildings <u>The list of categories of physical infrastructure and the criteria applied to identify them</u> , shall be published via a single information point and notified to the Commission.
Article 3(7)				
128	7. Operators shall have the right to offer access to their physical infrastructure for the purpose of deploying networks other than electronic communications networks or associated facilities.	7. Operators shall have the right to offer access to their physical infrastructure for the purpose of deploying networks other than electronic communications networks or associated facilities.	7. Operators shall have the right to offer access to their physical infrastructure for the purpose of deploying networks other than electronic communications networks or associated facilities.	7. Operators shall have the right to offer access to their physical infrastructure for the purpose of deploying networks other than electronic communications networks or associated facilities.

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 3(8)			
129	8. This Article shall be without prejudice to the right to property of the owner of the physical infrastructure where the network operator or the public sector body is not the owner and to the right to property of any other third party, such as landowners and private property owners.	8. <u>Notwithstanding paragraph 1b,</u> this Article shall be without prejudice to the right to property of the owner of the physical infrastructure where the network operator or the public sector body is not the owner and to the right to property of any other third party, such as landowners and private property owners.	8. This Article shall be without prejudice to the right to property of the owner of the physical infrastructure where the network operator or the public sector body is not the owner and to the right to property of any other third party, such as landowners and private property owners <u>or when applicable, rights of tenants.</u>	8. <u>Notwithstanding paragraph 1b,</u> this Article shall be without prejudice to the right to property of the owner of the physical infrastructure where the network operator or the public sector body is not the owner and to the right to property of any other third party, such as landowners and private property owners <u>or, when applicable, rights of tenants.</u>
	Article 3(9)			
130	9. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, the Commission may, in close cooperation with BEREC, provide guidance on the application of this Article.	9. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, <u>and having taken into account well-established principles and the distinct situation across Member States,</u> the Commission may <u>shall</u> , in close cooperation with BEREC, provide guidance on the application of this Article <u>by ... [the date of application of this Regulation].</u>	9. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, the Commission may, in close cooperation with BEREC, <u>Member States may</u> provide guidance on the application of this Article.	9. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, <u>and having taken into account well-established principles and the distinct situation across Member States,</u> the Commission may, in close cooperation with BEREC, provide guidance on the application of this Article. Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 4				
131	Article 4 Transparency on physical infrastructure	Article 4 Transparency on physical infrastructure	Article 4 Transparency on physical infrastructure	
Article 4(1), first subparagraph				
132	1. In order to request access to physical infrastructure in accordance with Article 3, any operator shall have the right to access, upon request, the following minimum information on existing physical infrastructure in electronic format via a single information point:	1. In order to request access to physical infrastructure in accordance with Article 3, any operator shall have the right to access, upon request, the following minimum information on existing physical infrastructure in electronic format via a single information point:	1. In order to request access to physical infrastructure in accordance with Article 3, any operator shall have the right to access, upon request, the following minimum information on existing physical infrastructure in electronic format via a single information point:	1. In order to request access to physical infrastructure in accordance with Article 3, any operator shall have the right to access, upon request, the following minimum information on existing physical infrastructure in electronic format via a single information point: Text Origin: Commission Proposal
Article 4(1), first subparagraph, point (a)				
133	(a) georeferenced location and route;	(a) georeferenced location and route;	(a) georeferenced location and route;	(a) georeferenced location and route; Text Origin: Commission Proposal
Article 4(1), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
134	(b) type and current use of the infrastructure;	(b) type and current use of the infrastructure;	(b) type and current use of the infrastructure;	(b) type and current use of the infrastructure; Text Origin: Commission Proposal
Article 4(1), first subparagraph, point (c)				
135	(c) a contact point.	(c) a contact point.	(c) a contact point.	(c) a contact point. Text Origin: Commission Proposal
Article 4(1), second subparagraph				
136	Such minimum information shall be accessible promptly, under proportionate, non-discriminatory and transparent terms and, in any event no later than 15 days after the request for information is submitted.	Such minimum information shall be accessible promptly, under proportionate, non-discriminatory and transparent terms and, in any event no later than 15 days after the request for information is submitted.	Such minimum information shall be accessible promptly , under proportionate, non-discriminatory and transparent terms and, in any event no later than 15 <u>working</u> days after the request for information is submitted. <u>In duly justified cases, the deadline may be extended by 15 working days. Operators requesting access shall be informed of the new deadline via a single information point.</u>	Such minimum information shall be accessible promptly , under proportionate, non-discriminatory and transparent terms and, in any event no later than 15 <u>10 working</u> days after the request for information is submitted. <u>In duly justified cases, the deadline may be extended once by 5 working days. Operators requesting access shall be informed of the new deadline via a single information point.</u> Deadlines Text Origin: Council mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 4(1), third subparagraph			
137	Any operator requesting access to information pursuant to this Article shall specify the area in which it envisages deploying elements of very high capacity networks or associated facilities.	Any operator requesting access to information pursuant to this Article shall specify the area in which it envisages deploying elements of very high capacity networks or associated facilities.	Any operator requesting access to information pursuant to this Article shall specify the area in which it envisages deploying elements of very high capacity networks <u>VHCN</u> or associated facilities.	Any operator requesting access to information pursuant to this Article shall specify the area in which it envisages deploying elements of very high capacity networks <u>VHCN</u> or associated facilities. Text Origin: Council mandate
	Article 4(1), fourth subparagraph			
138	Access to the minimum information may be limited only where necessary to ensure the security of certain buildings owned or controlled by public sector bodies, the security of the networks and their integrity, national security, public health or safety, or for reasons of confidentiality or operating and business secrets.	Access to the minimum information may be limited only where necessary to ensure the security of certain buildings owned or controlled by public sector bodies, the security of the networks and their integrity, national security, public health or safety, or for reasons of confidentiality or operating and business secrets.	Access to the minimum information may be limited <u>or refused</u> only where necessary to ensure the security of certain buildings owned or controlled by public sector bodies, the security of the networks and their integrity, national security, <u>the security of national critical infrastructure</u> , public health or safety, <u>where physical infrastructures are not subject to access obligations according to Article 3(6)</u> , or for reasons of confidentiality or operating and business secrets.	Access to the minimum information may be limited <u>or refused</u> only where necessary to ensure the security of certain buildings owned or controlled by public sector bodies, the security of the networks and their integrity, national security, <u>the security of national critical infrastructure</u> , public health or safety, <u>-</u> or for reasons of confidentiality or operating and business secrets. Text Origin: Council mandate
	Article 4(1), fourth subparagraph a			

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
138a		<i><u>(1a) In addition to the minimum information referred to in paragraph 1, first subparagraph, Member States may require information on existing physical infrastructure such as information on the occupation level of the physical infrastructure.</u></i>		<i><u>(1a) In addition to the minimum information referred to in paragraph 1, first subparagraph, Member States may require information on existing physical infrastructure such as information on the occupation level of the physical infrastructure.</u></i> Text Origin: EP Mandate
Article 4(2)				
139	2. Network operators and public sector bodies shall make available the minimum information referred to in paragraph 1, via the single information point and in electronic format, by [DATE OF ENTRY INTO FORCE + 12 MONTHS]. Under the same conditions, network operators and public sector bodies shall make available promptly any update to that information and any new minimum information referred to in paragraph 1.	2. Network operators, <i><u>including operators of electronic communication networks</u></i> and public sector bodies shall make available <i><u>at least</u></i> the minimum information referred to in paragraph 1, <i><u>and, where applicable, as additional information referred to in paragraph 1a</u></i> via the single information point and in electronic format, by [DATE OF ENTRY INTO FORCE + 12 MONTHS]. Under the same conditions, network operators and public sector bodies shall make available promptly any update to that information and any new minimum	2. Network operators and public sector bodies shall make available the minimum information- referred to in paragraph 1, via the single information point and in electronic format, by [DATE OF ENTRY INTO FORCE + 12 MONTHS] <i><u>starting not later than 24 months after the entry into force of this Regulation</u></i> . Under the same conditions, network operators and public sector bodies shall make available promptly any update to that information and any new minimum information referred to in paragraph 1. <i><u>In case network operators or public sector bodies do not comply with the obligation</u></i>	2. Network operators and public sector bodies shall make available <i><u>at least</u></i> the minimum information referred to in paragraph 1, <i><u>and, where applicable, as additional information referred to in paragraph 1a via a</u></i> via the single information point and in electronic format, by [DATE OF ENTRY INTO FORCE + 12 MONTHS] <i><u>starting [not later than 24 months] after the entry into force of this Regulation</u></i> . Under the same conditions, network operators and public sector bodies shall make available promptly any update to that information and any new minimum information referred to

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		information referred to in paragraph 1.	<u>set out in paragraph 1, the competent authorities may request the missing information referred in paragraph 1 is made available in electronic format via a single information point, within 15 working days after receiving the request, without prejudice to the possibility for Member States to impose penalties to network operators and public sector bodies owning or controlling physical infrastructure for not complying with this obligation.</u>	in paragraph 1. <u>In case network operators or public sector bodies do not comply with the obligation set out in paragraph 1, the competent authorities may request the missing information referred in paragraph 1 is made available in electronic format via a single information point, within 10 working days after receiving the request, without prejudice to the possibility for Member States to impose penalties to network operators and public sector bodies owning or controlling physical infrastructure for not complying with this obligation.</u> Come back to the timeline Text Origin: Council mandate
Article 4(2a)				
139a		<u>2a. By way of derogation from paragraph 2, a Member State may, in duly substantiated cases, extend the deadline referred to in that paragraph for specified public sector bodies. Any such extension shall be granted only once and for the shortest possible time and shall not exceed three</u>		<u>2a. By way of derogation from paragraph 2, Member States may extend the deadline referred to in that paragraph for municipalities with less than 3500 inhabitants. Any such extension shall be granted only once for the shortest time possible and shall not exceed twelve months. When extending</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>months. When extending the deadline, the Member State shall set out a roadmap with strict deadlines for making minimum information referred to in paragraph 1 available via the single information point and in electronic format. Those exceptions and the roadmaps shall be published in advance via the single information point.</u>		<u>the deadline, the Member States shall set out a roadmap with deadlines for making minimum information referred to in paragraph 1 available via a single information point electronic format. Those exceptions and the roadmaps shall be published via a single information point. During that period, those municipalities shall ensure that the available information is accessible to operators.</u>
Article 4(3)				
140	3. Network operators and public sector bodies shall meet reasonable requests for on-site surveys of specific elements of their physical infrastructure upon specific request of an operator. Such requests shall specify the elements of the physical infrastructure concerned with a view to deploying elements of very high capacity networks or associated facilities. On-site surveys of the specified elements of the physical infrastructure shall be granted under proportionate, non-discriminatory and transparent terms within 1 month from the date of receipt of the request, subject to	3. Network operators and public sector bodies shall meet reasonable requests for on-site surveys of specific elements of their physical infrastructure upon specific <u>written</u> request of an operator. Such requests shall specify the elements of the physical infrastructure concerned with a view to deploying elements of very high capacity networks or associated facilities. On-site surveys of the specified elements of the physical infrastructure shall be granted under proportionate, non-discriminatory and transparent terms within 1 month from the date	3. Network operators and public sector bodies shall meet reasonable requests for on-site surveys of specific elements of their physical infrastructure upon specific request of an operator. Such requests shall specify the elements of the physical infrastructure concerned with a view to deploying elements of very high capacity networks <u>VHCN</u> or associated facilities. On-site surveys of the specified elements of the physical infrastructure shall be granted under proportionate, non-discriminatory and transparent terms within 1 month from the date	3. Network operators and public sector bodies shall meet reasonable requests for on-site surveys of specific elements of their physical infrastructure upon specific <u>written</u> request of an operator. Such requests shall specify the elements of the physical infrastructure concerned with a view to deploying elements of very high capacity networks <u>VHCN</u> or associated facilities. On-site surveys of the specified elements of the physical infrastructure shall be granted under proportionate, non-discriminatory and transparent terms within 1 month from the date

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	the limitations set out in paragraph 1, fourth subparagraph.	of receipt of the request, subject to the limitations set out in paragraph 1, fourth subparagraph.	of receipt of the request, subject to the limitations set out in paragraph 1, fourth subparagraph. <u>Member States may specify detailed requirements on such request.</u>	of receipt of the request, subject to the limitations set out in paragraph 1, fourth subparagraph. <u>Member States may specify detailed requirements on such request.</u> Text Origin: Council mandate
Article 4(4), first subparagraph				
141	4. Paragraphs 1, 2 and 3 need not apply to critical national infrastructure as defined under national law.	4. Paragraphs 1, 2 and 3 need not apply to critical national infrastructure as defined under national law.	4. <u>Member States may decide that</u> paragraphs 1, 2 and 3 need <u>shall</u> not apply to <u>all or parts of</u> critical national infrastructure as defined under national law <u>for security reasons.</u>	4. Paragraphs 1 <u>Member States may identify, based on duly justified and proportionate reasons, the types of civil works related to all or parts of</u> 2 and 3 <u>need not apply to</u> critical national infrastructure as defined under national law, <u>that shall not be subject to the obligations laid down in paragraphs 1, 2 and 3.</u>
Article 4(4), second subparagraph				
142	Paragraphs 1, 2 and 3 shall not apply:	Paragraphs 1, 2 and 3 shall not apply:	<u>(5)</u> Paragraphs 1, 2 and 3 shall not apply:	<u>(5)</u> Paragraphs 1, 2 and 3 shall not apply: Text Origin: Council mandate
Article 4(4), second subparagraph, point (a)				
143	(a) in the case of physical	(a) in the case of physical	(a) in the case of physical	(a) in the case of physical

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	infrastructure that is not technically suitable for the deployment of very high capacity networks or associated facilities'; or	infrastructure that is not technically suitable for the deployment of very high capacity networks or associated facilities'; or	infrastructure that is not technically suitable for the deployment of very high capacity networks <u>VHCN</u> or associated facilities'; or	infrastructure that is not technically suitable for the deployment of very high capacity networks <u>VHCN</u> or associated facilities'; or Text Origin: Council mandate
Article 4(4), second subparagraph, point (b)				
144	(b) in specific cases where the obligation to provide information about certain existing physical infrastructure pursuant to paragraph 1, first subparagraph, would be disproportionate, on the basis of a detailed cost-benefit analysis conducted by Member States and based on a consultation with stakeholders.	(b) in specific cases where the obligation to provide information about certain existing physical infrastructure pursuant to paragraph 1, first subparagraph, would be disproportionate, on the basis of a detailed cost-benefit analysis conducted by Member States and based on a consultation with stakeholders.	(b) in specific cases where the obligation to provide information about certain existing <u>types of</u> physical infrastructure pursuant to paragraph 1, first subparagraph, would be disproportionate, on the basis of a detailed cost-benefit analysis conducted by Member States and based on a consultation with stakeholders ; <u>or</u>	(b) in specific cases where the obligation to provide information about certain existing <u>types of</u> physical infrastructure pursuant to paragraph 1, first subparagraph, would be disproportionate, on the basis of a detailed cost-benefit analysis conducted by Member States and based on a consultation with stakeholders ; <u>or</u> Text Origin: Council mandate
Article 4(4), second subparagraph, point (ba)				
144a			<u>(c) where physical infrastructures are not subject to access obligations in accordance with Article 3(6).</u>	<u>(ba) where physical infrastructures are not subject to access obligations in accordance with Article 3(6).</u> Reinstated here, linked to 138 Text Origin: Council mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 4(4), third subparagraph			
145	Any such exceptions shall be published via a single information point and notified to the Commission.	Any such exceptions <u>exceptional categories</u> shall be published via a single information point and notified to the Commission.	<u>The justification, criteria and conditions for applying</u> any such exceptions shall be published via a single information point and notified to the Commission.	<u>The justification, criteria and conditions for applying</u> any such exceptions <u>exceptional categories</u> shall be published via a single information point and notified to the Commission. COM to propose horizontal language in recital on how the notification procedure should be done Text Origin: Council mandate
	Article 4(5)			
146	5. Operators that obtain access to information pursuant to this Article shall take appropriate measures to ensure respect for confidentiality and operating and business secrets.	5. Operators that obtain access to information pursuant to this Article shall take appropriate measures to ensure respect for confidentiality and operating and business secrets. <u>To that end, they shall undertake in writing to keep the information confidential and to use it only for the purpose of deploying their networks.</u>	5. <u>6.</u> Operators that obtain access to information pursuant to this Article shall take appropriate measures to ensure respect for confidentiality and operating and business secrets.	5. <u>6.</u> Operators that obtain access to information pursuant to this Article shall take appropriate measures to ensure respect for confidentiality and operating and business secrets. <u>To that end, they shall keep the information confidential and use it only for the purpose of deploying their networks.</u> Text Origin: EP Mandate
	Article 5			
147				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 5 Coordination of civil works	Article 5 Coordination of civil works	Article 5 Coordination of civil works	Article 5 Coordination of civil works
Article 5(1)				
148	1. Any network operator shall have the right to negotiate agreements on the coordination of civil works, including on the apportioning of costs, with operators with a view to deploying elements of very high capacity networks or associated facilities.	1. Any network operator shall have the right to negotiate agreements on the coordination of civil works, including on the apportioning of costs, with operators with a view to deploying elements of very high capacity networks or associated facilities.	1. Any network operator <u>Public sector bodies owning or controlling physical infrastructure and all network operators</u> shall have the right to negotiate agreements on the coordination of civil works, including on the apportioning of costs, with operators with a view to deploying elements of very high capacity networks or associated facilities.	1. Any <u>Public sector bodies owning or controlling physical infrastructure and all</u> network operator <u>operators</u> shall have the right to negotiate agreements on the coordination of civil works, including on the apportioning of costs, with operators with a view to deploying elements of very high capacity networks or associated facilities.
Article 5(2), first subparagraph				
149	2. Any network operator when performing or planning to perform directly or indirectly civil works, which are fully or partially financed by public means, shall meet any reasonable written request to coordinate those civil works under transparent and non-discriminatory terms made by operators with a view to deploying elements of very high capacity networks or associated facilities.	2. Any network operator <u>or public sector body shall</u> when performing or planning to perform directly or indirectly civil works, which are fully or partially financed by public means, shall meet any reasonable written request to coordinate those civil works under transparent and non-discriminatory terms made by operators with a view to deploying elements of very high capacity networks or associated facilities.	2. Any <u>Public sector bodies owning or controlling physical infrastructure and all</u> network operator <u>operators</u> , when performing or planning to perform directly or indirectly civil works, which are fully or partially financed by public means, shall meet any reasonable written request to coordinate those civil works under transparent and non-discriminatory terms made by operators with a view to deploying	2. Any <u>Public sector bodies owning or controlling physical infrastructure and all</u> network operator <u>operators</u> , when performing or planning to perform directly or indirectly civil works, which are fully or partially financed by public means, shall meet any reasonable written request to coordinate those civil works under transparent and non-discriminatory terms made by operators with a view to deploying

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			elements of very high capacity networks <u>VHCN</u> or associated facilities. <u>Member states may specify detailed requirements on such request, including cases of partial financing.</u>	elements of very high capacity networks or associated facilities <u>VHCN or associated facilities. Members states may specify detailed requirements, relating to administrative aspect of the request.</u>
Article 5(2), second subparagraph				
150	Such requests shall be met provided that the following cumulative conditions are met:	Such requests shall be met provided that the following cumulative conditions are met:	Such requests shall be met provided that the following cumulative conditions are met:	Such requests shall be met provided that the following cumulative conditions are met: Text Origin: Commission Proposal
Article 5(2), second subparagraph, point (a)				
151	(a) this will not entail any unrecoverable additional costs, including those caused by additional delays, for the network operator that initially envisaged the civil works in question, without prejudice to the possibility of agreeing on apportioning the costs between the parties concerned;	(a) this will not entail any unrecoverable additional costs, including those caused by additional delays, for the network operator that initially envisaged the civil works in question, without prejudice to the possibility of agreeing on apportioning the costs between the parties concerned;	(a) this will not entail any unrecoverable additional costs, including those caused by additional delays, for the network operator that initially envisaged the civil works in question, without prejudice to the possibility of agreeing on apportioning the costs between the parties concerned;	(a) this will not entail any unrecoverable additional costs, including those caused by additional delays, for the network operator that initially envisaged the civil works in question, without prejudice to the possibility of agreeing on apportioning the costs between the parties concerned; Text Origin: Commission Proposal
Article 5(2), second subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
G 152	(b) the network operator initially envisaging the civil works remains in control over the coordination of the works;	(b) the network operator initially envisaging the civil works remains in control over the coordination of the works;	(b) the network operator initially envisaging the civil works remains in control over the coordination of the works;	(b) the network operator initially envisaging the civil works remains in control over the coordination of the works; Text Origin: Commission Proposal
Article 5(2), second subparagraph, point (c)				
G 153	(c) the request to coordinate is filed as soon as possible and, when a permit is necessary, at least 2 months before the submission of the final project to the competent authorities for granting permits.	(c) the request to coordinate is filed as soon as possible and, when a permit is necessary, at least 2 months before the submission of the final project to the competent authorities for granting permits.	(c) the request to coordinate is filed as soon as possible and, when a permit is necessary, at least 2 months before the submission of the final project to the competent authorities for granting permits.	(c) the request to coordinate is filed as soon as possible and, when a permit is necessary, at least 2 ¹ months before the submission of the final project to the competent authorities for granting permits. Text Origin: Commission Proposal
Article 5(2a)				
Y 153a		<u>2a. A request to coordinate civil works made by an undertaking that provides or is authorised to provide public electronic communications networks to an undertaking owned or controlled by public sector bodies and providing or authorised to provide public electronic communications networks may be deemed to be</u>		<u>2a. Member States may provide that requests to coordinate civil works made by an undertaking that provides or is authorised to provide public electronic communications networks to an undertaking owned or controlled by public sector bodies and providing or authorised to provide public electronic communications</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>unreasonable where the civil works contribute to the deployment of an open access, non-discriminatory, very high capacity access network that meets the criteria set out in Article 3(3), point (fa).</u>		<u>network may be deemed to be unreasonable where the civil works contribute to the deployment of VHCN, referred in article 3(3), only when these are located in rural or remote areas and are owned or controlled by public sector bodies.</u> to be checked by all + fine tuning if needed
Article 5(3), first subparagraph				
154	3. A request to coordinate civil works made by an undertaking providing or authorised to provide public electronic communications networks to an undertaking providing or authorised to provide public electronic communications networks may be deemed unreasonable where both following conditions are met:	3. A request to coordinate civil works made by an undertaking providing or <u>that provides or that is</u> authorised to provide public electronic communications networks to an undertaking providing or <u>that provides or is</u> authorised to provide public electronic communications networks may be deemed <u>to be</u> unreasonable where both <u>of</u> following conditions are met:	3. A request to coordinate civil works made by an undertaking providing or authorised to provide public electronic communications networks to an undertaking providing or authorised to provide public electronic communications networks may be deemed unreasonable where both following conditions are met:	3. A request to coordinate civil works made by an undertaking providing or <u>that provides or that is</u> authorised to provide public electronic communications networks to an undertaking providing or <u>that provides or is</u> authorised to provide public electronic communications networks may be deemed <u>to be</u> unreasonable where both <u>of</u> following conditions are met:
Article 5(3), first subparagraph, point (a)				
155	(a) the request concerns an area which has been subject to either of the following:	(a) the request concerns an area which has been subject to either of the following:	(a) the request concerns an area which has been subject to either of the following:	(a) the request concerns an area which has been subject to either of the following:

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				Text Origin: Commission Proposal
	Article 5(3), first subparagraph, point (a)(i)			
156	(i) a forecast of the reach of broadband networks, including very high capacity networks pursuant to Article 22(1) of Directive (EU) 2018/1972;	(i) a forecast of the reach of broadband networks, including very high capacity networks pursuant to Article 22(1) of Directive (EU) 2018/1972;	(i) a forecast of the reach of broadband networks, including very high capacity networks <u>VHCN</u> pursuant to Article 22(1) of Directive (EU) 2018/1972;	(i) a forecast of the reach of broadband networks, including very high capacity networks <u>VHCN</u> pursuant to Article 22(1) of Directive (EU) 2018/1972;
	Article 5(3), first subparagraph, point (a)(ii)			
157	(ii) an invitation to declare the intention to deploy very high capacity networks pursuant to Article 22(3) of Directive (EU) 2018/1972;	(ii) an invitation to declare the intention to deploy very high capacity networks pursuant to Article 22(3) of Directive (EU) 2018/1972;	(ii) an invitation to declare the intention to deploy very high capacity networks <u>VHCN</u> pursuant to Article 22(3) of Directive (EU) 2018/1972;	(ii) an invitation to declare the intention to deploy very high capacity networks <u>VHCN</u> pursuant to Article 22(3) of Directive (EU) 2018/1972;
	Article 5(3), first subparagraph, point (a)(iii)			
158	(iii) a public consultation in applying Union State aid rules;	(iii) a public consultation in applying Union State aid rules;	(iii) a public consultation in applying Union State aid rules;	(iii) a public consultation in applying Union State aid rules;
	Article 5(3), first subparagraph, point (b)			
159	(b) the requesting undertaking failed to express its intention to deploy very high capacity networks	(b) the requesting undertaking failed to express its intention to deploy very high capacity networks	(b) the requesting undertaking failed to express its intention to deploy very high capacity	(b) the requesting undertaking failed to express its intention to deploy very high capacity

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	in the area referred to in point (a) in any of the most recent procedures among those listed in that point covering the period during which the request for coordination is made.	in the area referred to in point (a) in any of the most recent procedures among those listed in that point covering the period during which the request for coordination is made.	networks <u>VHCN</u> in the area referred to in point (a) in any of the most recent procedures among those listed in that point covering the period during which the request for coordination is made.	networks <u>VHCN</u> in the area referred to in point (a) in any of the most recent procedures among those listed in that point covering the period during which the request for coordination is made.
Article 5(3), second subparagraph				
160	If a request to coordinate is considered unreasonable on the basis of the first paragraph, the undertaking providing or authorised to provide public electronic communications networks refusing the coordination of civil works shall deploy physical infrastructure with sufficient capacity to accommodate possible future reasonable needs for third-party access.	If a request to coordinate is considered unreasonable on the basis of the first paragraph, the undertaking providing or <u>subparagraph, operators totally or partially publicly financed that provide or are</u> authorised to provide public electronic communications networks refusing that refuse the coordination of civil works shall deploy physical infrastructure with sufficient capacity to accommodate possible future reasonable needs for third-party access.	If a request to coordinate is considered unreasonable on the basis of the first paragraph <u>subparagraph</u> , the undertaking providing or authorised to provide public electronic communications networks refusing the coordination of civil works shall deploy physical infrastructure with sufficient capacity to accommodate possible future reasonable needs for third-party access.	If a request to coordinate is considered unreasonable on the basis of the first paragraph <u>subparagraph</u> , the undertaking providing or authorised to provide public electronic communications networks refusing that refuse the coordination of civil works shall deploy physical infrastructure with sufficient capacity to accommodate possible future reasonable needs for third-party access.
Article 5(4)				
161	4. Paragraphs 2 and 3 need not apply to civil works that are limited in scope, such as in terms of value, size or duration, or for critical national infrastructure. Member	4. Paragraphs 2 and 3 need not apply to civil works that are limited in scope, such as in terms of value, size or duration, or for critical national infrastructure. Member	4. <u>Member States may decide that</u> paragraphs 2 and 3 need <u>shall</u> not apply to civil <u>types of</u> works that are limited in scope, such as in terms of value, size or duration, or for	4. Paragraphs 2 and 3 need not apply to <u>Member States may identify, based on duly justified and proportionate reasons, the types of</u> civil works that are

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	<p>States shall identify the type of civil works considered to be limited in scope or related to critical national infrastructure based on duly justified and proportionate reasons. Information on such types of civil works shall be published via a single information point and notified to the Commission.</p>	<p>States shall identify the type of civil works considered to be limited in scope or related to critical national infrastructure based on duly justified <u>on the basis of duly substantiated</u> and proportionate reasons. Information on such types of civil works shall be published via a single information point and notified to the Commission.</p>	<p>critical national infrastructure. Member States shall identify the type of civil works considered to be limited in scope or related, <u>based on Union or national law,</u> to critical national infrastructure based on duly justified and proportionate reasons. Information on such types of civil works shall be published via a single information point. <u>Member States may decide not to publish information related to critical national infrastructure -and notified to the Commission.</u></p>	<p><u>considered to be</u> limited in scope, such as in terms of value, size or duration, or <u>related to</u> for critical national infrastructure. Member States shall identify the type <u>The justification, criteria and conditions for applying exceptions to such types</u> of civil works considered to be limited in scope or related <u>shall be published via a single information point.</u></p> <p><u>Member States may decide that public sector bodies owning or controlling physical infrastructure and all network operators shall not apply paragraphs 2 and 3 to types of civil works that relate</u> to critical national infrastructure based on duly justified and proportionate reasons. Information on such <u>or for reasons of national security identified by the Member States pursuant to first sub-paragraph.</u></p> <p><u>Public sector bodies owning or controlling physical infrastructure and all network operators may decide not to apply paragraphs 2 and 3 to</u> types of civil works shall be published via a single information point and notified <u>that</u></p>

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				<i>are identified by the Member States as limited in scope pursuant to the Commission first sub-paragraph.</i>
Article 5(5)				
162	5. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, the Commission may, in close cooperation with BEREC, provide guidance on the application of this Article.	5. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, <u>and after having taken into account well-established principles and the specific situations of each Member State,</u> the Commission may, in close cooperation with BEREC, provide guidance on the application of this Article.	5. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, the Commission may, in close cooperation with BEREC, <u>Member States may</u> provide guidance on the application of this Article.	5. <u>By [entry into force +24 months],</u> after having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, <u>and after having taken into account well-established principles and the specific situations of each Member State, the BEREC shall</u> the Commission may , in close cooperation with BEREC <u>the Commission</u> , provide <u>guidelines on the application of the provisions referred to in this Article, in particular on:</u> <u>a) apportioning the costs associated with the coordination of civil works;</u> <u>b) the criteria that the dispute settlement bodies should follow when settling disputes falling within the scope</u> guidance on the application <u> of this Article; and</u> <u>c) the criteria for ensuring</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				<u>sufficient capacity to accommodate foreseeable future reasonable needs if coordination of civil works is refused pursuant to paragraph 3.</u> Text Origin: EP Mandate
Article 6				
163	Article 6 Transparency on planned civil works	Article 6 Transparency on planned civil works	Article 6 Transparency on planned civil works	Article 6 Transparency on planned civil works
Article 6(1), first subparagraph				
164	1. In order to negotiate agreements on coordination of civil works referred to in Article 5, any network operator shall make available in electronic format via a single information point the following minimum information:	1. In order to negotiate agreements on coordination of civil works referred to in Article 5, any network operator shall make available in electronic format via a single information point the following minimum information:	1. In order to negotiate agreements on <u>request</u> coordination of civil works referred to in Article 5 <u>Articles 5.2</u> , any network operator shall make available in electronic format via a single information point the following minimum information:	1. In order to negotiate agreements on coordination of civil works referred to in Article 5, any network operator <u>and public sector bodies owning or controlling physical infrastructure</u> shall make available in electronic format via a single information point the following minimum information:
Article 6(1), first subparagraph, point (a)				
165	(a) the georeferenced location and the type of works;	(a) the georeferenced location and the type of works;	(a) the georeferenced location and the type of works;	(a) the georeferenced location and the type of works;

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 6(1), first subparagraph, point (b)				
166	(b) the network elements involved;	(b) the network elements involved;	(b) the network elements <u>of physical infrastructure</u> involved;	(b) the network elements <u>of physical infrastructure</u> involved;
Article 6(1), first subparagraph, point (c)				
167	(c) the estimated date for starting the works and their duration;	(c) the estimated date for starting the works and their duration;	(c) the estimated date for starting the works and their duration;	(c) the estimated date for starting the works and their duration; Text Origin: Commission Proposal
Article 6(1), first subparagraph, point (d)				
168	(d) the estimated date for submitting the final project to the competent authorities for granting permits, where applicable;	(d) the estimated date for submitting the final project to the competent authorities for granting permits, where applicable;	(d) the estimated date for submitting the final project to the competent authorities for granting permits, where applicable;	(d) the estimated date for submitting the final project to the competent authorities for granting permits, where applicable; Text Origin: Commission Proposal
Article 6(1), first subparagraph, point (e)				
169	(e) a contact point.	(e) a contact point.	(e) a contact point.	(e) a contact point. Text Origin: Commission Proposal
Article 6(1), second subparagraph				

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170	The network operator shall make available the information referred to in the first subparagraph for planned civil works related to its physical infrastructure. This must be done as soon as the information is available to the network operator and, in any event and where a permit is envisaged, not later than 3 months prior to the first submission of the request for a permit to the competent authorities.	The network operator shall make available <u>in advance</u> the information referred to in the first subparagraph for planned civil works related to its physical infrastructure. This must be done as soon as the information is available to the network operator and, in any event and where a permit is envisaged, not later than 3 months prior to the first submission of the request for a permit to the competent authorities.	The network operator shall make available <u>ensure that</u> the information referred to in the first subparagraph for planned civil works related to its physical infrastructure, <u>is correct and up to date and made available promptly, via a single information point</u> . This must be done as soon as the information is available to the network operator and, in any event and where a permit is envisaged, not later than 3 months prior to the first submission of the request for a permit to the competent authorities.	The network operator <u>and public sector body owning or controlling physical infrastructure</u> shall make available <u>ensure that</u> the information referred to in the first subparagraph for planned civil works related to its physical infrastructure, <u>is correct and up to date and made available promptly, via a single information point</u> . This must be done as soon as the information is available to the network operator <u>for its civil works envisaged in the following 6 months</u> and, in any event and where a permit is envisaged, not later than 3 <u>2</u> months prior to the first submission of the request for a permit to the competent authorities.
Article 6(1), second subparagraph a				
170a			<u>In order to facilitate agreements on coordination of civil works when urban roads or pavements under ownership or control of public sector bodies are built or renovated, public sector bodies shall make available in electronic format via a single information point the information referred to in the first subparagraph. This</u>	No text here, idea is covered in line 164, reference to pavements and roads in the recital Rec. 25

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<i><u>shall be done as soon as the information is available to the public sector body, in any event and where a permit is requested, not later than 3 months prior to the first submission of the request for a permit to the competent authorities.</u></i>	
Article 6(1), third subparagraph				
171	Operators shall have the right to access the minimum information referred to in the first subparagraph in electronic format, upon request, via the single information point. The request for access to information shall specify the area in which the requesting operator envisages deploying elements of very high capacity networks or associated facilities. Within 1 week from the date of the receipt of the request for information, the requested information shall be made available under proportionate, non-discriminatory and transparent terms. Access to the minimum information may be limited only to the extent necessary to ensure the security of the networks and their integrity, national security, public health or	Operators shall have the right to access the minimum information referred to in the first subparagraph in electronic format, upon <i><u>reasoned</u></i> request, via the single information point. The request for access to information shall specify the area in which the requesting operator envisages deploying elements of very high capacity networks or associated facilities. Within 1 week from <i>of</i> the date of the receipt of the request for information, the requested information shall be made available under proportionate, non-discriminatory and transparent terms. Access to the minimum information may be limited only to the extent necessary to ensure the security of the networks and their integrity, national security, <i><u>the</u></i>	Operators shall have the right to access the minimum information referred to in the first subparagraph in electronic format, upon request, via the <i>a</i> single information point. The request for access to information shall specify the area in which the requesting operator envisages deploying elements of very high capacity networks <i>VHCN</i> or associated facilities. Within 1 week <i>15 working days</i> from the date of the receipt of the request for information, the requested information shall be made available under proportionate, non-discriminatory and transparent terms. <i><u>In duly justified cases, the deadline may be extended by 15 working days.</u></i> Access to the minimum information may be limited <i><u>or refused</u></i> only to the	Operators shall have the right to access the minimum information referred to in the first subparagraph in electronic format, upon request, via the <i>a</i> single information point. The request for access to information <i>Such reasoned request</i> shall specify the area in which the requesting operator envisages deploying elements of very high capacity networks <i>VHCN</i> or associated facilities. Within 1 week <i>10 working days</i> from the date of the receipt of the request for information, the requested information shall be made available under proportionate, non-discriminatory and transparent terms. <i><u>In duly justified cases, the deadline may be extended by 5 working days.</u></i> Access to the minimum information may be

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	safety, confidentiality or operating and business secrets.	<u>security of critical infrastructure</u> , public health or safety, confidentiality or operating and business secrets.	extent necessary to ensure the security of the networks <u>including that of critical infrastructures</u> , and their integrity, national security, public health or safety, confidentiality or operating and business secrets.	limited <u>or refused</u> only to the extent necessary to ensure the security of the networks and their integrity, national security, <u>the security of critical infrastructure</u> , public health or safety, confidentiality or operating and business secrets.
Article 6(2)				
172	2. Paragraph 1 need not apply to information on civil works limited in scope, such as in terms of value, size or duration, in the case of critical national infrastructure, or for reasons of national security or emergency. Member States shall identify, based on duly justified and proportionate reasons, the civil works that would be considered limited in scope or concern critical national infrastructure, as well as the emergencies or the reasons of national security that would justify not being subject to the obligation to provide information. Information on such civil works excluded from transparency obligations shall be published via a single information point and notified to the Commission.	2. Paragraph 1 need not apply to information on civil works limited in scope, such as in terms of value, size or duration, in the case of critical national infrastructure, or for reasons of national security or emergency. Member States shall identify, based on duly justified on <u>the basis of duly substantiated</u> and proportionate reasons, the civil works that would be considered limited in scope or concern critical national infrastructure, as well as the emergencies or the reasons of national security that would justify not being subject to the obligation to provide information. Information on such civil works excluded from transparency obligations shall be published via a single information point and notified to the Commission.	2. <u>Member States may decide that</u> paragraph 1 need <u>shall</u> not apply to information on <u>types of</u> civil works <u>that are</u> limited in scope, such as in terms of value, size or duration, in the case of critical national infrastructure, or for reasons of <u>public safety</u> , national security or emergency. Member States shall identify, based on duly justified and proportionate reasons, the <u>types of</u> civil works that would be considered limited in scope or concern critical national infrastructure, as well as the emergencies or the reasons of national security that would justify not being subject to the obligation to provide information. Information on such <u>types of</u> civil works excluded from transparency obligations shall be published via a	2. Paragraph 1 need not apply to information on <u>Member States may identify, based on duly justified and proportionate reasons, the types of</u> civil works <u>considered to be</u> limited in scope, such as in terms of value, size or duration, in the case of <u>or related to</u> critical national infrastructure, <u>as well as the emergencies or the</u> or for reasons of national security or emergency. Member States shall identify, based on duly justified and proportionate reasons, the <u>that would justify not being subject to the obligation to make the minimum information available pursuant to paragraph 1.</u> <u>The justification, criteria and conditions for applying exceptions to such types of</u> civil works that

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<p>single information point. <u>Member States may decide not to publish information related to critical national infrastructure and notified to the Commission.</u></p>	<p>would be considered limited in scope or concern critical national <u>shall be published via a single information point.</u></p> <p><u>Member States may decide that public sector bodies owning or controlling physical infrastructure, as well as the emergencies or the and all network operators shall not apply paragraph 1 to types of civil works that relate to critical national infrastructure or for</u> reasons of national security that would justify not being subject to the obligation to provide information identified by the <u>Member States pursuant to first sub-paragraph.</u></p> <p><u>Public sector bodies owning or controlling physical infrastructure and all network operators may decide not to apply paragraph 1 to</u> information on such <u>types of</u> civil works excluded from transparency obligations shall be published via a single information point and notified to the Commission that are <u>limited in scope as well as for the emergency reasons identified by the Member States pursuant to first sub-paragraph.</u></p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 7				
173	Article 7 Procedure for granting permits, including rights of way	Article 7 Procedure for granting permits, including rights of way	Article 7 Procedure for granting permits; including <u>and</u> rights of way	Article 7 Procedure for granting permits; including <u>and</u> rights of way Text Origin: Council mandate
Article 7(1)				
174	1. Competent authorities shall not unduly restrict, hinder or make economically less attractive the deployment of any element of very high capacity networks or associated facilities. Member States shall ensure that any rules governing the conditions and procedures applicable for granting permits, including rights of way, required for the deployment of elements of very high capacity networks or associated facilities are consistent across the national territory.	1. Competent authorities shall not unduly restrict, hinder or make economically less attractive the deployment of any element of very high capacity networks or associated facilities. Member States shall ensure that any rules governing the conditions and procedures applicable for granting permits, including rights of way, required for the deployment of elements of very high capacity networks or associated facilities are consistent <u>and, where applicable, harmonised</u> across the national territory.	1. Competent authorities shall not unduly restrict, hinder or make economically less attractive <u>or hinder</u> the deployment of any element of very high capacity networks <u>VHCN</u> or associated facilities. Member States shall ensure <u>make their best efforts to facilitate</u> that any rules governing the conditions and procedures applicable for granting permits, including <u>and</u> rights of way, required for the deployment of elements of very high capacity networks <u>VHCN</u> or associated facilities are consistent across the national territory, <u>without prejudice to the right of the Member States to maintain rules and safeguards for the protection of public safety.</u>	1. Competent authorities shall not unduly restrict, hinder or make economically less attractive <u>or hinder</u> the deployment of any element of very high capacity networks <u>VHCN</u> or associated facilities. Member States shall ensure <u>make their best efforts to facilitate</u> that any rules governing the conditions and procedures applicable for granting permits, including <u>and</u> rights of way, required for the deployment of elements of very high capacity networks <u>VHCN</u> or associated facilities are consistent across the national territory. Text Origin: Council mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 7(2)			
175	2. Competent authorities shall make available all information on the conditions and procedures applicable for granting permits, including rights of way, including any information on exemptions on some or all permits or rights of way required under national or Union law, via a single information point in electronic format.	2. Competent authorities shall make available all information on the conditions and procedures applicable for granting permits, including rights of way, including any information on exemptions on some or all permits or rights of way required under national or Union law <u>and ways to submit applications in electronic format and retrieve information on the status of the application</u> , via a single information point in electronic format.	2. Competent authorities shall make available all information on the conditions and procedures applicable for granting permits, including and rights of way <u>which are granted via administrative procedures</u> , including any information on exemptions on some or all permits or rights of way required under national or Union law, via a single information point in electronic format.	2. Competent authorities shall make available all information on the conditions and procedures applicable for granting permits, including and rights of way, <u>which are granted via administrative procedures</u> , including any information on exemptions on some or all permits or rights of way required under national or Union law <u>and ways to submit applications in electronic format and retrieve information on the status of the application</u> , via a single information point in electronic format. Text Origin: EP Mandate
	Article 7(3)			
176	3. Any operator shall have the right to submit, via a single information point in electronic format, applications for permits or rights of way and to retrieve information about the status of its application.	3. Any operator shall have the right to submit, via a single information point in electronic format, applications for <u>all necessary</u> permits or rights of way and to retrieve information about the status of its application.	3. Any operator <u>Competent authorities</u> shall have the right to ensure that operators can submit, via a single information point in electronic format, applications for permits, or rights of way and to retrieve information about the status of its application.	3. Any operator shall have the right to submit, via a single information point in electronic format, applications for <u>all necessary</u> permits, <u>or renewals thereof</u> , or rights of way and to retrieve information about the status of its application. <u>Member</u>

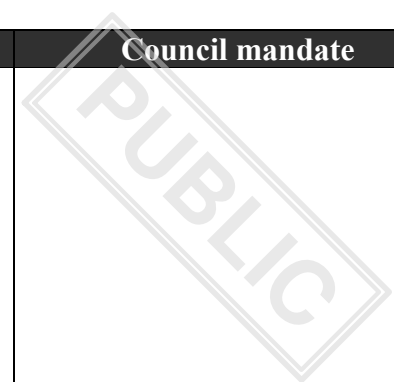
	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<u>Member states may specify detailed procedures to retrieve the information.</u>	<u>states may specify detailed procedures to retrieve the information.</u> Text Origin: EP Mandate
Article 7(4)				
177	4. The competent authorities shall, within 15 working days from its receipt, reject applications for permits, including for rights of way, for which the minimum information has not been made available via a single information point, pursuant to Article 6(1) first subparagraph, by the same operator which applies for that permit.	4. The competent authorities shall, within 15 working days from its <u>of the date of</u> receipt, reject applications for permits, including for rights of way, for which the minimum information has not been made available via a single information point, pursuant to Article 6(1) first subparagraph, by the same operator which applies for that permit.	Deleted	4. The competent authorities shall <u>may</u> , within 15 working days from its receipt, reject applications for permits, including for rights of way, for which the minimum information has not been made available via a single information point, pursuant to Article 6(1) first subparagraph, by the same operator which applies for that permit. Text Origin: Commission Proposal
Article 7(5), first subparagraph				
178	5. The competent authorities shall grant or refuse permits, other than rights of way, within 4 months from the date of the receipt of a complete permit application.	5. The competent authorities shall grant or refuse permits, other than rights of way, within 4 <u>two</u> months from the date of the receipt of a complete permit application <u>of expiry of the deadline set out in the second subparagraph or within the deadline set by national law, whichever is shorter.</u>	5. The competent authorities shall grant or refuse permits, other than rights of way, within <u>a maximum of</u> 4 months from the date of the receipt of a complete permit application.	5. The competent authorities shall grant or refuse permits, other than rights of way, within 4 months from the date of the receipt of a complete permit application. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 7(5), second subparagraph			
Y	179	<p>The completeness of the application for permits or rights of way shall be determined by the competent authorities within 15 days from the receipt of the application. Unless the competent authorities invited the applicant to provide any missing information within that period, the application shall be deemed complete.</p> <p><u>The competent authorities shall determine</u> the completeness of the application for permits or rights of way shall be determined by the competent authorities within 15 days from the<u>of</u> receipt of the application. Unless<u>If</u> the competent authorities invited<u>do not invite</u> the applicant to provide any missing information within that period, the application<u>two-month deadline set out in the first subparagraph</u> shall be deemed complete<u>start on the fifteenth day after receipt of the application</u>.</p>	<p>The completeness of the application for permits or rights of way shall be determined by the competent authorities within 15<u>20</u> working days from the receipt of the application. Unless the competent authorities invited the applicant to provide any missing information within that period, the application shall be deemed complete.</p>	<p>The completeness of the application for permits or rights of way shall be determined by the competent authorities within 15<u>20</u> working days from the receipt of the application. Unless the Competent authorities invited<u>shall invite</u> the applicant to provide any missing information within that period, the application shall be deemed complete.</p> <p>Text Origin: Commission Proposal</p>
	Article 7(5), third subparagraph			
G	180	<p>The first and second subparagraph shall be without prejudice to other specific deadlines or obligations laid down for the proper conduct of the procedure that are applicable to the permit-granting procedure, including appeal proceedings, in accordance with Union law or national law in compliance with Union law <u>and without prejudice</u></p>	<p>The first and second subparagraph shall be without prejudice to other specific deadlines or obligations laid down for the proper conduct of the procedure that are applicable to the permit-granting procedure, including appeal proceedings, in accordance with Union law or national law in compliance with Union law.</p>	<p>The first and second subparagraph<u>subparagraphs</u> shall be without prejudice to other specific deadlines or obligations laid down for the proper conduct of the procedure that are applicable to the permit-granting procedure, including appeal proceedings, in accordance with Union law or national law in compliance with Union law <u>and without prejudice</u></p>

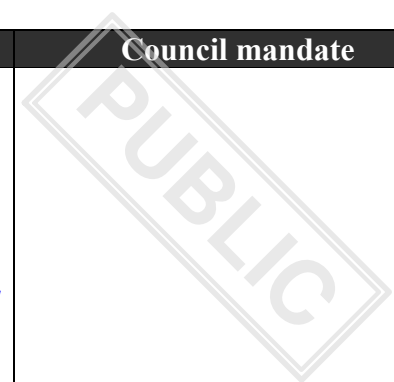
	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>to rules that grant the applicant additional rights or aim to ensure the fastest possible granting of permits.</u>		<u>to rules that grant the applicant additional rights or aim to ensure the fastest possible granting of permits.</u> Text Origin: EP Mandate
Article 7(5), fourth subparagraph				
181	By way of exception and based on a justified reason set out by a Member State, the 4 month deadline referred to in the first subparagraph and in paragraph 6 may be extended by the competent authority on its own motion. Any extension shall be the shortest possible. Member States shall set out the reasons justifying such an extension, publish them in advance via single information points and notify them to the Commission.	By way of exception and based on a justified reason <u>In exceptional and duly substantiated cases and for reasons falling within one of those</u> set out in advance by the <u>by a</u> Member State, the 4 <u>two</u> month deadline referred to in the first subparagraph and in paragraph 6 may be extended by the competent authority on its own motion. Any extension shall be the shortest possible <u>by a period no longer than three months</u> . Member States shall set out the reasons justifying such an extension, publish them in advance via single information points and notify them to the Commission.	By way of exception and based on a justified reason set out by a Member State , the 4 month deadline referred to in the first subparagraph and in paragraph 6 may be extended by the competent authority on its own motion. Any extension shall be the shortest possible <u>and not exceed 4 months except where required to meet other specific deadlines or obligations laid down for the proper conduct of the procedure that are applicable to the permit-granting procedure, including appeal proceedings, in accordance with Union law or national law in compliance with Union law</u> . Member States shall set out the reasons justifying such an extension, <u>and</u> publish them in advance via single information points and notify them to the Commission.	By way of exception and based on a justified reason set out by a Member State, the 4 month <u>Member States shall set out the reasons which could justify, in exceptional and duly substantiated cases, extension by the competent authority, acting on its own motion, of the</u> deadline referred to in the first subparagraph and in paragraph 6, <u>and publish them in advance via a single information point</u> may be extended by the competent authority on its own motion. Any extension shall be the shortest possible. Member States shall set out the reasons justifying such <u>and not exceed 4 months except where required to meet other specific deadlines or obligations laid down for the proper conduct of the procedure that are applicable to</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				<p><u>the permit-granting procedure, including appeal proceedings, in accordance with Union law or with national law, in accordance with Union law.</u></p> <p>An extension, publish them in advance via single <u>may not be requested in order to obtain missing</u> information points and notify them <u>which the competent authority has failed to request from the applicant pursuant</u> to the Commission <u>second-subparagraph of this paragraph.</u></p>
Article 7(5), fifth subparagraph				
182	Any refusal of a permit or right of way shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.	Any refusal of a permit or right of way shall be duly justified <u>substantiated</u> on the basis of objective, transparent, non-discriminatory and proportionate criteria.	Any refusal of a permit or <u>a</u> right of way shall be duly justified on the basis of objective, transparent, non-discriminatory and proportionate criteria.	Any refusal of a permit or <u>a</u> right of way shall be duly justified <u>substantiated</u> on the basis of objective, transparent, non-discriminatory and proportionate criteria. Text Origin: EP Mandate
Article 7(6)				
183	6. By way of derogation from Article 43(1), point (a) of Directive (EU) 2018/1972, where rights of	6. By way of derogation from Article 43(1), point (a) of Directive (EU) 2018/1972, where rights of	6. By way of derogation from Article 43(1), point (a) of Directive (EU) 2018/1972, where rights of	6. By way of derogation from Article 43(1), point (a) of Directive (EU) 2018/1972, where rights of

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	way over or under public or private property are required for the deployment of elements of very high capacity networks or associated facilities in addition to permits, competent authorities shall grant such rights of way within the 4 month period from the date of receipt of the application.	way over or under public or private property are required for the deployment of elements of very high capacity networks or associated facilities in addition to permits, competent authorities shall grant <u>or refuse</u> such rights of way within the 4 <u>two</u> month period <u>or deadline set by national law, whichever is shorter</u> , from the date of receipt of the application.	way <u>on</u> , over or under public, <u>or where applicable</u> , or private property, <u>with the prior authorisation of the owner or in accordance with national law</u> , are required for the deployment of elements of very high capacity networks <u>VHCN</u> or associated facilities in addition to permits, competent authorities shall grant such rights of way within the 4 month period from the date of receipt of the <u>complete</u> application <u>except in the case of expropriation</u> .	way <u>on</u> , over or under public, <u>or where applicable</u> , or private property, <u>with the prior authorisation of the owner or in accordance with national law</u> , are required for the deployment of elements of very high capacity networks <u>VHCN</u> or associated facilities in addition to permits, competent authorities shall grant such rights of way within the 4 month <u>months</u> period <u>or deadline set by national law, whichever is shorter</u> , from the date of receipt of the <u>complete</u> application <u>except in the case of expropriation</u> . Text Origin: Council mandate
	Article 7(6a)(7)			
184	7. In the absence of a response from the competent authority within the 4-month deadline referred to in paragraphs 5 first subparagraph, and unless such deadline is extended pursuant to paragraph 5 fourth subparagraph, the permit shall be deemed to have been granted. This shall also apply in the case of rights of way referred to in paragraph 6.	7. In the absence of a response from the competent authority within the 4 <u>two</u> month deadline referred to in paragraphs 5 first subparagraph, and unless such deadline is extended pursuant to paragraph 5 fourth subparagraph, the permit shall be deemed to have been granted, <u>except where the principle of administrative tacit approval does not exist in the national legal system</u> . This shall	Deleted	Wording from the 2nd trilogue will be inserted here



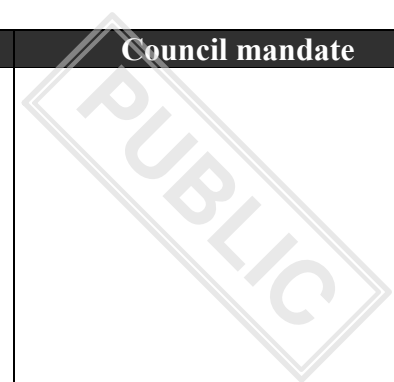
	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		also apply in the case of rights of way referred to in paragraph 6. <u>Upon request, the operator or any legal person with status of a party to the administrative procedure, shall be entitled to receive written confirmation that the permit has been granted.</u>		
Article 7(7), second subparagraph				
184a		<u>This Article shall be without prejudice to the possibility of Member States to introduce further incentives for competent authorities to speed up the permit granting procedure.</u>		<u>This Article shall be without prejudice to the possibility of Member States to introduce further provisions for competent authorities to speed up the permit granting procedure.</u> Text Origin: EP Mandate
Article 7(7), second subparagraph				
184b		<u>7a. Competent authorities shall renew the permit granted to an operator for civil works necessary for the deployment of elements of very high capacity networks or associated facilities only in cases where for objectively justified reasons, the civil works could not start or be concluded before the expiration of the validity of the</u>		<u>7a. Competent authorities may renew the permit granted to an operator for civil works necessary for the deployment of elements of VHCN or associated facilities in cases where for objectively justified reasons, the civil works could not start or be concluded before the expiration of the validity of the permit. The renewal</u>



	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>permit. The permit shall be renewed upon request from the operator made via the single information point without requirement for additional procedures. Competent authorities shall renew the permit for a period which shall not exceed the period of validity of the original permit.</u>		<u>of the permit shall be granted without additional procedural requirements for the operators.</u> Text Origin: EP Mandate
Article 7(7), second subparagraph				
184c		<u>7b. Civil works which consist in mere repair and maintenance works or upgrades of existing installations, shall not be subject to any permit granting procedure provided that they require only a minor intervention compared to the initial civil works for which the permit was granted. The delegated acts referred to in paragraph 8 shall specify the categories of deployment that are not subject to a permit granting procedure for the purpose of this paragraph.</u>		<u>7b. Civil works which consist in mere repair and maintenance works or upgrades of existing installations, shall not be subject to any permit granting procedure provided that they require only a minor intervention compared to the initial civil works for which the permit was granted. [The delegated acts referred to in paragraph 8 shall specify the categories of deployment that are not subject to a permit granting procedure for the purpose of this paragraph.]</u> Deleted, no text here Text Origin: EP Mandate
Article 7(8)				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
185	<p>8. The Commission shall, by means of an implementing act, specify categories of deployment of elements of very high capacity networks or associated facilities that shall not be subject to any permit-granting procedure within the meaning of this Article. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 13.</p>	<p>8. <u>By... [6 months after the date of entry into force of this Regulation], the Commission shall after consulting relevant stakeholders, adopt delegated acts in accordance with Article 13, supplementing this Regulation by specifying a minimum list of, by means of an implementing act, specify</u> categories of deployment of elements of very high capacity networks or associated facilities that shall not be subject to any permit-granting procedure within the meaning of this Article. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 13, including of paragraph 7b, without prejudice to the right of Member States to exempt other categories of deployment of elements of very high capacity networks or associated facilities from permit-granting.</p>	<p>8. The Commission shall, by means of an implementing act <u>Member states may in accordance with national law,</u> specify categories of deployment of elements of very high capacity <u>networks VHCN</u> or associated facilities that shall not be subject to any permit-granting procedure within the meaning of this Article. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 13.</p>	<p>8. The Commission shall, by means of an implementing act, specify categories of deployment of elements of very high capacity networks or associated facilities that <u>1. Civil works which consist in:</u></p> <ul style="list-style-type: none"> <u>- repair and maintenance works which are limited in scope, such as in terms of value, size, impact and duration;</u> <u>- limited technical upgrades of existing works or installations, with limited impact, or</u> <u>- small-scale civil works that are limited in scope, such as in terms of value, size, impact or duration required for the deployment of VHCN;</u> <p><u>shall not be subject to any permit-granting procedure within the meaning of this Article.</u></p> <p><u>2. Based on duly justified and proportionate reasons, Member States shall identify the types of small-scale civil works to which this paragraph applies considered to be limited in scope. Information on such types of civil works shall</u></p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			<div data-bbox="1187 159 1545 510">PUBLIC</div>	<p><u>be published via a single information point.</u></p> <p><u>3. By way of derogation from the paragraph 1 and subject to the procedure laid down in paragraph 4, competent authorities may require permits for the deployment of elements of VHCN or associated facilities in the following situations:</u></p> <p><u>- on physical infrastructure or certain categories of physical infrastructure for reasons of architectural, historical, religious or environmental value, or for reasons otherwise protected in accordance with national law; or</u> <u>- where necessary for reasons of public security, defense, safety, environmental or public health, or to protect the security of critical infrastructure.</u></p> <p><u>4. Member States shall identify such categories of physical infrastructure in their territories based on duly justified and proportionate reasons. The list of categories of physical infrastructure and the criteria applied to identify them, shall be</u></p>



	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				<p><u>published via a single information point.</u></p> <p><u>5. Member States may require operators which plan to carry out civil works covered by this paragraph to notify the competent authorities, prior to the start of the works, of their intention to start the civil works.</u></p> <p><u>This notification shall not entail more than a declaration by the operator of its intention to start the civil works and the submission of minimum information which is required to allow competent authorities to assess whether those works are covered by the derogation set out in the second subparagraph. Minimum information shall include at least the date when the civil works are expected to start, their duration, contact details of the person undertaking the works and the area concerned by the works.</u> shall not be subject to any permit-granting procedure within the meaning of this Article. This implementing act shall be adopted in accordance with the examination procedure referred to</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				<p>in Article 13:</p> <p>this line will create a new Article 7a (after art 7): 'Exemptions from permit granting procedures'</p>
Article 7(9)				
186	<p>9. Competent authorities shall not subject the deployment of elements referred to in paragraph 8 to any individual town planning permit or other individual prior permits. By way of derogation, competent authorities may require permits for the deployment of elements of very high capacity networks or associated facilities on buildings or sites of architectural, historical, religious or natural value protected in accordance with national law or where necessary for public safety reasons.</p>	<p>9. Competent authorities shall not subject the deployment of elements referred to in paragraph 8 to any individual town planning permit or other individual prior permits. By way of derogation, competent authorities may <u>also</u> require permits for the deployment of elements of very high capacity networks or associated facilities on buildings or sites of architectural, historical, religious or natural value, <u>of a special status</u> protected in accordance with national law, <u>regional or local regulations</u> or where necessary for public <u>health and</u> safety reasons <u>or for reasons of national security</u>.</p>	<p>9. Competent authorities shall not subject the deployment of elements referred to in paragraph 8 to any individual town planning permit or other individual prior permits. By way of derogation, competent authorities may <u>Member States may, inter alia,</u> require permits for the deployment of elements of very high capacity networks <u>VHCN</u> or associated facilities on buildings or sites of architectural, historical, religious or natural <u>environmental</u> value protected in accordance with national law or where necessary for public safety, <u>security of critical infrastructure or environmental</u> reasons.</p>	<p>9. Competent authorities shall not subject the deployment of elements referred to in paragraph 8 to any individual town planning permit or other individual prior permits. By way of derogation, competent authorities may <u>Member States may, inter alia,</u> require permits for the deployment of elements of very high capacity networks <u>VHCN</u> or associated facilities on buildings or sites of architectural, historical, religious or natural <u>environmental</u> value protected in accordance with national law or where necessary for public safety, <u>security of critical infrastructure or environmental</u> reasons.</p> <p>Text Origin: Council mandate</p>
Article 7(10)				
187	<p>10. Permits, other than rights of</p>	<p>10. Permits, other than rights of</p>	<p>10. Permits, other than rights of</p>	<p>10. Permits, other than rights of</p>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	way, required for the deployment of elements of very high capacity networks or associated facilities shall not be subject to any fees or charges going beyond administrative costs as provided for, mutatis mutandis, in Article 16 of Directive (EU) 2018/1972.	way, required for the deployment of elements of very high capacity networks or associated facilities shall not be subject to any fees or charges going beyond administrative costs as provided for, <i>mutatis mutandis</i> mutatis mutandis , in Article 16 of Directive (EU) 2018/1972.	way, required for the deployment of elements of very high capacity networks <i>VHCN</i> or associated facilities shall not be subject to any fees or charges going beyond administrative costs as provided for, <i>mutatis mutandis</i> mutatis mutandis , in Article 16 of Directive (EU) 2018/1972.	way, required for the deployment of elements of very high capacity networks <i>VHCN</i> or associated facilities shall not be subject to any fees or charges going beyond administrative costs as provided for, <i>mutatis mutandis</i> mutatis mutandis , in Article 16 of Directive (EU) 2018/1972. Text Origin: Council mandate
Article 7(11)				
Y	188	11. Any operator that has suffered damage as a result of non-compliance with the deadlines applicable under paragraphs 5 and 6 shall receive compensation for the damage suffered, in accordance with national law.	Deleted	part of a trilogue package
Article 7(11a)				
Y	188a	<i><u>11a. The Commission shall monitor the implementation of this Article in the Member States. To that end Member States shall report annually to the Commission the status of their implementation and on whether the conditions listed therein have</u></i>		part of a trilogue package

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>been met.</u>		
	Article 7(11b)			
G	188b	<u>11b. The procedure established in this Article shall apply without prejudice to Article 57 of the Directive (EU) 2018/1972.</u>		<u>11b. The procedure established in this Article shall apply without prejudice to Article 57 of the Directive (EU) 2018/1972.</u> Text Origin: EP Mandate
	Article 7(11c)			
Y	188c	<u>11c. Member States shall designate a single body responsible to coordinate the procedures related to granting permits.</u>		part of a trilogue package
	Article 8			
G	189	Article 8 In-building physical infrastructure and fibre wiring	Article 8 In-building physical infrastructure and fibre wiring	Article 8 In-building physical infrastructure and fibre wiring
	Article 8(1)			
G	190	1. All buildings at the end user's location, including elements under joint ownership, newly constructed	1. All buildings at the end user's location, including elements under joint ownership, newly constructed	1. <u>1. All newly constructed</u> All buildings at the end user's location, and those undergoing

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	or undergoing major renovation works, for which applications for building permits have been submitted after [ENTRY INTO FORCE + 12 MONTHS], shall be equipped with a fibre-ready in-building physical infrastructure up to the network termination points as well as with in-building fibre wiring.	or undergoing major renovation works, for which applications for building permits have been submitted after [ENTRY INTO FORCE + 12 MONTHS], shall be equipped with a fibre-ready in-building physical infrastructure up to the network termination points as well as with in-building fibre wiring.	user's location , including <u>multi-dwelling buildings containing</u> elements under joint ownership, newly constructed or undergoing major renovation works <u>at the end-user's location</u> , for which applications for building permits have been submitted after [ENTRY INTO FORCE + 12 MONTHS] <u>24 months after the date of entry into force of this Regulation</u> , shall be equipped with a <u>building access point, a</u> fibre-ready in-building physical infrastructure, <u>and the in-building fibre wiring, including connections</u> up to the network termination points, <u>or, in those Member States where it is allowed to place the network termination point outside the end user's particular location, up to the physical point where the end user connects to access the public network</u> as well as with in-building fibre wiring .	<u>major renovation works</u> , including elements under joint ownership, newly constructed or undergoing major renovation works , for which applications for building permits have been submitted after [ENTRY INTO FORCE + 12 MONTHS] <u>24 months after the date of entry into force of this Regulation</u> , shall be equipped with a fibre-ready in-building physical infrastructure, <u>and in-building fibre wiring, including connections</u> up to the network termination points as well as with in-building fibre wiring <u>physical point where the end user connects to the public network</u> . Come back to the timeline Timeline in [] still to be decided.
Article 8(2)				
191	2. All multi-dwelling buildings newly constructed or undergoing major renovation works, for which applications for building permits have been submitted after [ENTRY	2. All multi-dwelling buildings newly constructed or undergoing major renovation works, for which applications for building permits have been submitted after [ENTRY	Deleted	2. All multi-dwelling buildings newly constructed or <u>those</u> undergoing major renovation works, for which applications for building permits have been

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	INTO FORCE + 12 MONTHS], shall be equipped with an access point.	INTO FORCE + 12 MONTHS], shall be equipped with an access point.		submitted after- [ENTRY INTO FORCE + 12 MONTHS] <u>24 months after the date of entry into force of this Regulation</u>], shall be equipped with an access point. Come back to timeline.
Article 8(3)				
192	3. By [ENTRY INTO FORCE + 12 MONTHS], all buildings at the end-users' location, including elements thereof under joint ownership, undergoing major renovations as defined in point 10 of Article 2 of Directive 2010/31/EU shall be equipped with a fibre-ready in-building physical infrastructure, up to the network termination points, as well as with in-building fibre wiring. All multi-dwelling buildings undergoing major renovations as defined in point 10 of Article 2 of Directive 2010/31/EU shall also be equipped with an access point.	3. By [ENTRY INTO FORCE + 12 MONTHS], all buildings at the end-users' location, including elements thereof under joint ownership, undergoing major renovations as defined in point 10 of Article 2 of Directive 2010/31/EU shall be equipped with a fibre-ready in-building physical infrastructure, up to the network termination points, as well as with in-building fibre wiring. All multi-dwelling buildings undergoing major renovations as defined in point 10 of Article 2 of Directive 2010/31/EU shall also be equipped with an access point.	3. <u>If it does not disproportionately increase the costs of the renovation works and is technically feasible, by 24 months after the date of enter into force of this Regulation</u> By [ENTRY INTO FORCE + 12 MONTHS] , all buildings at the end-users' location, including elements thereof under joint ownership, undergoing major renovations as defined in point 10 of Article 2 of Directive 2010/31/EU shall be equipped with a <u>building access point, a</u> fibre-ready in-building physical infrastructure, <u>and the in-building fibre wiring, including connections</u> up to the network termination points, as well as with in-building fibre wiring. All multi-dwelling buildings undergoing major renovations as defined in point 10 of Article 2 of Directive	3. By [ENTRY INTO FORCE + 12 MONTHS], all buildings at the end-users' location <u>If it does not disproportionately increase the costs of the renovation works and is technically feasible, by 24 months after the date of enter into force of this Regulation, all buildings</u> , including elements thereof under joint ownership, undergoing major renovations as defined in point 10 of Article 2 of Directive 2010/31/EU, shall be equipped with a fibre-ready in-building physical infrastructure, <u>and in-building fibre wiring, including connections</u> up to the network termination points, as well as with in-building fibre wiring <u>physical point where the end user connects to the public network</u> . All multi-dwelling buildings undergoing major

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			2010/31/EU shall also be equipped with an <u>in those Member States where it is allowed to place the network termination point outside the end user's particular location, up to the physical point where the end user connects to</u> access point <u>the public network.</u>	renovations as defined in point 10 of Article 2 of Directive 2010/31/EU, shall also be equipped with an access point. need to align the recitals, tbc, related to NTP
Article 8(4)				
193	4. Member States shall adopt the relevant standards or technical specifications that are necessary for the implementation of paragraphs 1, 2 and 3 before [ENTRY INTO FORCE + 9 months]. Those standards or technical specifications shall set at least:	4. Member States shall, <u>in cooperation with operators and on the basis of industry best practices</u> adopt the relevant standards or technical specifications that are necessary for the implementation of paragraphs 1, 2 and 3 before [ENTRY INTO FORCE + 9 months <u>MONTHS</u>]. Those standards or technical specifications <u>shall easily allow ordinary maintenance activities for the individual fibre wirings used by each operator to provide very high capacity network services and</u> shall set at least:	4. Member States shall adopt the relevant standards or technical specifications that are necessary for the implementation of paragraphs 1, 2 and 3 before [ENTRY INTO FORCE + 9 months] <u>at the latest 18 months after the date of enter into force of this Regulation</u> . Those standards or technical specifications shall set at least <u>may include:</u>	4. Member States shall, <u>in consultation with interested parties and on the basis of industry best practices</u> adopt the relevant standards or technical specifications that are necessary for the implementation of paragraphs 1, 2 and 3 before [ENTRY INTO FORCE + 9 months <u>9/18 MONTHS</u>]. Those standards or technical specifications <u>shall easily allow ordinary maintenance activities for the individual fibre wirings used by each operator to provide very high capacity network services and</u> shall set at least: to come back to the timeline
Article 8(4), point (a)				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
194	(a) the building access point specifications and fibre interface specifications;	(a) the building access point specifications and fibre interface specifications;	(a) the building access point specifications and fibre interface specifications;	(a) the building access point specifications and fibre interface specifications; Text Origin: Commission Proposal
Article 8(4), point (b)				
195	(b) cable specifications;	(b) cable specifications;	(b) cable specifications;	(b) cable specifications; Text Origin: Commission Proposal
Article 8(4), point (c)				
196	(c) socket specifications;	(c) socket specifications;	(c) socket specifications;	(c) socket specifications; Text Origin: Commission Proposal
Article 8(4), point (d)				
197	(d) specifications of pipes or micro-ducts;	(d) specifications of pipes or micro-ducts;	(d) specifications of pipes <u>conduits</u> or micro-ducts;	(d) specifications of pipes <u>conduits</u> or micro-ducts; Text Origin: Council mandate
Article 8(4), point (e)				
198	(e) technical specifications needed	(e) technical specifications needed	(e) technical specifications needed	(e) technical specifications needed

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	to prevent interference with electrical cabling;	to prevent interference with electrical cabling;	to prevent interference with electrical cabling;	to prevent interference with electrical cabling; <small>Text Origin: Commission Proposal</small>
	Article 8(4), point (f)			
G 199	(f) the minimum bend radius.	(f) the minimum bend radius.	(f) the minimum bend radius.;	(f) the minimum bend radius. <small>Text Origin: Commission Proposal</small>
	Article 8(4), point (fa)			
G 199a			<u>(fa) technical specifications for the cabling installation.</u>	<u>(fa) technical specifications for the cabling installation.</u> <small>Text Origin: Council mandate</small>
	Article 8(5)			
R 200	5. Buildings equipped in accordance with this Article shall be eligible to receive a 'fibre-ready' label.	5. Buildings equipped in accordance with this Article shall be eligible to receive a 'fibre-ready' label.	5. Buildings equipped in accordance with this Article shall be eligible, <u>on a voluntary basis and following the procedures set up by Member states</u> , to receive a 'fibre-ready' <u>label, where Member States have chosen to introduce such a</u> label.	<u>Check status of and align with Energy Performance of Buildings Dir. 'Smart readiness indicator' after trilogue on 6/12/23</u>
	Article 8(6)			

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
201	6. Member States shall set up certification schemes for the purpose of demonstrating compliance with the standards or technical specifications referred to in paragraph 4 as well as for qualifying for the 'fibre-ready' label provided for in paragraph 5 before [ENTRY INTO FORCE + 12 months]. Member States shall make the issuance of the building permits referred to in paragraphs 1 and 2 conditional upon compliance with the standards or technical specifications referred to in this paragraph on the basis of a certified test report.	6. Member States shall set up certification schemes for the purpose of demonstrating compliance with the standards or technical specifications referred to in paragraph 4 as well as for qualifying for the 'fibre-ready' label provided for in paragraph 5 before [ENTRY INTO FORCE + 12 months]. Member States shall make the issuance of the building permits referred to in paragraphs 1 and 2 conditional upon compliance with the standards or technical specifications referred to in this paragraph on the basis of a certified test report.	6. Member States shall <u>may</u> set up certification schemes for the purpose of demonstrating compliance with the standards or technical specifications referred to in paragraph 4 as well as for qualifying for the 'fibre-ready' label provided for in paragraph 5 before [ENTRY INTO FORCE + 12 months] . Member States shall <u>may</u> make the issuance of the building permits referred to in paragraphs 1 and 2 <u>3</u> conditional upon compliance with the standards or technical specifications referred to in this paragraph on the basis of a <u>technical project, and when applicable, the permit to use the building for its intended purpose after completion of construction, on the basis of a</u> certified test report <u>or a similar procedure set up by Member States, which could include on-site inspection of the buildings or a representative sample of them.</u>	6. Member States shall <u>shall/may</u> set up certification schemes for the purpose of demonstrating compliance with the standards or technical specifications referred to in paragraph 4 as well as for qualifying for the 'fibre-ready' label provided for in paragraph 5 before [ENTRY INTO FORCE + 12 months]. Member States shall <u>shall/may</u> make the issuance of the building permits referred to in paragraphs 1 and 2 conditional upon compliance with the standards or technical specifications referred to in this paragraph on the basis of a certified test report. Text Origin: EP Mandate
Article 8(7)				
202	7. Paragraphs 1, 2 and 3 shall not apply to certain categories of	7. Paragraphs 1, 2 and 3 shall not apply to certain categories of	7. Paragraphs 1, 2 and 3 shall not apply to certain categories of	7. Paragraphs 1, 2 and 3 shall not apply to certain categories of

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	buildings, in particular single-dwelling buildings, where compliance with those paragraphs is disproportionate, in particular in terms of costs for individual or joint owners based on objective elements.	buildings, in particular single-dwelling buildings, where compliance with those paragraphs is disproportionate, in particular in terms of costs for individual or joint owners based on <u>on the basis of</u> objective elements. <u>Member States shall identify such categories of buildings on the basis of duly substantiated, proportionate reasons.</u>	buildings, in particular single-dwelling buildings , where compliance with those paragraphs is disproportionate, in particular in terms of costs for individual or joint owners based on objective elements. <u>Member States shall identify such categories of buildings based on duly justified and proportionate reasons.</u>	buildings, in particular single-dwelling buildings , where compliance with those paragraphs is disproportionate, in particular in terms of costs for individual or joint owners based on objective elements. <u>Member States shall identify such categories of buildings based on duly justified and proportionate reasons.</u>
Article 8(8)				
203	8. Paragraphs 1, 2 and 3 need not apply to certain types of buildings, such as specific categories of monuments, historic buildings, military buildings and buildings used for national security purposes, as defined by national law. Member States shall identify such categories of buildings based on duly justified and proportionate reasons. Information on such categories of buildings shall be published via a single information point and notified to the Commission.	8. Paragraphs 1, 2 and 3 need not apply to certain types of buildings, such as specific categories of monuments, historic buildings, military buildings and buildings used for national security purposes, as defined by national law. Member States shall identify such categories of buildings based on <u>duly justified and on the basis of duly substantiated</u> , proportionate reasons. Information on such categories of buildings shall be published via a single information point and notified to the Commission.	8. <u>Member States may decide that</u> paragraphs 1, 2 -and 3 need not <u>shall not apply, or</u> apply <u>with proper technical adaptations</u> , to certain types of buildings, such as specific categories of monuments, historic buildings, military buildings and buildings used for national security purposes, as defined by national law. Member States shall identify such categories of buildings based on duly justified and proportionate reasons. Information on such categories of buildings shall be published via a single information point and notified to the Commission.	8. Paragraphs 1, 2 and 3 need not apply to certain <u>Member States shall identify, based on duly substantiated and proportionate reasons, the</u> types of - buildings, such as specific categories of monuments, historic buildings, military buildings and buildings used for national security purposes, as defined by national law: Member States shall identify such categories of buildings based on duly justified and proportionate reasons, that shall be exempted from the obligations provided for in paragraphs 1, 2 and 3 or to which these obligations shall apply with proper technical adaptations . Information on such

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				categories of buildings shall be published via a single information point and notified to the Commission.
Article 9				
204	Article 9 Access to in-building physical infrastructure	Article 9 Access to in-building physical infrastructure	Article 9 Access to in-building physical infrastructure	Article 9 Access to in-building physical infrastructure
Article 9(1)				
205	1. Subject to paragraph 3, first subparagraph, any public electronic communications network provider shall have the right to roll out its network at its own costs up to the access point.	1. Subject to paragraph 3, first subparagraph, <u>and without prejudice to property rights</u> , any public electronic communications network provider shall have the right to roll out its network at its own costs up to the access point.	1. Subject to paragraph 3, first subparagraph, any <u>provider of</u> public electronic communications network provider <u>networks</u> shall have the right to roll out its network at its own costs up to the <u>building</u> access point.	1. Subject to paragraph 3, first subparagraph, <u>and without prejudice to property rights</u> , any <u>provider of</u> any public electronic communications network <u>provider networks</u> shall have the right to roll out its network at its own costs up to the access point.
Article 9(2)				
206	2. Subject to paragraph 3, any public electronic communications network provider shall have the right to access any existing in-building physical infrastructure with a view to deploying elements of very high capacity networks if	2. Subject to paragraph 3, any public electronic communications network provider shall have the right to access any existing in-building physical infrastructure with a view to deploying elements of very high capacity networks if	2. Subject to paragraph 3, any <u>provider of</u> public electronic communications network <u>provider networks</u> shall have the right to access any existing in-building physical infrastructure with a view to deploying elements	2. Subject to paragraph 3, any <u>provider of</u> public electronic communications network <u>provider networks</u> shall have the right to access any existing in-building physical infrastructure with a view to deploying elements

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	duplication is technically impossible or economically inefficient.	duplication is technically impossible or economically inefficient.	of very high capacity networks <u>VHCN</u> if duplication is technically impossible or economically inefficient.	of very high capacity networks <u>VHCN</u> if duplication is technically impossible or economically inefficient.
Article 9(3), first subparagraph				
207	3. Any holder of a right to use the access point and the in-building physical infrastructure shall meet all reasonable requests for access to the access point and the in-building physical infrastructure from public electronic communications network providers under fair and non-discriminatory terms and conditions, including price, where appropriate.	3. Any holder of a right to use the access point and the in-building physical infrastructure shall meet all reasonable <u>written</u> requests for access to the access point and the in-building physical infrastructure from public electronic communications network providers under fair and non-discriminatory terms and conditions, including price, where appropriate.	3. Any holder of a right to use the <u>building</u> access point and the in-building physical infrastructure shall meet all reasonable <u>written</u> requests for access to the <u>building</u> access point and the in-building physical infrastructure from <u>providers of</u> public electronic communications network <u>providers networks</u> under fair, <u>reasonable</u> and non-discriminatory terms and conditions, including price, where appropriate. <u>Member States may specify detailed requirements for these requests.</u>	3. Any holder of a right to use the access point and the in-building physical infrastructure shall meet all reasonable <u>written</u> requests for access to the access point and the in-building physical infrastructure from <u>providers of</u> public electronic communications network <u>providers networks</u> under fair, <u>reasonable</u> and non-discriminatory terms and conditions, including price, where appropriate. <u>Members states may specify detailed requirements, relating to administrative aspect of the request.</u>
Article 9(3), second subparagraph				
208	Any holder of a right to use the access point or the in-building physical infrastructure may refuse access where access to in-building fibre wiring is provided pursuant to obligations imposed under	Any holder of a right to use the access point or the in-building physical infrastructure may refuse access where access to in-building fibre wiring is provided pursuant to obligations imposed under	Deleted	Deleted

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Directive (EU) 2018/1972, under Title II, Chapters II to IV, or made available under fair, reasonable and non-discriminatory terms and conditions, including price.	Directive (EU) 2018/1972, under Title II, Chapters II to IV, or made available under fair, reasonable and non-discriminatory terms and conditions, including price.		
Article 9(4)				
209	4. In the absence of available fibre-ready in-building physical infrastructure, every public electronic communications network provider shall have the right to terminate its network at the premises of the subscriber, subject to the agreement of the subscriber, provided that it minimises the impact on the private property of third parties.	4. In the absence of available fibre-ready in-building physical infrastructure, every public electronic communications network provider shall have the right to terminate its network at the premises of the subscriber, subject to the agreement of the subscriber, provided that it minimises the impact on <u>respects</u> the private property <u>rights</u> of third parties.	4. In the absence of available fibre-ready in-building physical infrastructure, every <u>any provider of</u> public electronic communications network <u>provider networks</u> shall have the right to terminate its network at the premises of the subscriber, subject to the agreement of the <u>owner or the</u> subscriber, <u>using, the existing in-building infrastructure, to the extent that it is available and accessible under paragraph 3, and</u> provided that it minimises the impact on the private property of third parties.	4. In the absence of available fibre-ready in-building physical infrastructure, every <u>any provider of</u> public electronic communications network <u>provider networks</u> shall have the right to terminate its network at the premises of the subscriber, subject to the agreement of the <u>owner and/or the</u> subscriber, <u>in accordance with national law, using the existing in-building infrastructure, to the extent that it is available and accessible under paragraph 3, and</u> provided that it minimises the impact on the private property of third parties. To ask COM for: and/or
Article 9(5)				
210	5. This Article shall be without prejudice to the right to property of	5. This Article shall be without prejudice to the right to property of	5. This Article shall be without prejudice to the right to property of	5. This Article shall be without prejudice to the right to property of

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	the owner of the access point or the in-building physical infrastructure where the holder of a right to use that infrastructure or access point is not the owner thereof, and to the right to property of other third parties, such as landowners and building owners.	the owner of the access point or the in-building physical infrastructure where the holder of a right to use that infrastructure or access point is not the owner thereof, and to the right to property of other third parties, such as landowners and building owners.	the owner of the <u>building</u> access point or the in-building physical infrastructure where the holder of a right to use that infrastructure or access point is not the owner thereof, and to the right to property of other third parties, such as landowners and building owners.	the owner of the access point or the in-building physical infrastructure where the holder of a right to use that infrastructure or access point is not the owner thereof, and to the right to property of other third parties, such as landowners and building owners.
	Article 9(5a)			
210a		<u>5a. This Article shall be without prejudice to the right of Member States to maintain or introduce measures falling outside the scope of this Regulation, such as access obligations for in-building cables, provided that those measures are in line with the objective of this Regulation.</u>	<u>5a. (6) Member states may provide guidance on the application of this Article.</u>	Deleted
	Article 9(6)			
211	6. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, the Commission may, in close cooperation with BEREC, provide guidance on the application of this Article.	6. After having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, <u>and having taken into account well-established principles and the distinct situation across Member States,</u>	Deleted	6. <u>By [entry into force +24 months],</u> after having consulted stakeholders, the national dispute settlement bodies and other competent Union bodies or agencies in the relevant sectors as appropriate, <u>and having taken into account well-established principles and the distinct</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		the Commission may, in close cooperation with BEREC, provide guidance on the application of this Article.		<p><u>situation across Member States, BEREC shall</u>the Commission may, in close cooperation with BEREC, provide guidance<u>the Commission, publish guidelines on the terms and conditions of access to in-building physical infrastructure, including</u> on the application of this Article<u>fair and reasonable terms and conditions, and the criteria that the national dispute settlement bodies should follow when settling disputes.</u></p> <p>Text Origin: EP Mandate</p>
Article 10				
212	Article 10 Digitalisation of single information points	Article 10 Digitalisation of single information points	Article 10 Digitalisation of single information points	Article 10 Digitalisation of single information points
Article 10(1)				
213	1. Single information points shall make appropriate digital tools available, such as in the form of web portals, digital platforms or digital applications, to enable the online exercise of all the rights and the compliance with all the obligations set out in this	1. Single information points shall make appropriate digital tools available, such as in the form of web portals, digital platforms or digital applications, to enable the online exercise of all the rights and the compliance with all the obligations set out in this	1. Single information points shall make appropriate digital tools available, such as in the form of web portals, <u>electronic addresses, databases,</u> digital platforms or digital applications, to enable the online exercise of all the rights and the compliance with all the	1. Single information points shall make appropriate digital tools available, such as in the form of web portals, <u>databases,</u> digital platforms or digital applications, to enable the online exercise of all the rights and the compliance with all the obligations set out in this

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Regulation.	Regulation.	obligations set out in this Regulation.	Regulation.
Article 10(2)				
214	2. Member States may interconnect or fully or partially integrate several digital tools supporting the single information points referred to paragraph 1, as appropriate.	2. Member States may interconnect or fully or partially integrate several <u>existent or newly developed</u> digital tools supporting the single information points referred to paragraph 1, as appropriate. <u>To that end, Member States shall carry out an assessment to identify the existing relevant digital tools in order to avoid duplication.</u>	2. Member States may interconnect or fully or partially integrate several digital tools supporting the single information points referred to paragraph 1, as appropriate.	2. Member States may interconnect or fully or partially integrate several <u>existent or newly developed</u> digital tools supporting the single information points referred to paragraph 1, as appropriate, <u>in order to avoid duplication of digital tools.</u>
Article 10(3)				
215	3. Member States shall set out a single national digital entry point, consisting of a common user interface ensuring seamless access to the digitalised single information points.	3. Member States shall set out a single national digital entry point, consisting of a common user interface ensuring seamless access to the digitalised single information points.	3. Member States shall set out a single national digital entry point, consisting of a common user interface ensuring seamless access to the digitalised single information points.	3. Member States shall set out a single national digital entry point, consisting of a common user interface ensuring seamless access to the digitalised single information points. Text Origin: Commission Proposal
Article 10(3a)				
215a				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>3a. Member States shall ensure adequate technical, financial and human resources to support the roll-out and the digitalisation of single information points. The cost of setting-up the single national digital entry point, single information points and related digital tools needed to comply with Articles 4, 6 and 7, may be fully or partly eligible for financial support under Union funds.</u>		<u>3a. Member States shall ensure adequate technical, financial and human resources to support the roll-out and the digitalisation of single information points.</u>
Article 11				
216	Article 11 Dispute settlement	Article 11 Dispute settlement	Article 11 Dispute settlement	Article 11 Dispute settlement
Article 11(1)				
217	1. Without prejudice to the possibility to refer the case to a court, any party shall be entitled to refer to the competent national dispute settlement body established pursuant to Article 12 a dispute that may arise:	1. Without prejudice to the possibility to refer the case to a court, any party shall be entitled to refer to the competent national dispute settlement body established pursuant to Article 12 a dispute that may arise:	1. Without prejudice to the possibility to refer the case to a court, any party shall be entitled to refer to the competent national dispute settlement body established pursuant to Article 12 a dispute that may arise:	1. Without prejudice to the possibility to refer the case to a court, any party shall be entitled to refer to the competent national dispute settlement body established pursuant to Article 12 a dispute that may arise: Text Origin: Commission Proposal
Article 11(1), point (a)				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
218	(a) where access to existing infrastructure is refused or agreement on specific terms and conditions, including price, has not been reached within 1 month from the date of receipt of the request for access under Article 3;	(a) where access to existing infrastructure is refused or agreement on specific terms and conditions, including price, has not been reached within 1 month from the date of receipt of the request for access under Article 3;	(a) where access to existing infrastructure is refused or agreement on specific terms and conditions, including price, has not been reached within 1 month <u>2 months</u> from the date of receipt of the request for access under Article 3;	(a) where access to existing infrastructure is refused or agreement on specific terms and conditions, including price, has not been reached within 1 month from the date of receipt of the request for access under Article 3;
Article 11(1), point (b)				
219	(b) in connection to the rights and obligations set out in Articles 4 and 6, including where the information requested is not provided within 15 days after the request under Article 4 is submitted, and within 1 week after the request under Article 6 is submitted;	(b) in connection to the rights and obligations set out in Articles 4 and 6, including where the information requested is not provided within 15 days after the request under Article 4 is submitted, and within 1 week after the request under Article 6 is submitted;	(b) in connection to the rights and obligations set out in Articles 4 and 6, including where the information requested is not provided within 15 days <u>fifteen working days, or in duly justified cases within another fifteen working days</u> , after the request under Article 4 is submitted, and within 1 week <u>two weeks</u> after the request under Article 6 is submitted;	(b) in connection to the rights and obligations set out in Articles 4 and 6, including where the information requested is not provided within 15 days after the request under Article 4 is submitted, and within 1 week after the request under Article 6 is submitted; <u>the applicable deadlines.</u> Need to align with the agreement in line 136 and 171 Council to provide wording Text Origin: Commission Proposal
Article 11(1), point (ba)				
219a				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<i><u>(ba) where an agreement on specific terms and conditions, including price, is not reached within one month from the date of the receipt of the request for access to land, made by an undertaking that provides or is authorised to provide associated facilities under Article 3(1a);</u></i>		Deleted
Article 11(1), point (c)				
220	(c) where an agreement on the coordination of civil works pursuant to Article 5(2) has not been reached within 1 month from the date of receipt of the formal request to coordinate civil works; or	(c) where an agreement on the coordination of civil works pursuant to Article 5(2) has not been reached within 1 month from the date of receipt of the formal request to coordinate civil works; or	(c) where an agreement on the coordination of civil works pursuant to Article 5(2) has not been reached within 1 month from the date of receipt of the formal request to coordinate civil works; or	(c) where an agreement on the coordination of civil works pursuant to Article 5(2) has not been reached within 1 month from the date of receipt of the formal request to coordinate civil works; or Text Origin: Commission Proposal
Article 11(1), point (d)				
221	(d) where an agreement on access to in-building physical infrastructure referred to in Article 9(2) or (3) has not been reached within 1 month from the date of receipt of the formal request for access;	(d) where an agreement on access to in-building physical infrastructure referred to in Article 9(2) or (3) has not been reached within 1 month from the date of receipt of the formal request for access;	(d) where an agreement on access to in-building physical infrastructure referred to in Article 9(2) or (3) has not been reached within 1 month from the date of receipt of the formal request for access;	(d) where an agreement on access to in-building physical infrastructure referred to in Article 9(2) or (3) has not been reached within 1 month from the date of receipt of the formal request for access;

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 11(1a)			
221a			<u>Member States may provide that, in the event of disputes referred to in paragraph 1 point (a) and (d), when the entity from which the operator requested access is at the same time the entity entitled to grant the right of way to the property on, in or under which the subject of access is located, the competent national dispute settlement body may resolve the dispute regarding the right of way.</u>	<u>Member States may provide that, in the event of disputes referred to in paragraph 1 point (a) and (d), when the entity from which the operator requested access is at the same time the entity entitled to grant the right of way to the property on, in or under which the subject of access is located, the competent national dispute settlement body may resolve the dispute also regarding the right of way.</u> Text Origin: Council mandate
	Article 11(2), first subparagraph			
222	2. Taking full account of the principle of proportionality and the principles established in Commission guidance, the national dispute settlement body referred to in paragraph 1 shall issue a binding decision to resolve the dispute at the latest:	2. Taking full account of the principle of proportionality and the principles established in Commission guidance, the national dispute settlement body referred to in paragraph 1 shall issue a binding decision to resolve the dispute at the latest:	2. Taking full account of the principle of proportionality and the principles established in Commission guidance , the national dispute settlement body referred to in paragraph 1 shall issue a binding decision to resolve the dispute at the latest:	2. Taking full account of the principle of proportionality and the principles established in Commission guidance <u>or BERC guidelines</u> , the national dispute settlement body referred to in paragraph 1 shall issue a binding decision to resolve the dispute at the latest:

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 11(2), first subparagraph, point (a)				
223	(a) within four months from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, point (a);	(a) within four <u>two</u> months from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, point (a);	(a) within four months from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, point (a);	(a) within four months from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, point (a); Text Origin: Commission Proposal
Article 11(2), first subparagraph, point (b)				
224	(b) within one month from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, points (b), (c) and (d).	(b) within one month from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, points (b), <u>(ba)</u> , (c) and (d).	(b) within one month <u>two months</u> from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, points (b), (c) and (d).	(b) within one month from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1, points (b), (c) and (d). Text Origin: EP Mandate
Article 11(2), second subparagraph				
225	Those deadlines may only be extended in exceptional circumstances.	Those <u>The national dispute settlement body referred to in paragraph 1 may extend the</u> deadlines may only be extended <u>referred to in the first</u>	Those deadlines may only be extended in <u>duly justified</u> exceptional circumstances.	Those deadlines may only be extended in <u>duly justified</u> exceptional circumstances. Text Origin: Council mandate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>subparagraph only</u> in exceptional <u>duly substantiated</u> circumstances, <u>by a maximum period of one month</u> .		
Article 11(3), first subparagraph				
226	3. As regards disputes referred to in paragraph 1, points (a), (c) and (d) the decision of national dispute settlement body may consist in setting fair and reasonable terms and conditions, including price, where appropriate.	3. As regards disputes referred to in paragraph 1, points (a), (c) and (d) the decision of national dispute settlement body may consist in setting fair and reasonable terms and conditions, including price, where appropriate.	3. As regards disputes referred to in paragraph 1, points (a), (c) and (d) the decision of national dispute settlement body may consist in setting fair and reasonable terms and conditions, including price, where appropriate.	3. As regards disputes referred to in paragraph 1, points (a), (c) and (d) the decision of national dispute settlement body may consist in setting fair and reasonable terms and conditions, including price, where appropriate. Text Origin: Commission Proposal
Article 11(3), first subparagraph a				
226a		<u>(3a) The single information point shall make available the decisions issued by the national dispute settlement bodies, provided that all necessary measures to ensure confidentiality and protection of business secrets of the parties involved in the dispute are taken.</u>		<u>(3a) The dispute settlement bodies shall publish their decisions resolving disputes, while respecting the principles of confidentiality and protection of business secrets. The single information point shall ensure access to the decisions published by the Dispute Settlement Bodies.</u>
Article 11(3), second subparagraph				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
227	Where the dispute relates to access to the infrastructure of an operator and the national dispute settlement body is the national regulatory authority, the objectives set out in Article 3 of Directive (EU) 2018/1972 shall be taken into account, where appropriate.	Where the dispute relates to access to the infrastructure of an operator and the national dispute settlement body is the national regulatory authority, the objectives set out in Article 3 of Directive (EU) 2018/1972 shall be taken into account, where appropriate.	Where the dispute relates to access to the infrastructure of an operator and the national dispute settlement body is the national regulatory authority, the objectives set out in Article 3 of Directive (EU) 2018/1972 shall be taken into account, where appropriate.	Where the dispute relates to access to the infrastructure of an operator and the national dispute settlement body is the national regulatory authority, the objectives set out in Article 3 of Directive (EU) 2018/1972 shall be taken into account, where appropriate. Text Origin: Commission Proposal
Article 11(4)				
228	4. The rules laid down in the present Article are in addition to and without prejudice to the judicial remedies and procedures in compliance with Article 47 of the Charter of Fundamental Rights of the European Union ¹ . 1. Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407)	4. The rules laid down in the present Article are in addition to and without prejudice to the judicial remedies and procedures in compliance with Article 47 of the Charter of Fundamental Rights of the European Union ¹ . 1. Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407)	4. The rules laid down in the present <u>This</u> Article are <u>is</u> in addition to and without prejudice to the judicial remedies and procedures in compliance with Article 47 of the Charter of Fundamental Rights of the European Union ¹ . 1. <u>///</u> Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407)	4. The rules laid down in the present <u>This</u> Article are <u>is</u> in addition to and without prejudice to the judicial remedies and procedures in compliance with Article 47 of the Charter of Fundamental Rights of the European Union ¹ . 1. <u>///</u> Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407) Text Origin: Coreper doc. st15664/23
Article 12				
229				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 12 Competent bodies	Article 12 Competent bodies	Article 12 Competent bodies	Article 12 Competent bodies
Article 12(1)				
230	1. Each of the tasks assigned to the national dispute settlement body shall be undertaken by one or more competent bodies, which can be an existing body.	1. Each of the tasks assigned to the national dispute settlement body shall be undertaken by one or more competent bodies, which can be an existing body.	1. Each of the tasks assigned to the national dispute settlement body shall be undertaken by one or more competent bodies, which can be an existing body.	1. Each of the tasks assigned to the national dispute settlement body shall be undertaken by one or more competent bodies, which can be an existing body. Text Origin: Commission Proposal
Article 12(1a)(2)				
231	2. The national dispute settlement body shall be legally distinct and functionally independent of any network operator and any public sector body owning or controlling physical infrastructure involved in the dispute. Member States that retain ownership or control of network operators shall ensure effective structural separation of the functions related to the national dispute settlement procedures and those of the single information point from activities associated with ownership or control.	2. The national dispute settlement body shall be <u>politically independent</u> , legally distinct and functionally independent of any network operator and any public sector body owning or controlling physical infrastructure involved in the dispute. Member States that retain ownership or control of network operators shall ensure effective structural separation of the functions related to the national dispute settlement procedures and those of the single information point from activities associated with ownership or control.	2. The national dispute settlement body shall be legally distinct and functionally independent of any network operator and any public sector body owning or controlling physical infrastructure involved in the dispute. Member States that retain ownership or control of network operators shall ensure effective structural separation of the functions related to the national dispute settlement procedures and those of the single information point from activities associated with ownership or control.	2. The national dispute settlement body shall be legally distinct and functionally independent of any network operator and any public sector body owning or controlling physical infrastructure involved in the dispute. Member States that retain ownership or control of network operators shall ensure effective structural separation of the functions related to the national dispute settlement procedures and those of the single information point from activities associated with ownership or control.

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 12(1a), (2) a			
231a			<u>National dispute settlement bodies shall act independently and objectively, and shall not seek or take instructions from any other body when deciding on the disputes submitted to them. This shall not prevent supervision in accordance with national law. Only competent appeal bodies shall have the power to suspend or overturn decisions of the national dispute settlement bodies.</u>	<u>National dispute settlement bodies shall act independently and objectively, and shall not seek or take instructions from any other body when deciding on the disputes submitted to them. This shall not prevent supervision in accordance with national law. Only competent appeal bodies shall have the power to suspend or overturn decisions of the national dispute settlement bodies.</u>
	Article 12(1a), (2) b			
231b		<u>2a. Article 8 first paragraph of Directive (EU) 2018/1972 shall be applied mutatis mutandis to national dispute settlement bodies.</u>		Deleted
	Article 12(3)			
232	3. The national dispute settlement body may charge fees to cover the costs of carrying out the tasks assigned to it.	3. The national dispute settlement body may charge fees to cover the costs of carrying out the tasks assigned to it.	3. The national dispute settlement body may charge fees to cover the costs of carrying out the tasks assigned to it.	3. The national dispute settlement body may charge fees to cover the costs of carrying out the tasks assigned to it. Text Origin: Commission

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
				Proposal
Article 12(4)				
233	4. All parties concerned by a dispute shall cooperate fully with the national dispute settlement body.	4. All parties concerned by a dispute shall cooperate fully with the national dispute settlement body.	4. All parties concerned by a dispute shall cooperate fully with the national dispute settlement body.	4. All parties concerned by a dispute shall cooperate fully with the national dispute settlement body. Text Origin: Commission Proposal
Article 12(5)				
234	5. The functions of a single information point referred to in Articles 3 to 8 and 10 shall be performed by one or more competent bodies appointed by the Member States at national, regional or local level, as appropriate. In order to cover the costs of carrying out those functions, fees may be charged for the use of the single information points.	5. The functions of a single information point referred to in Articles 3 to 8 and 10 shall be performed by one or <u>where applicable</u> , more competent bodies appointed by the Member States at national, regional or local level, as appropriate. In order to cover the costs of carrying out those functions, fees may be charged for the use of the single information points.	5. The functions of a single information point referred to in Articles 3 to 8 and 10 shall be performed by one or more competent bodies appointed by the Member States at national, regional or local level, as appropriate. In order to cover the costs of carrying out those functions, fees may be charged for the use of the single information points.	5. The functions of a single information point referred to in Articles 3 to 8 and 10 shall be performed by one or more competent bodies appointed by the Member States at national, regional or local level, as appropriate. In order to cover the costs of carrying out those functions, fees may be charged for the use of the single information points. Text Origin: Commission Proposal
Article 12(6)				
235	6. Paragraph 2 shall apply mutatis	6. Paragraph 2 <u>Paragraphs 2 and</u>	6. Paragraph 2, <u>first</u>	6. Paragraph 2, <u>first</u>

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	mutandis to the competent bodies performing the functions of a single information point.	<u>2a</u> shall apply <u>mutatis mutandis</u> to the competent bodies performing the functions of a single information point.	<u>subparagraph</u> , shall apply <u>mutatis mutandis</u> to the competent bodies performing the functions of a single information point.	<u>subparagraph</u> , shall apply <u>mutatis mutandis</u> to the competent bodies performing the functions of a single information point.
Article 12(7)				
236	7. The competent bodies shall exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they shall have adequate technical, financial and human resources to carry out the tasks assigned to them.	7. The competent bodies shall exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they shall have adequate technical, financial and human resources to carry out the tasks assigned to them.	7. The competent bodies shall exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they shall have adequate technical, financial and human resources to carry out the tasks assigned to them.	7. The competent bodies shall exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they shall have adequate technical, financial and human resources to carry out the tasks assigned to them. Text Origin: Commission Proposal
Article 12(8)				
237	8. Member States shall publish the respective tasks to be undertaken by each competent body via a single information point, in particular where those tasks are assigned to more than one competent body or where the assigned tasks have changed. Where appropriate, the competent bodies shall consult and cooperate	8. Member States shall publish the respective tasks to be undertaken by each competent body via a single information point, in particular where those tasks are assigned to more than one competent body or where the assigned tasks have changed. Where appropriate, the competent bodies shall consult and cooperate	8. Member States shall publish the respective tasks to be undertaken by each competent body via a single information point, in particular where those tasks are assigned to more than one competent body or where the assigned tasks have changed. Where appropriate, the competent bodies shall consult and cooperate	8. Member States shall publish the respective tasks to be undertaken by each competent body via a single information point, in particular where those tasks are assigned to more than one competent body or where the assigned tasks have changed. Where appropriate, the competent bodies shall consult and cooperate

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	with each other on matters of common interest.	with each other on matters of common interest.	with each other on matters of common interest.	with each other on matters of common interest. Text Origin: Commission Proposal
Article 12(9)				
238	9. Member States shall notify to the Commission the identity of each competent body in accordance with this Article for carrying out a function under this Regulation, and their respective responsibilities, by [DATE OF ENTRY INTO FORCE] and any modification thereof, before such designation or modification enters into force.	9. Member States shall notify to the Commission the identity of each competent body in accordance with this Article for carrying out a function under this Regulation, and their respective responsibilities, by [DATE OF ENTRY INTO FORCE] and any modification thereof, before such designation or modification enters into force.	9. Member States shall notify to the Commission the identity of each competent body in accordance with this Article for carrying out a function under this Regulation, and their respective responsibilities, by [DATE OF ENTRY INTO FORCE] <u>twelve months after the date of entry into force of this Regulation</u> and any modification thereof, before such designation or modification enters into force.	9. Member States shall notify to the Commission the identity of each competent body in accordance with this Article for carrying out a function under this Regulation, and their respective responsibilities, by [DATE OF ENTRY INTO FORCE] and any modification thereof, before such designation or modification enters into force.
Article 12(10), first subparagraph				
239	10. Any decision taken by a competent body shall be subject to an appeal, in accordance with national law, before a fully independent appeal body, including a body of judicial character. Article 31 of Directive (EU) 2018/172 shall apply mutatis mutandis to any appeal pursuant to this paragraph.	10. Any decision taken by a competent body shall be subject to an appeal, in accordance with national law, before a fully independent appeal body, including a body of judicial character. Article 31 of Directive (EU) 2018/172 shall apply mutatis mutandis to any appeal pursuant to this paragraph.	10. Any decision taken by a competent body shall be subject to an appeal, in accordance with national law, before a fully independent appeal body, including a body of judicial character. Article 31 of Directive (EU) 2018/172 shall apply <u>mutatis mutandis</u> mutatis mutandis to any	10. Any decision taken by a competent body shall be subject to an appeal, in accordance with national law, before a fully independent appeal body, including a body of judicial character. Article 31 of Directive (EU) 2018/172 shall apply mutatis mutandis to any appeal pursuant to this paragraph.

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			appeal pursuant to this paragraph.	
Article 12(10), second subparagraph				
240	The right to appeal in accordance with the first subparagraph shall be without prejudice to the right of the parties to bring the dispute before the national competent court.	The right to appeal in accordance with the first subparagraph shall be without prejudice to the right of the parties to bring the dispute before the national competent court.	The right to appeal in accordance with the first subparagraph shall be without prejudice to the right of the parties to bring the dispute before the national competent court.	The right to appeal in accordance with the first subparagraph shall be without prejudice to the right of the parties to bring the dispute before the national competent court. Text Origin: Commission Proposal
Article 13				
241	Article 13 Committee procedure	Article 13 Committee procedure <u>Article 13</u> <u>Exercise of delegation</u>	Deleted	Deleted
Article 13(1)				
242	1. The Commission shall be assisted by the Communications Committee established by Article 118(1) of Directive (EU) 2018/1972. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Communications Committee established by Article 118(1) of Directive (EU) 2018/1972. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 <u>power to adopt delegated acts is conferred on the Commission subject to the</u>	Deleted	Deleted

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>conditions laid down in this Article.</u>		
Article 13(2)				
243	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 <u>The power to adopt delegated acts referred to in Article 7(8) shall be conferred on the Commission for a period of five years from the [DATE THE REGULATION COMES IN EFFECT]. The Commission shall apply draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>	Deleted	Deleted
Article 13(2a)				
243a		<u>3. The delegation of power referred to in Article 7(8) may be revoked at any time by the European Parliament or by the</u>		Deleted

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u><i>Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein it shall not affect the validity of any delegated acts already in force.</i></u>		
	Article 13(2b)			
G	243b	<u><i>4. Before adopting a delegated act the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</i></u>		Deleted
	Article 13(2c)			
G	243c	<u><i>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i></u>		Deleted
	Article 13(2d)			
G	243d			

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u>6. A delegated act adopted pursuant to Article 7(8) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament or the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</u>		Deleted
Article 14				
244	Article 14 Penalties and compensation	Article 14 Penalties and compensation	Article 14 Penalties and compensation	Article 14 Penalties and compensation Text Origin: Council mandate
Article 14, first paragraph				
245	Member States shall lay down rules on penalties, including, where necessary, fines and non-criminal predetermined or periodic penalties, applicable to	Member States shall lay down rules on penalties, including, where necessary, fines and non-criminal predetermined or periodic penalties, applicable to	Member States shall lay down rules on penalties, including, where necessary, fines and non-criminal predetermined or periodic penalties, applicable to	Member States shall lay down rules on penalties, including, where necessary, fines and non-criminal predetermined or periodic penalties, applicable to

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	infringements of this Regulation and of any binding decision adopted pursuant to this Regulation by the competent bodies referred to in Article 12 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be appropriate, effective, proportionate and dissuasive.	infringements of this Regulation and of any binding decision adopted pursuant to this Regulation by the competent bodies referred to in Article 12 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be appropriate, effective, proportionate and dissuasive.	infringements of this Regulation and of any binding decision adopted pursuant to this Regulation by the competent bodies referred to in Article 12 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be appropriate , effective, proportionate and dissuasive.	infringements of this Regulation and of any binding decision adopted pursuant to this Regulation by the competent bodies referred to in Article 12 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be appropriate, effective, proportionate and dissuasive.
	Article 14, second paragraph			
246	Member States shall lay down rules on adequate financial compensation for persons suffering damage as a result of the exercise of the rights provided for in this Regulation.	Member States shall lay down rules on adequate financial compensation for persons suffering damage as a result of the exercise of the rights provided for in this Regulation.	Deleted	Deleted no text here part of the trilogue agreement
	Article 15			
247	Article 15 Report and monitoring	Article 15 Report and monitoring	Article 15 Report and monitoring	Article 15 Report and monitoring
	Article 15(1)			
248	1. By [DATE OF ENTRY INTO FORCE + 5 YEARS], the Commission shall present a report to the European Parliament and the	1. By [DATE OF ENTRY INTO FORCE + 5 3 YEARS], the Commission shall present a report to the European Parliament and the	1. By [DATE OF ENTRY INTO FORCE + 5 YEARS] 5 years after the date of entry into force of this Regulation, the Commission shall	1. By [DATE OF ENTRY INTO FORCE + 5 4 YEARS], the Commission shall present a report to the European Parliament and the

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	<p>Council on the implementation of this Regulation. The report shall include a summary of the impact of the measures set out in this Regulation and an assessment of the progress towards achieving its objectives, including whether and how the Regulation could further contribute to achieving the connectivity targets set out in the Decision establishing the Digital Decade Policy Programme 2030.</p>	<p>Council on the implementation of this Regulation. The report shall include a summary of the impact of the measures set out in this Regulation and an assessment of the progress towards achieving its objectives, including <u>its impact on the objective of a fast and extensive deployment of very high capacity networks, in rural, insular and remote areas, such as islands and mountainous and scarcely-populated regions, the evolution of the associated facilities' market, and</u> whether and how the Regulation could further contribute to achieving the connectivity targets set out in the Decision establishing the Digital Decade Policy Programme 2030. <u>The report shall take into consideration the use of satellite backhauling in digital highspeed connectivity and the use of the European Infrastructure for Resilience, Interconnectivity and Security by Satellite.</u></p>	<p>present a report to the European Parliament and the Council on the implementation of this Regulation. The report shall include a summary of the impact of the measures set out in this Regulation and an assessment of the progress towards achieving its objectives, including whether and how the Regulation could further contribute to achieving the connectivity targets set out in the Decision establishing the Digital Decade Policy Programme 2030.</p>	<p>Council on the implementation of this Regulation. The report shall include a summary of the impact of the measures set out in this Regulation and an assessment of the progress towards achieving its objectives, including whether and how the Regulation could further contribute to achieving the connectivity targets set out in the Decision establishing the Digital Decade Policy Programme 2030.</p> <p><u>The report shall include developments related to the scope of the regulation that have a potential impact on the progress towards a fast and extensive deployment of very high capacity networks, in rural, insular and remote areas, such as islands and mountainous and scarcely-populated regions, as well as on the evolution of the market for tower infrastructure, and the take up of various backhauling solutions including satellite backhauling in digital highspeed connectivity.</u></p>
Article 15(2)				
249	2. To that end, the Commission	2. To that end, the Commission	2. To that end, the Commission	2. To that end, the Commission

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	may request information from Member States that shall be submitted without undue delay. In particular, by [DATE OF ENTRY INTO FORCE + 12 MONTHS], Member States shall, in close cooperation with the Commission, through the Communications Committee set up under Article 118 of Directive (EU) 2018/1972, set out indicators to adequately monitor the application of this Regulation and the mechanism to ensure a periodic data gathering and reporting to the Commission thereof.	may request information from Member States that shall be submitted without undue delay. In particular, by [DATE OF ENTRY INTO FORCE + 12 MONTHS], Member States shall, in close cooperation with the Commission, through the Communications Committee set up under Article 118 of Directive (EU) 2018/1972, set out indicators to adequately monitor the application of this Regulation and the mechanism to ensure a periodic data gathering and reporting to the Commission thereof.	may request information from Member States that shall be submitted without undue delay. In particular, by [DATE OF ENTRY INTO FORCE + 12 MONTHS] <u>24 months after the date of entry into force of this Regulation</u> , Member States shall, in close cooperation with the Commission, through the Communications Committee set up under Article 118 of Directive (EU) 2018/1972, set out indicators to adequately monitor the application of this Regulation and the mechanism to ensure a periodic data gathering and reporting to the Commission thereof.	may request information from Member States that shall be submitted without undue delay. In particular, by [DATE OF ENTRY INTO FORCE + 12 <u>18</u> MONTHS], Member States shall, in close cooperation with the Commission, through the Communications Committee set up under Article 118 of Directive (EU) 2018/1972, set out indicators to adequately monitor the application of this Regulation and the mechanism to ensure a periodic data gathering and reporting to the Commission thereof. Text Origin: Commission Proposal
Article 16				
250	Article 16 Transitional measures	Article 16 Transitional measures	Article 16 Transitional measures	Article 16 Transitional measures
Article 16, first paragraph				
251	National measures that specify the categories of deployment of elements of very high capacity networks or associated facilities not being subject to any permit-	National measures that specify the categories of deployment of elements of very high capacity networks or associated facilities not being subject to any permit-	Deleted	Deleted no text here

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	granting procedure within the meaning of Article 7, and that were adopted by the Member States pursuant to Directive 2014/61/EU or before its entry into force but in line with it shall continue to apply until the implementing act provided for in Article 7(8) of this Regulation enters into application.	granting procedure within the meaning of Article 7 <u>of this Regulation</u> , and that were adopted by the Member States pursuant to Directive 2014/61/EU or before its entry into force but in line with it shall continue to apply until the implementing act <u>delegated acts</u> provided for in Article 7(8) of this Regulation enters into application <u>force</u> .		
	Article 16, first paragraph a			
251a		<u>Measures regarding dispute settlements provided for in Articles 11 and 12 shall apply to dispute settlement proceedings initiated after the date of entry into force of this Regulation.</u>		Deleted no text here
	Article 16, third paragraph			
251b			<u>Member States may provide that in case of municipalities with less than 3,500 inhabitants the 24 months deadline referred to in Article 4(2) shall be 36 months after the entry into force of this Regulation. During that period, those municipalities shall ensure that the available information is</u>	Moved to row 139a, here deleted

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			<u>accessible to operators upon request.</u>	
Article 16a				
251c		<u>Article 16a</u> <u>Amendments to Regulation (EU) 2015/2120</u>		
Article 16a, first paragraph				
251d		<u>Regulation (EU) 2015/2120 is amended as follows:</u>		
Article 16a, first paragraph, point 1				
251e		<u>1. the title is replaced by the following:</u> <u>'Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access, abolishing retail surcharges for regulated intra-Union communications and amending Directive 2002/22/EC and Regulation (EU) No 531/2012';</u>		
Article 16a, first paragraph, point 2				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
251f		<p><u>2. in Article 1, paragraph 3 is replaced by the following:</u></p> <p><u>‘This Regulation also abolishes retail surcharges for regulated intra-Union communications to ensure that consumers are not charged excessive prices for making number-based interpersonal communications originating in the Member State of the consumer’s domestic provider and terminating at any fixed or mobile number in another Member State.’;</u></p>		
Article 16a, first paragraph, point 3				
251g		<p><u>3. Article 5a is replaced by the following:</u></p> <p><u>‘Article 5a</u> <u>Abolition of retail surcharges for regulated intra-EU communications</u></p>		
Article 16a, first paragraph, point 3(1)				
251h		<p><u>3.1 Providers of electronic communications to the public shall not apply tariffs to regulated</u></p>		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		<u><i>intra-EU communications terminating in another Member State that are higher than the tariffs applicable to services terminating in the same Member State, unless they demonstrate the existence of direct costs that are objectively justified.</i></u>		
Article 16a, first paragraph, point 3(2)				
251i		<u><i>3.2 By... /DATE OF ENTRY INTO FORCE + 6 MONTHS], BEREC shall provide guidelines setting out the criteria for determining the objectively justified direct costs referred to in paragraph 1.</i></u>		
Article 16a, first paragraph, point 3(3)				
251j		<u><i>3.3 By... /DATE OF ENTRY INTO FORCE + 12 MONTHS], and every two years thereafter, the Commission shall, after consulting BEREC, publish a report on the application of the requirement laid down in paragraph 1, including an assessment of the evolution of intra-Union communication tariffs.';</i></u>		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Article 16a, first paragraph, point 4			
251k		<u>4. in Article 10, paragraph 5 is deleted.</u>		
	Article 17			
252	Article 17 Repeal	Article 17 Repeal	Article 17 Repeal	Article 17 Repeal
	Article 17(1)			
253	1. Directive 2014/61/EU is repealed.	1. Directive 2014/61/EU is repealed.	1. Directive 2014/61/EU is repealed.	1. Directive 2014/61/EU is repealed. Text Origin: Commission Proposal
	Article 17(2)			
254	2. References to the repealed Directive shall be construed as references to this Regulation and read in accordance with the correlation table in the Annex.	2. References to the repealed Directive shall be construed as references to this Regulation and read in accordance with the correlation table in the Annex.	2. References to the repealed Directive shall be construed as references to this Regulation and read in accordance with the correlation table in the Annex.	2. References to the repealed Directive shall be construed as references to this Regulation and read in accordance with the correlation table in the Annex. Text Origin: Commission Proposal
	Article 18			

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
255	Article 18 Entry into force and application	Article 18 Entry into force and application	Article 18 Entry into force and application	Article 18 Entry into force and application
Article 18(1)				
256	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 18(2)				
257	2. It shall apply from [6 months after its entry into force].	2. It shall apply from [6 months after its entry into force].	2. It shall apply from f6 24 months after its <u>the date of</u> entry into force f <u>of this Regulation</u> .	To be discussed at a later stage
Article 18, third paragraph				
258	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	Deleted	This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin: Commission Proposal
Formula				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
259	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
Formula				
260	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				
261	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
262	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
263	The President	The President	The President	The President Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement

PUBLIC