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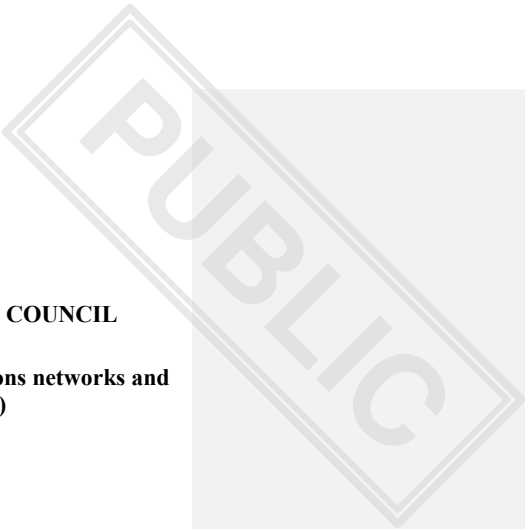
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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Telecommunications And Information Society (Attachés) Working Party on Telecommunications and Information Society
Subject:	Gigabit Infrastructure Act - DE comments on Article 8 (doc. 10960/23)

Delegations will find in the annex the DE comments on Article 8 on the Gigabit Infrastructure Act (doc. 10960/23).



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)**

Excerpt with GER comments on Article 8 and relevant recitals

(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 ~~the~~ network termination point, and all populated areas are covered by next-generation wireless high-speed networks with ~~performance at least equivalent to that of 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 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-ready in-building physical infrastructure, in-building fibre wiring and, for multi-dwelling buildings, an access point.

Kommentiert [A1]: editorial comments: The same wording as the DDPP decision should be used here for the corresponding digital target. Therefore, please change "a" to "the", add a comma after "and" and change the part on performance.

(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-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.~~

Kommentiert [A2]: We see no need to introduce a qualified label, as there are market mechanisms that make regulation unnecessary. Furthermore, the compromise text has integrated a proposal of a fibre ready label on a voluntary basis. We assume that the recital will be amended accordingly.

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).~~

(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.

(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 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.~~

Kommentiert [A3]: Compromise text foresees in Article 8 changes for standards or technical specifications and certification schemes. We therefore assume that the recital will be amended accordingly.

Kommentiert [A4]: See comments on Article 8. The authority, responsible for issuing building permits, might not always be in a position to evaluate if standards and technical specifications for in-building fibre ready physical infrastructure are met.

Article 8

In-building physical infrastructure and fibre wiring

1. All buildings **including multi-dwelling buildings**, at the end-user's location, including elements under joint ownership, newly constructed or undergoing major renovation works, for which applications for building permits have been submitted after **3018 months after the date of entry into force of this Regulation** ~~[ENTRY INTO FORCE + 12 MONTHS]~~, shall be equipped with a fibre-ready in-building physical infrastructure **with a building access point and connections** up to the network termination points, **or, when the network termination point is not situated at the particular location of each end user, with to the physical point where the end user has to connect to be able to access the public network**, as well as with in-building fibre wiring.

~~2. All multi-dwelling buildings newly constructed or undergoing major renovation works, for which applications for building permits have been submitted after [ENTRY INTO FORCE + 12 MONTHS], shall be equipped with an access point~~

3. ~~If it does not disproportionately increase the costs of the renovation works and is technically feasible, bBy 18 months after the date of enter into force of this Regulation [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, with a building access point and connections up to the network termination points, or, when the network termination point is not situated at the particular location of each end user, with to the physical point where the end user has to connect to be able to access the public network, as well as with in-building fibre wiring.~~

4. Member States shall adopt the relevant standards or technical specifications that are necessary for the implementation of paragraphs 1, ~~2 and 3 before at the latest 3018 months after the date of enter into force of this Regulation~~ ~~[ENTRY INTO FORCE + 9 months]~~. Those standards or technical specifications ~~shall may set at least:~~

- (a) the building access point specifications and fibre interface specifications;
- (b) cable specifications;

Kommentiert [A5]: In DE not all renovations, which could be regarded as major, require a building permit. We therefore need another link for the deadlines.

Kommentiert [A6]: extend deadline according to the preferred deadline for the application of the GIA to 30 months.

Kommentiert [A7]: The reference to Directive 2010/31/EU is not comprehensible. According to the recitals measures to improve energy efficiency of the building are targeted. However, the referenced definition in directive 2010/31/EU does not mention energy efficiency but rather gives another definition of major renovation works, which is too broad. We propose deletion of paragraph 3.

Kommentiert [A8]: extension of the deadline in line with the proposed extension of the deadline for the application of the GIA to 30 months is necessary.

- (c) socket specifications;
- (d) specifications of pipes or micro-ducts;
- (e) technical specifications needed to prevent interference with electrical cabling;
- (f) the minimum bend radius.

5. Buildings equipped in accordance with this Article shall be eligible, on a voluntary basis and following the procedures set up by Member states, to receive a 'fibre-ready' label.

6. Member States ~~shall~~may 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~~ at the latest 18 months after the date of enter into force of this Regulation.
~~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 technical project, and the permit to use the building for its intended purpose after completion of construction, on the basis of a certified test report, which could include on-site inspection of buildings or a representative sample of them.~~

7. Paragraphs 1, 2 and 3 shall not apply to certain categories of 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. Member States shall identify such categories of buildings based on duly justified and proportionate reasons.

8. Member States may decide that p~~Paragraphs 1, 2 and 3 need shall~~ 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.

Kommentiert [A9]:

We welcome that Article 8 para 6 makes certification by MS voluntary. However, why should there be introduced a deadline if there is no obligation for certification schemes?

Furthermore, the issuance of building permits should not depend on the compliance with standards and technical specifications for fibre readiness. The authority responsible for building permits might not always be in a position or have the means to check such compliance.