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From:	General Secretariat of the Council
To:	Working Party on Telecommunications and Information Society
Subject:	Gigabit Infrastructure Act - CZ comments

Delegations will find in Annex the CZ comments on the Gigabit Infrastructure Act.

CZ general comments on the 4CD

First, we wish to thank the PRES for the opportunity to comment on the whole document. Our notes are marked in the 4CD (version following the results of technical meeting on 13 December 2023) in **green**. The most pressing issues are summarized here below:

Guidance by the EC

(recitals 24, 35, 36, 41, 52, 57, articles 3(9), 5(5) and 9(6))

CZ strongly urges the BE PRES to avoid including general power of the EC to issue guidelines or implementing acts to broad aspects of the regulation. We have experienced in the past that consultations on drafts of such implementing measures are very short and often only formal. We are convinced that it is necessary to focus on true details when designing such guidance. This would be better done in the hands of Member states (who are close to the market reality in each country) or by an expert body such as BEREC where expertise is extracted from the national regulatory authorities (who are also close to the market reality).

MSs to specify requirements on administrative steps

(Articles 3/1, 4(3), 5(2), 9(3))

We strongly urge the BE PRES to try to keep the wording “Member States may specify detailed requirements for these requests.” In the mentioned Articles, this sentence is related to the requirements in administrative proceedings and MSs often need to align the documents to facilitate national processes. It does not relate directly to the guidelines issue – it is not related to the substance, but more to the procedures.

Deadlines

CZ urges to fight for the Council version as regards the deadlines.

It is most pressing for the deadlines in dispute settlement where we need to safeguard due process for all parties involved. Such safeguard is in most countries a constitutional safeguard. In this area, the CZ does not have flexibility to accept shorter deadlines than in the Council GA.

Another important area is the administrative proceedings. We also prefer short deadlines, but even here the deadlines must be reasonable, and we shall admit extensions in complicated cases, above all to allow SIP some time to gather information which might be missing in the database. We will provide detailed suggestion in the 4CD.

Public sector bodies (PSBs) obligations regarding civil works (Articles 5 and 6)

We think this should be duly discussed with the EP to set proportional obligation to PSBs, namely having in mind municipalities (of all sizes).

We are convinced that the VHCN deployment would very much benefit from an obligation of municipalities to share information about their planned works on roads and pavements. This should be a key obligation for PSBs.

On the other hand, we should not create unnecessary burden on municipalities by forcing to report on all civil works they do. Opportunity to clarify this is in recital (25) and Articles 5(2) and 6(1).