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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)

Delegations will find in the Annex, for information, the initial 4-column table on the above mentioned proposal.

Annex

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)
05-12-2023

	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)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	EUROPEAN UNION,	EUROPEAN UNION,	EUROPEAN UNION,	
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,	
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,	
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,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C,, p.	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C,, p.	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C,, p.	
Citation 5				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
8	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C,, p.	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C,, p.	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C,, p.	
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,	
Formula				
10	Whereas:	Whereas:	Whereas:	
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	(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***, reliable*** and secure connectivity for everybody and everywhere in Europe ***including in rural, remote and scarcely populated regions as well as in transport corridors***. A high-quality digital infrastructure based on very high capacity networks underpins	(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	

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	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.	almost all sectors of a modern and innovative economy. It ***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 Green Deal' and the twin digital and green transitions envisaged as the Union's main priorities. It*** is of strategic importance to social and territorial cohesion and overall for the Union's competitiveness***, resilience, strategic autonomy*** and digital leadership***. 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***	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.	

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		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. Therefore, people as well as the private and public sectors should have the opportunity to be part of the digital economy.		
Recital 2				
12	(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 2010[1] 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. 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 Council[2] for ensuring connectivity	(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 2010[1] 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. 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 Council[2] for ensuring connectivity	(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 2010[1] 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. 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 Council[2] for ensuring connectivity	

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	and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council[3], 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 network, with all populated areas covered by 5G. _____ 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. 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). 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).	and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council[3], 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 network, with all populated areas covered by ***next-generation wireless high-speed networks with a performance of at least equivalent to that of*** 5G. _____ 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. 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). 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).	and widespread availability of very high capacity networks. Therefore, in the Decision (EU) 2022/2481 of the European Parliament and Council[3], 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 network, with all populated areas covered by 5G. _____ 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. 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). 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).	
Recital 3				
13	(3) To achieve those targets, there	(3) To achieve those targets, there	(3) To achieve those targets, there	

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	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.	is a need for policies to speed up***, simplify*** and lower the costs of the deployment ***and use*** of very high-capacity fixed and wireless networks across the Union, including proper planning, ***enhanced*** coordination and ~~the reduction~~***setting-up of nationwide simplified and streamlined permit procedures as a way of reducing*** of administrative burdens ***on both operators and national administrations***.	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.	
Recital 3a				
13a		***(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***		

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		help remove communication dead zones 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[1], 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. *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).*		
Recital 4				
14	(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,	(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,	Deleted	

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	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, 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.	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, 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	(6) A major part of the costs of	(6) A major part of the costs of	

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	deploying very high capacity networks can be attributed to inefficiencies in the roll-out process related to: (i) the use of existing passive infrastructure (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.	deploying very high capacity networks can be attributed to inefficiencies in the roll-out process related to: (i) the use of existing passive infrastructure (such as ducts, conduits, manholes, cabinets, poles, masts, antenna installations, towers and other supporting constructions); (ii) bottlenecks related to the coordination of civil works ***carried out by network operators or public authorities***; (iii) burdensome ***and lengthy*** administrative procedures to grant permits; and (iv) bottlenecks in in-building deployment of networks, which lead to high financial barriers, particularly in rural areas.	deploying very high capacity networks can be attributed to inefficiencies in the roll-out process related to: (i) the use of existing passive infrastructure (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.	
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	(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	(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	

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	and 5G, the European Council, 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. _____ 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).	and 5G, the European Council, 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. _____ 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).	and 5G, the European Council, 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. _____ 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).	
Recital 8				
18	(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.	(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 ***and streamlined*** to further reduce costs and speed up network deployment.	(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.	
Recital 9				
19	(9) Measures aiming to make using public and private existing infrastructures more efficient and	(9) Measures aiming to make using public and private existing infrastructures more efficient and	(9) Measures aiming to make using public and private existing infrastructures more efficient and	

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	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.	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***, in particular in rural, remote or scarcely populated areas or in transport corridors***. These measures should maintain effective competition without harming the safety, security***,*** and smooth operation of the existing infrastructure ***and public health and environment, and should be based on adequate methodologies and scientific data***.	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.	
Recital 10				
20	(10) Some Member States have adopted measures to reduce the costs of broadband roll-out, including by going beyond the provisions of Directive 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	(10) Some Member States have adopted measures to reduce the costs of broadband roll-out, including by going beyond the provisions of Directive 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	(10) Some Member States have adopted measures to reduce the costs of broadband roll-out, including by going beyond the provisions of Directive 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	

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	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) 2020/1307[1] 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. _____ 1. Commission Recommendation (EU)	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) 2020/1307[1] 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. ***Member States should be***	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) 2020/1307[1] 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. _____ 1. Commission Recommendation (EU)	

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	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).	***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.*** _____ 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).	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).	
Recital 11				
21	(11) This Regulation aims to strengthen and harmonise rights 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	(11) This Regulation aims to strengthen and harmonise rights 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	(11) This Regulation aims to strengthen and harmonise rights and obligations applicable across the Union to accelerate the roll-out of ~~very high capacity networks~~**VHCN** and cross-sector coordination~~. Due to the persistent fragmentation of electronic communications markets in individual national markets,~~**, including backbone and 5G-ready-networks. This will help**	

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	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 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.	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 ***and rapid*** deployment of new physical infrastructure by complementing ***or going beyond*** the rights and obligations laid down in this Regulation. For example, Member States could ***shorten the deadlines to grant or deny permits necessary for deployment, introduce supplementary permit exemptions,*** 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***, expand the provisions on access to existing physical***	undertakings providing or authorised to provide electronic communications networks~~ are unable~~ to achieve economies of scale. ~~This~~**A lack of high quality connectivity in the Union** 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 **stricter or more detailed** national ~~measures~~**rules** 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 **or going beyond** the rights and obligations laid down in this Regulation **and provide solutions to better achieve its objectives**. For example, Member States could ~~extend~~**go beyond** provisions on civil works coordination **by applying them** also to privately funded projects or ~~require~~**requiring** that more information on physical	

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		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, provided that they do not violate Union law including the provisions of this Regulation.	infrastructure or planned civil works is provided to a single information point in electronic format **or applying shorter deadlines**, provided that they do not violate Union law including the provisions of this Regulation.	
Recital 12				
22	(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/EC[1], the provisions of these directives should prevail over this Regulation. _____ 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).	(12) To ensure legal certainty, including regarding specific regulatory measures imposed under Directive (EU) 2018/1972, under Title II, Chapters II to IV ~~and~~, ***Commission*** Directive 2002/77/EC[1], ***and Directive (EU) 2022/2555 of the European Parliament and the Council***[2], the provisions of ~~these~~***those*** directives ***and national measures for their implementation*** should prevail over this Regulation. _____ 1. Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249,	(12) To ensure legal certainty, including regarding specific regulatory measures imposed under Directive (EU) 2018/1972, under **Part II,** Title II, Chapters II to IV and Directive 2002/77/EC[1], the provisions of these directives should prevail over this Regulation. **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.**	

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		17.9.2002, p. 21). 2. ***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).***	_____ 1. **[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).	
Recital 13				
23	(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 environmental costs linked to these works, such as pollution, noise and	(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 environmental costs linked to these works, such as pollution, noise and	(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 environmental costs linked to these works, such as pollution, noise and	

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	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.	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 ***or limit the exercise of such rights***.	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.	
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 (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	(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 (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. ***At the same time, it is important to***	(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 (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	

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	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.	***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.*** 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.	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 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	(15) In particular, taking into account the fast development of providers of wireless physical 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	(15) In particular, taking into account the fast development of providers of wireless physical 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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*~~***should also fall under the scope of this*** Regulation, except the provisions regarding in-building physical infrastructure and access. ***The provisions regarding the fair and reasonable terms and conditions for granting access should not apply to associated facilitates 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 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***	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.	

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		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.		
Recital 15a				
25a			**(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 enjoying a concession from public bodies.**	
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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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	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 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	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~~**VHCN** 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 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	

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	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.	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.	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.	
Recital 17				
27	(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,	(17) In the absence of a justified exception, physical infrastructure elements owned or controlled by public sector bodies ***or any entity exclusively entrusted with performing tasks on behalf of those 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, ***rooftops and facades of 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	(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 **in such cases** should be made accessible to facilitate installing network elements of ~~very high capacity networks~~**VHCN**, in particular wireless networks. Examples of physical infrastructure elements are buildings, **including their rooftops and part of their facades,** entries to buildings, and any other asset, including street furniture, such as light poles, street signs, traffic lights, billboards, **toll frames,** bus and tramway stops and metro **and railway** stations. It is for Member States to identify specific ~~buildings~~**categories of**	

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	for example, for reasons of architectural, historical, religious or natural value.	Member States ***, in cooperation with regional and local authorities*** 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***, 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***.	**physical infrastucture** 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~~**enviromental** value.	
Recital 17a				
27a		***(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***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		between rural and urban areas, while keeping the interference 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		

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		to obtain State aid to deploy a very high capacity network in the area concerned or to find a suitable co-investor to deploy such physical infrastructure.		
Recital 18				
28	(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	(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 ***or a public sector body*** 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	(18) This Regulation should be without prejudice to any specific safeguard needed to ensure **national security,** 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	should not prevent Member States 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.	measures set out in this Regulation should not prevent Member States 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.	measures set out in this Regulation should not prevent Member States 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.	
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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 capacity[1]. _____ 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.	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 capacity[1]. _____ 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.	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 capacity[1]. _____ 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.	
Recital 20				
30	(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 justified reasons. In particular, a physical infrastructure for which	(20) To ensure proportionality and preserve investment incentives, ***especially for very high capacity networks pioneers, and thus create an incentive for the rapid rollout of very high capacity networks to rural and remote areas*** a network operator or public	(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 justified reasons. In particular, a physical infrastructure for which	

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	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 the elements of very high capacity networks which results from	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 with a network operator other than an electronic communications	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 the elements of ~~very high capacity networks~~**VHCN** which results	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 and conditions for such alternative means of wholesale physical access	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 operators, and incentives to invest. It may also risk an inefficient	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 **passive** 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. **This Regulation does not prevent Member States from restricting the conditions for access refusal based on the existence of alternative offering of dark fibre**	

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	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.	duplication of network elements, ***which should, in particular, be avoided until sufficient coverage of rural areas with very high capacity networks is achieved***. 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, ***inter alia***~~*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***, 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***.	**or fibre unblunding where such products would not constitute in the relevant market a viable alternative means of passive wholesale physical access to electronic communication networks. .** It may also risk an inefficient duplication of ~~network elements~~**physical infrastructure**. 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, ***inter alia***~~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**; 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 States could provide**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			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.	
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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	on the circumstances, several 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.	on the circumstances, several 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~~***avoid*** 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.	on the circumstances, several factors could influence the conditions under which such access is granted. These **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** 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**, including minimising the visual impact on infrastructure to ensure public acceptance and sustainable**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			deployment, public health, public security or to meet town and country planning objectives.	
Recital 22				
32	(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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	possibility previously offered to the access seeker to co-deploy.	possibility previously offered to the access seeker to co-deploy.	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. **In the 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.**	
Recital 23				
33	(23) Public sector bodies that own	(23) Public sector bodies that own	(23) Public sector bodies that own	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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.	or control physical infrastructure may lack sufficient resources, experience or the necessary technical knowledge to engage in negotiations with operators on access. ***In such a case, in order*** to facilitate access to these public sector bodies' physical infrastructure, a body ~~could~~***should*** be appointed to coordinate the access requests, provide legal and technical advice for negotiating access terms and conditions, and make relevant information on such physical infrastructure available via a single information point. The coordinating body ~~could~~***should*** 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.	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 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	(24) To ensure consistency of approaches among Member States, ***while taking into account the distinct situations across Member States*** the Commission, in close	(24) ~~To ensure consistency of approaches among~~ Member States~~,~~ ~~the Commission, in close cooperation with the Body of European Regulators for Electronic~~	

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	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.	cooperation with the Body of European Regulators for Electronic Communications (BEREC), ~~could~~***should*** provide guidance on applying the provisions on access to physical infrastructure, including but not only on the application of fair and reasonable conditions***, by at least the date of entry into force of this Regulation***. The views of stakeholders***, national authorities*** and national dispute settlement bodies should be duly taken into account in the preparation of the guidance ***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***	~~Communications (BEREC), could~~ **may** 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. **When the bodies appointed to issue the guidance are different from the national dispute settlement bodies, views of the latter should be duly taken into account.**	

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		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 granularity.		
Recital 25				
35	(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	(25) Operators should have access to minimum information on physical infrastructure and ~~*planned*~~ civil works ***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*** in the area of deployment. ***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.*** This will enable them to effectively plan deploying very high capacity	(25) Operators should have access **upon request** 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~~**VHCN** 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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.	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**,** ***where feasible*** 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	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 appropriate, as well as existing** ~~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 upon request) provide and maintain such~~ **promptly, within the deadline, make available such up-to-date** 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~~**made available** 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		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. ***Network operators and public sector bodies subject to transparency 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.***	required, no later than 3 months before the permit application is first submitted to the competent authorities.	
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	(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	(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~~**could** consist of a repository	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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.	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 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.	of information in electronic format, where information can be accessed **or made available** and requests can be made online using digital tools, such as webpages, **electronic addresses,** 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 single information point does not have to host the information as long as it ensures that ~~links are available~~**it provides connections** to other digital tools, such as web portals, digital platforms **databases,** or digital applications, where the information is stored. **Accordingly, different models for a single information point can be envisaged.** 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.	
Recital 27				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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 without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.	(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 without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.	(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 without prejudice to the safeguards adopted to ensure network security and integrity, protection of confidentiality, as well as operating and business secrets.	
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 ***planned by network operators*** 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~~**could** also be enforced by making permit-granting applications subject to ~~prior publication of~~**firstly make available** information on planned civil works via a single information point.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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 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	(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 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	(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 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, **general conditions of network operators for access to existing physical infrastructure,** electronic administrative procedures for granting permits and rights of way, and the applicable conditions and	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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 Council[1], the single information point could provide user-friendly access to this information. _____ 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).	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 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 Council[1], the single information point could provide user-friendly access to this information. _____ 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).	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 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 Council[1], the single information point could provide user-friendly access to this information. _____ 1. **[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).	
Recital 30				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
40	(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 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	(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 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	(30) To ensure proportionality and security, the requirement to ~~provide~~**make available** information on existing physical infrastructure via the single information point need not apply for the same reasons as those justifying a refusal of an access request. In addition, ~~providing~~**making available** 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~~**make available** such information. Member States should	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 this obligation should be notified to the Commission.	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 this obligation should be notified to the Commission.	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 this obligation should be notified to the Commission.~~**publicly available via a single information point.**	
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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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.	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 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.	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 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.	
Recital 32				
42	(32) The transparency obligation for the coordination of civil works	(32) The transparency obligation for the coordination of civil works	(32) **Member States may decide that** the transparency obligation for	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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.	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 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.	the coordination of civil works ~~need~~**do** 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 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~~**make available** 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	(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	(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	

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	civil works are not financed by public means, this Regulation should be without prejudice to the possibility for network operators to conclude civil works coordination agreements according to their own investment and business plans and their preferred timing.	civil works are not financed by public means, this Regulation should be without prejudice to the possibility for network operators to conclude civil works coordination agreements according to their own investment and business plans and their preferred timing.	civil works are not financed by public means, this Regulation should be without prejudice to the possibility for 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	(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	(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~~**VHCN**. 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~~**VHCN** 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	terms. For example, the requesting operator should cover any additional costs, 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.	terms. For example, the requesting operator should cover any additional costs, 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.	and transparent terms. For example, the requesting operator should cover any additional costs, 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	(35) In some cases, in particular for deployments in rural, remote or scarcely populated areas, the obligation ***on network operators*** 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	(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	

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	authorised to provide public electronic communications networks to coordinate civil works 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	providing or authorised to provide public electronic communications networks to coordinate civil works 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 to coordinate civil works 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	

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	authorised to provide public electronic communications networks performing the civil 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.	authorised to provide public electronic communications networks performing the civil 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.	authorised to provide public electronic communications networks performing the civil works should guarantee that it will deploy physical infrastructure with sufficient capacity, taking into account the **capacity requirements expressed by the undertaking requesting coordination of civil works and, when appropriate, the** guidance provided by the ~~Commission~~**Member States**. 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				
45a			**(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.**	

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Recital 36				
46	(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.	(36) To ensure consistency of approaches, ***while taking into account the diverse situations across Member States,*** the Commission, in close cooperation with the Body of European Regulators (BEREC), ~~could~~***should*** provide guidance***, by at least the date of entry into force of this Regulation,*** on applying the provisions on civil work coordination, including but not only on apportioning of costs. -The views of stakeholders and ***particulary of*** national dispute settlement bodies should be duly taken into account in the preparation of the guidance. ***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.***	(36) ~~To ensure consistency of approaches, the Commission, in close cooperation with the Body of European Regulators (BEREC), could~~**Member States may** 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.	
Recital 37				
47	(37) Effective coordination can	(37) Effective coordination can	(37) Effective coordination can	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	help reduce costs and delays as well as deployment disruption, which can be caused by problems 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.	help reduce costs and delays as well as deployment disruption, which can be caused by problems 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.	help reduce costs and delays as well as deployment disruption, which can be caused by problems on site. One example where coordination of civil works can provide clear benefits are cross-sector projects **within but not limited to Trans-European Energy (TEN-E) and Trans-European Transport (TEN-T) networks, such as** 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	(38) A number of different permits for deploying elements of electronic communications	(38) A number of different permits for deploying elements of electronic communications	

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	networks or associated facilities may be necessary in order to protect national and Union general interests. These can include 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	networks or associated facilities may be necessary in order to protect national and Union general interests. These can include 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 ***and, to the extent possible, harmonised*** at national level***, while respecting the legal order of each Member State. In order to reduce the administrative burden and ensure shorter timeframes for the permit-granting procedure, where multiple competent authorities are involved in the granting of a number of different permits and rights of way associated to one***	networks or associated facilities may be necessary in order to protect national and Union general interests. These can include 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	

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	points. 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.	***request, Member States should assign a single coordination body. That body should be tasked to facilitate the coordination between the various competent authorities involved, through different mechanisms, including through joint coordination procedures such as on-site visits,*** ~~.~~ while preserving the right of each competent authority to be involved and maintain its decision-making prerogatives in accordance with the subsidiarity principle~~, all~~***. 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***. 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	points. 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~~**Each competent authority should keep informed applicants** in electronic format ~~about the~~ **on the actual** status of ~~their requests and~~**the permit applications, which it is competent to handle, including** whether ~~they~~**the permit** have been granted or refused**, and ensure that such information is accessible to the applicant via a single information point**.	

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		status of their requests and whether they have been granted or refused.		
Recital 39				
49	(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	(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 ~~4~~***two*** months ***after the expiry of the 15 days*** from the receipt of a ~~complete~~ permit request ***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***	(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~~**VHCN** or associated facilities is made available within 4 months from the receipt of a complete permit request. ~~This is without prejudice to~~**Union law or national law providing** other specific deadlines or obligations ~~laid down~~ for the proper conduct of the procedure, ~~which~~**such as a public consultation required in an administrative procedure to grant an environmental permit or appeal proceedings, that** are applicable to the permit-granting procedure ~~in accordance with national or Union law~~**should prevail over the deadline set out in this Regulation**. Competent authorities should not restrict, hinder or make the deployment of	

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	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.	***extensions***. 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 refusal to grant permits or rights of way under their competence, based on objective, transparent, non-discriminatory and proportionate conditions. ***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***	~~very high capacity networks~~**VHCN** 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**, when not justified,** 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.	

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		work, competent authorities should allow the extension of the validity of those permits upon request. When determining the 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.		
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	(40) To avoid undue delays, competent authorities ~~must~~***should*** 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*~~ ***, the deadline of two months should start.*** Competent authorities should ~~*not consider permit requests for civil works to be admissible if the minimum*~~***be able to request any missing information after the***	(40) To avoid undue delays, competent authorities must determine the completeness of the permit request within ~~15~~**20 working** 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~~	

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	point within 3 months before the first permit request is submitted to the competent authorities. 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 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.	***expiry of the 15 days, via the single*** 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*~~***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***. 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*~~***two*** 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.	~~information point within 3 months before the first permit request is submitted to the competent authorities.~~ Where, in addition to permits, rights of way are required for deploying elements of ~~very high capacity networks~~**VHCN**, 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**, except in cases of expropriation**. 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.~~	

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Recital 41				
51	(41) In order to ensure uniform 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 Council[1]. 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. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules	(41) In order to ~~*ensure uniform conditions for the implementation of Article 7 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised*~~***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*** in accordance with ~~*Regulation (EU) No 182/2011*~~***Article 290 of the Treaty on the Functioning*** of the European ~~*Parliament and of the Council*~~[1]. 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	(41) ~~In order to ensure uniform conditions for the implementation of Article 7 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised~~ **Member States should,** in accordance with ~~Regulation (EU) No 182/2011 of the European Parliament and of the Council~~[1]. The exemptions from the requirement for permits set out at Union level by way of an implementing act, could be applied to different**national law, specify** categories of infrastructure (such as masts, antennae, poles and underground ~~cables~~**ducts**) ~~under certain specified conditions, for which~~**that are not be subject to** building permits, digging permits or other types of permits ~~may be initially required. They~~**. Such** could also be ~~applied to~~**the case for** technical upgrades of existing maintenance works or installations, **and** small-scale civil works, such as trenching, and renewals of permits. _____	

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	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).	existing maintenance works or installations, small-scale civil works, such as trenching, and renewals of permits***Union should 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***	~~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).~~	

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		the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ~~*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).*~~		
Recital 42				
52	(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.	(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***~~*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.	(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~~**could** include ***inter alia***~~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.~~	

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	Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.	***Member States in which the principle of administrative tacit approval does not exist in the national legal system should be 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***. Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.	~~Moreover, the categories of deployments exempted from permits under Union law should no longer be subject to permits under national law.~~**.**	
Recital 43				
53	(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	(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 ***and take into account*** the administrative costs related to processing the permit	(43) To facilitate the deployment of elements of ~~very high capacity networks~~**VHCN**, any fee related to a permit, other than rights of way, should be limited to the administrative costs related to processing the permit request	

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	according to the principles established in Article 16 of Directive (EU) 2018/1972. In the case of rights of way, the provisions established in Articles 42 and 43 of Directive (EU) 2018/1972 apply.	request according to the principles established in Article 16 of Directive (EU) 2018/1972. In the case of rights of way, ***competent authorities should establish the fees taking into account*** the provisions established in Articles 42 and 43 of Directive (EU) 2018/1972***. 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*** ~~*apply*~~.	according to the principles established in Article 16 of Directive (EU) 2018/1972. In the case of rights of way, the provisions established in Articles 42 and 43 of Directive (EU) 2018/1972 apply. **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.**	
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	(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	(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~~ **the** network termination point and all populated areas are covered by next-generation wireless high-speed networks ~~with~~**performance** at least ~~5G-equivalent performance~~**equivalent to that of 5G**, in accordance with the	

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	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	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	principle of technological neutrality. Providing gigabit networks up to the end user should be facilitated **by a modern and future proof fibre-based technology suitable**, in particular ~~through fibre-ready~~**to a modern and future proof** in-building physical infrastructure**, building access point and inbuilding wiring**. 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~~**encompassing structural modifications of the entire in-building physical infrastructure or a significant part thereof,** should ~~also~~ be equipped with ~~an~~**physical**	

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	performance (pursuant to Directive 2010/31/EU of the European Parliament and of the Council[1]) 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. _____ 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).	performance (pursuant to Directive 2010/31/EU of the European Parliament and of the Council[1]) 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. _____ 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).	**infrastructure, a building** access point~~,~~ **easily** accessible to one or more undertakings providing or authorised to provide public electronic communications networks **and in-building fibre wiring, enabling the connection of end users to gigabit speeds**. Moreover, building developers should provide for empty ducts from every dwelling to the **building** access point, located ~~in~~**inside** or outside the multi-dwelling building**, 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**. 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 Council[1]) provide ~~an~~**a modernisation** opportunity to also equip those buildings with fibre-ready in-building physical infrastructure, in-building fibre wiring and~~, for~~	

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			~~multi-dwelling buildings, an~~ **a building** access point. _____ 1. **[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).	
Recital 44a				
54a			**(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.**	
Recital 44b				
54b			**(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**	

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			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 communication networks.	
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, ~~an~~**a fiber-ready building** access point or in-building fibre wiring may be considered disproportionate in terms of costs **in specific cases, such as for some**~~, 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	(46) Prospective buyers and	(46) Prospective buyers and	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	tenants ~~should be able to identify~~**would benefit from identifying** buildings that are equipped with fibre-ready in-building physical infrastructure, ~~an~~**a fiber-ready building** 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~~**may** therefore develop a~~ compulsory~~ 'fibre-ready' label for buildings equipped with such infrastructure, ~~an~~**a fiber-ready building** 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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 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.	subscriber has expressed explicit interest for the service at that moment in time and provided that the impact on private property is minimised, ***and the right to property is fully respected.*** Once 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.	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 **building** access point, the connection of an additional customer is possible at a significantly lower cost, in particular by means of **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** 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			have taken measures under Article 44 of Directive (EU) 2018/1972. **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.**	
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	(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	(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~~ **a building access point except in cases where it is disproportionate in relation to the total costs of the renovation works**. 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	point.	point.	equipping buildings with fibre-ready in-building physical infrastructure, in-building fibre wiring and ~~an~~**a building** access point.	
Recital 49				
59	(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	(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 ***and fibre*** cabling, and the minimum bend radius. Member States should make the issuance of	(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~~**may** 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~~**may** make the	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	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 **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** ~~.~~Member States ~~should~~**a permit to use the building for its intended purpose after completion of its contruction is also required. Member States may** 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~~**could** take into account the procedural requirements applied to certification schemes pursuant to Directive 2010/31/EU and also	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			consider the possibility to enable the combined launch of both request procedures.	
Recital 50				
60	(50) In view of the social benefits 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.	(50) In view of the social benefits 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 ***and the right to property is fully respected***, for example, if possible, by reusing the existing physical infrastructure available in the building or ensuring full restoration of the affected areas.	(50) In view of the social benefits stemming from digital inclusion and taking into account the economics of deploying ~~very high capacity networks~~**VHCN**, where there is neither existing passive or active fibre-ready infrastructure serving end users' premises nor alternatives to providing ~~very high capacity networks~~**VHCN** to a subscriber, any **provider of** public communications ~~network provider~~**networks** 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-	(51) Requests for access to the in-	(51) Requests for access to the in-	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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-building fibre wiring is made available under fair, reasonable and non-discriminatory terms and conditions, including price.	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-building fibre wiring is made available under fair, reasonable and non-discriminatory terms and conditions, including price.	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-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, ***while taking into account the distinct situation across Member States,*** the Commission, in close cooperation with BEREC, ~~could~~***should*** provide guidance***, by the date of application of this Regulation,*** 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 ***particulary of*** national dispute settlement bodies should be duly taken into account in the preparation of the guidance ***to ensure that such guidance would***	(52) ~~To ensure consistency of approaches, the Commission, in close cooperation with BEREC, could~~**Member states may** 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.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		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 are granted in the application of these provisions, and in order to be efficient, the Commission guidance should provide an appropriate level of granularity.		
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 infrastructure and planned civil	(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 infrastructure and planned civil	(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~~**VHCN**, 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**, electronic addresses, databases**, digital platforms, and digital applications. The tools should give access in an efficient manner to the minimum information on existing physical	

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	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.	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.	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.	
Recital 54				
64	(54) Member States should be allowed to rely on, and where necessary improve, digital tools, such as web portals, digital platforms, and digital applications	(54) Member States should be allowed to rely on, and where necessary improve, digital tools, such as web portals, digital platforms, and digital applications	(54) Member States should be allowed to rely on, and where necessary improve, digital tools, such as web portals, **electronic addresses, databases,** digital	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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. ***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 practices when designing the single information point.***	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**, databases,** or applications supporting the single information points, as appropriate. For example, the digital platforms**, databases** 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.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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 single information points. _____	(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 single information points. _____	(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 single information points. _____	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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).	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).	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).	
Recital 56				
66	(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 ICT[1]; the Digital Europe Programme[2] - specific objective: deployment and best use of digital capacities and interoperability and the Recovery and Resilience Facility[3] - pillars on digital transformation and on smart,	(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 ICT[1]; the Digital Europe Programme[2] - specific objective: deployment and best use of digital capacities and interoperability and the Recovery and Resilience Facility[3] - pillars on digital transformation and on smart,	(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 ICT[1]; the Digital Europe Programme[2] - specific objective: deployment and best use of digital capacities and interoperability and the Recovery and Resilience Facility[3] - pillars on digital transformation and on smart,	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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. _____ 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) 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) 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)	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. _____ 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) 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) 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)	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. _____ 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) 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) 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)	
Recital 57				
67	(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	(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	(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	

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	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 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	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 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	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 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	

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	refers.	refers.	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 be consulted or the high complexity of the file.	(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 be consulted or the high complexity of the file. ***In exceptional, duly substantiated cases, it should be possible to extend those deadlines by a maximum period of one month.***	(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 competent authorities that need to be consulted or the high complexity of the file.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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. ***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 the single information point, while respecting the principles of confidentiality and business secrets.***	(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.	
Recital 60				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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 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.	(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 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.	(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 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.	
Recital 61				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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 timely manner; and have the appropriate competencies and resources.	(61) The designated national dispute settlement body and the competent body performing the functions of the single information point should ensure impartiality, ***political*** independence ***pursuant to Directive (EU) 2018/1972*** and structural separation towards the parties involved, exercise their powers impartially, transparently and in a timely manner; and have the appropriate competencies and resources.	(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 timely manner; and have the appropriate competencies and resources.	
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				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
73	(63) Since the objectives of this 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.	(63) Since the objectives of this 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.	(63) Since the objectives of this Regulation aiming at facilitating the deployment of physical infrastructures suitable for ~~very high capacity networks across the Union~~**VHCN across the Union in a way which promotes the internal market** 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			**(63a) This Regulation is without prejudice to the Member States' responsibility for safeguarding**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			national security or their power to safeguard other essential State functions, in particular 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.	
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.	
Recital 65				
75	(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.	
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 ***dates of*** entry into force and the application ***of this Regulation*** 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~~**twenty four** 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. **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** ~~The~~ period of ~~6~~**12 months. The period of twenty four** 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			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:	
Article 1				
78	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
Article 1(1)				
79	1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by 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.	1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by 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.	1. This Regulation aims to facilitate and stimulate the roll-out of very high capacity networks by 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.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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***, Directive 2002/77/EC*** or Directive ~~2002/77/EC~~***(EU) 2022/2555***, 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.	
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 deployment of new physical infrastructure.	3. Member States may maintain or introduce measures in conformity with Union law which contain more detailed provisions***, which complement or go beyond the rights and obligations*** than those set out in this Regulation where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.	3. **This Regulation sets minimum requirements for achieving the aims set out in paragraph 1.** Member States may maintain or introduce ~~measures~~**rules** in conformity with Union law which ~~contain~~**are stricter or** more detailed ~~provisions~~ than those ~~set out in this Regulation~~**minimum requirements,** where they serve to promote the joint use of existing physical infrastructure or enable a more efficient deployment of new physical infrastructure.	
Article 1(4)				
82	4. By way of exception to paragraph 3, Member States shall	4. By way of ~~exception to~~***derogation from*** paragraph 3 ***of***	4. By way of exception to paragraph 3, Member States shall	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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).	***this Article***, 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)***, second sub-paragraph*** and (4), Article 6(2)***, Article 7(1),*** and Article 8(7) and (8).	not maintain or introduce ~~in their national law provisions diverging from~~**rules which are stricter or more detailed than** those laid down in Article 3(3) **subparagraph points (a) to (e),** and (6), Article ~~4(4)~~**4(5) second subparagraph**, Article 5(2) **second subparagraph** and (4), Article 6(2) and Article 8(7) and (8).	
Article 1(4a)				
82a			**4a. This Regulation is without prejudice to the Member States' 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.**	
Article 2				
83	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph				
84	For the purposes of this	For the purposes of this	For the purposes of this	

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	Regulation, the definitions in Directive (EU) 2018/1972 apply.	Regulation, the definitions in Directive (EU) 2018/1972 apply.	Regulation, the definitions in Directive (EU) 2018/1972 apply**, 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'**.	
Article 2, second paragraph				
85	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:	
Article 2, second paragraph, point (1)(a)				
87	(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/1972;	(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/1972;	(a) an operator as defined in Article 2, point (29), of Directive (EU) 2018/1972;	
Article 2, second paragraph, point (1)(b)				
88				

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	(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:	
Article 2, second paragraph, point (1)(b)(i)				
89	(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:	
Article 2, second paragraph, point (1)(b)(i), first indent				
90	- gas;	- gas;	- gas;	
Article 2, second paragraph, point (1)(b)(i), second indent				
91	- electricity, including public lighting;	- electricity, including public lighting;	- electricity, including public lighting;	
Article 2, second paragraph, point (1)(b)(i), third indent				
92	- heating;	- heating;	- heating;	
Article 2, second paragraph, point (1)(b)(i), fourth indent				
93	- water, including disposal or treatment of wastewater and sewage, and drainage systems;	- water, including disposal or treatment of wastewater and sewage, and drainage systems;	- water, including disposal or treatment of wastewater and sewage, and drainage systems;	
Article 2, second paragraph, point (1)(b)(ii)				

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94	(ii) transport services, including railways, roads, ports and airports;	(ii) transport services, including railways, roads, ports and airports;	(ii) transport services, including railways, roads, **including urban roads,** ports and airports;	
Article 2, second paragraph, point (1a)				
94a		***(1a) 'very high capacity network' means a very high capacity network as defined in Article 2, point (2), of Directive (EU) 2018/1972;***		
Article 2, second paragraph, point (2), first subparagraph -a				
94b			**(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 public law;**	
Article 2, second paragraph, point (2), second subparagraph				
94c			**(3) 'bodies governed by public law' means bodies that have all of the following characteristics:**	
Article 2, second paragraph, point (2), second subparagraph, point (a)				

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94d			**(a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;**	
Article 2, second paragraph, point (2), second subparagraph, point (b)				
94e			**(b) they have legal personality;**	
Article 2, second paragraph, point (2), second subparagraph, point (c)				
94f			**(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;**	
Article 2, second paragraph, point (2), first subparagraph				
95	(2) 'physical infrastructure'	(2) 'physical infrastructure'	(2) 'physical infrastructure'	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	means:	means:	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, ***including rooftops, parts of the facade*** 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 **including their rooftops and parts of their facades** or entries to buildings, and any other asset **that could be suitable to host elements of a networks,** including street furniture, such as light poles, street signs, traffic lights, billboards**, tolls frames**, bus and tramway stops and metro **and railway** stations;	
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	(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings or entries to buildings, ***including rooftops, parts of the facade*** and any other asset including street furniture, such as	(b) where they are not part of a network and are owned or controlled by public sector bodies: buildings **including their rooftops and parts of their facades** or entries to buildings, and any other asset **that could be suitable to**	

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	and tramway stops and metro stations.	light poles, street signs, traffic lights, billboards, bus and tramway stops and metro stations.	**host elements of a network,** including street furniture, such as light poles, street signs, traffic lights, billboards, **tolls frames,** bus and tramway stops and metro **and railway** 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. **[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).	
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	(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	(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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	elements of a physical infrastructure;	elements of a physical infrastructure;	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	
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	
Article 2, second paragraph, point (5)(a)				
102	(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	
Article 2, second paragraph, point (5)(b)				
103	(b) they have legal personality;	(b) they have legal personality;		

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			See 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	
Article 2, second paragraph, point (6)				
105	(6) 'in-building physical infrastructure' means physical infrastructure or installations at the 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;	(6) 'in-building physical infrastructure' means physical infrastructure or installations at the 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;	(6) 'in-building physical infrastructure' means physical infrastructure or installations at the 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~~;~~ **or, in those Member States**	

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			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.	
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~~;~~**, 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 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	(8) 'fibre-ready in-building physical infrastructure' means in-building physical infrastructure intended to host optical fibre	(8) 'fibre-ready in-building physical infrastructure' means in-building physical infrastructure intended to host optical fibre	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	elements;	elements;	elements;	
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;	
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 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;	(10) 'permit' means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several 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;	(10) 'permit' means an explicit or implicit decision or set of decisions taken simultaneously or successively by one or several competent authorities that are ~~needed~~**required under national law** for an undertaking to carry out building or civil engineering works necessary for the deployment of elements of ~~very high capacity networks~~**VHCN**;	
Article 2, second paragraph, point (11)				
110	(11) 'access point' means a	(11) 'access point' means a	(11) '**building** access point'	

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	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.	physical point, located inside or outside the building, accessible to one or more undertakings ~~providing or~~***that provide or that are*** authorised to provide public electronic communications networks, where connection to the fibre-ready in-building physical infrastructure is made available.	means a physical point, located inside or outside the building, **easily** accessible to ~~one or more~~**multiple** undertakings providing or authorised to provide public electronic communications networks, where connection to the fibre-ready in-building physical infrastructure is made available.	
Article 2, second paragraph, point (11a)				
110a		***(11a) 'rights of way' means rights referred to in Article 43(1) of the Directive (EU) 2018/1972.***	**(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 on, over or under public or private property to deploy VHCN and associated facilities.**	
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(1)				
112	1. Upon written request of an operator, public sector bodies owning or controlling physical	1. ~~Upon written request of an operator,~~***Network operators or*** public sector bodies owning or	1. ~~Upon written request of an operator,~~ **Without prejudice to paragraph 3, all** public sector	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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, including a specific time frame.	controlling physical infrastructure ~~*or network operators*~~ shall meet all reasonable ***written*** requests ***of operators*** 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, including a specific time frame.	bodies owning or controlling physical infrastructure ~~or~~**and all** network operators**,** shall meet**, upon written request of an operator,** 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~~**VHCN** 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, including a specific time frame. **Member States may specify detailed requirements for these requests.**	
Article 3(1a)				
112a		***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***		

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		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.		
Article 3(1b), first paragraph				
112b		***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:***		
Article 3(1b), first paragraph, point (a)				
112c		***(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***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		such a nrtwork within a year from the moment when the network operator requests access;		
Article 3(1b), first paragraph, point (b)				
112d		***(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***		
Article 3(1b), first paragraph, point (c)				
112e		***(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.***		
Article 3(1b), second paragraph				
112f		***This paragraph shall be without prejudice to the right of Member States to expand the obligation to***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		meet reasonable requests for access to physical infrastructure to buildings which are not part of the network.		
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, ***and in order to avoid excessive prices,*** 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**, including prices,** for granting access, network operators and public sector bodies owning or controlling physical infrastructure shall**, where relevant,** take into account **at least** the following:	
Article 3(2), point (-a)				
113a			**(-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.**	
Article 3(2), point (a)				
114	(a) the need to ensure that the access provider has a fair opportunity to recover the costs it	(a) the need to ensure that the access provider has a fair opportunity to recover the costs it	(a) **(b)** the need to ensure that the access provider**, including the providers of associated facilities,**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	incurs in order to provide access to its physical infrastructure, taking into account specific national conditions***, different business models,*** 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.	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**, business models,** 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.	
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 infrastructure to which the access has been requested;	(b) the impact of the requested access on the access provider's business plan, including investments in the physical infrastructure to which the access has been requested~~;~~***, 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.***	(b) **(c)** the impact of the requested access on the access provider's business plan, including investments in the physical infrastructure to which the access has been requested**, 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**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			networks, their different business models;	
Article 3(2), point (ba), first subparagraph				
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 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.	(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 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.	~~(c)~~**(ba)** 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 provision of connectivity, and any possibility previously offered to~~**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** the access ~~seeker to co-invest in the deployment of the physical infrastructure, notably pursuant to~~	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			~~Article 76 of Directive (EU) 2018/1972, or to co-deploy alongside it.~~**:**	
Article 3(2), point (ba), second subparagraph				
116a			**- the economic viability of those investments based on their risk profile,**	
Article 3(2), point (ba), third subparagraph				
116b			**- any time schedule for the return on investment,**	
Article 3(2), point (ba), fourth subparagraph				
116c			**- any impact of access on downstream competition and consequently on prices and return on investment,**	
Article 3(2), point (ba), fifth subparagraph				
116d			**- any depreciation of the network assets at the time of the access request,**	
Article 3(2), point (ba), sixth subparagraph				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
116e			**- 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**	
Article 3(2), point (ba), seventh subparagraph				
116f			**- 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.**	
Article 3(2), point (ca)				
116g		***(ca) any additional maintenance and adaptation costs resulting from providing access to the relevant infrastructure.***		
Article 3(2a)				
116h		***(2a) Paragraph 2 shall not apply to associated facilities when they operate as a wholesale only model***		

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		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.		
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~~***on the basis of*** one or more of the following ~~conditions~~***grounds***:	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:	
Article 3(3), first subparagraph, point (a)				
118	(a) there is a lack of technical suitability of the physical infrastructure to which access has been requested to host any of the elements of very high capacity networks referred to in paragraph 2;	(a) there is a lack of technical suitability of the physical infrastructure to which access has been requested to host any of the elements of very high capacity networks referred to in paragraph 2;	(a) there is a lack of technical suitability of the physical infrastructure to which access has been requested to host any of the elements of ~~very high capacity networks~~**VHCN** referred to in paragraph ~~2~~**1**;	
Article 3(3), first subparagraph, point (b)				

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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~~**VHCN** or associated facilities referred to in paragraph ~~2~~**1**, including after having taken into account the future need for space of the access provider that is sufficiently demonstrated**, such as in the publicly available investments plans or by a threshold for allowed capacity as a percentage of the entire capacity**;	
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 **justified reasons regarding** safety**, national security** and public health ~~concerns~~;	
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 duly justified reasons regarding** the integrity and security of any network, in particular critical national infrastructure;	
Article 3(3), first subparagraph, point (e)				

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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 **existence of duly justified** 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 **passive** wholesale physical access to electronic communications networks**, including access to dark fibre or fibre unbundling,** provided by the same network operator and suitable for the provision of ~~very high capacity networks~~**VHCN**, provided that such access is offered under fair and reasonable terms and conditions.	
Article 3(3), first subparagraph, point (fa)				
123a		***(fa) the availability of viable alternative means of physical access to open, non-discriminatory electronic communications networks, which are:***		

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Article 3(3), first subparagraph, point (fa)(i)				
123b		***(i) located in rural or remote areas,***		
Article 3(3), first subparagraph, point (fa)(ii)				
123c		***(ii) operated on a wholesale only basis,***		
Article 3(3), first subparagraph, point (fa)(iii)				
123d		***(iii) owned or controlled by public sector bodies, and***		
Article 3(3), first subparagraph, point (fa)(iv)				
123e		***(iv) suitable for the provision of very high capacity networks, provided that such access is offered under fair and reasonable terms and conditions.***		
Article 3(3), first subparagraph a				
123f			**Member States may provide that the network operators and public sector bodies owning or**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			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 public body, provided that:	
Article 3(3), first subparagraph a, point (a)				
123g			**(a) i. such alternative means of wholesale access is offered under fair and reasonable terms and conditions; and**	
Article 3(3), first subparagraph a, point (b)				
123h			**(b) ii. the deployment project of the requesting operator addresses the same coverage area and there is no other fibre network connecting end-user premises (FttP) serving this coverage area.**	
Article 3(3), second subparagraph				

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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~~**as soon as possible, and no later than two months** from the date of the receipt of the complete request for access**, 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**.	
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 through the negotiation of access terms and conditions, and facilitate the provision of information via a single information point referred to in Article 10.	4. Member States ~~*may*~~***shall*** establish a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide legal and technical advice through the negotiation of access terms and conditions***, including with respect to access to land***, and facilitate the provision of information via a single information point referred to in Article 10.	4. Member States may establish **or designate** a body to coordinate access requests to physical infrastructure owned or controlled by public sector bodies, provide 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.	

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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**, by other competent authorities** 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~~**1, 2, and 3**, 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 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	6. Public sector bodies owning or controlling buildings or certain categories of buildings may not apply paragraphs 1, 2 and 3 to 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 ***and regional and local authorities*** shall identify such buildings or categories of buildings in their territories ~~*based on duly justified and*~~***on the basis of duly***	6. Public sector bodies owning or controlling ~~buildings~~**physical infrastructure** or certain categories of ~~buildings~~**physical infrastructure** may not apply paragraphs 1, 2 and 3 to those ~~buildings~~**physical infrastructure** or categories of ~~buildings~~**physical infrastructure** for reasons of architectural, historical, religious, or ~~natural~~**enviromental** value, or for reasons of public security, **defence,** safety and health. Member States shall identify such	

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	categories of buildings shall be published via a single information point and notified to the Commission.	***substantiated,*** proportionate reasons. Information on such buildings or categories of buildings shall be published via a single information point and notified to the Commission.	~~buildings~~**physical infrastructure** or categories of ~~buildings~~**physical infrastructure** in their territories based on duly justified and proportionate reasons. ~~Information on such buildings or categories of buildings~~**The list of categories of physical infrastructure and the criteria applied to identify them,** 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.	
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	8. ***Notwithstanding paragraph 1b,*** 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,	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	

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	property owners.	such as landowners and private property owners.	property owners **or when applicable, rights of tenants**.	
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, ***and having taken into account well-established principles and the distinct situation across Member States,*** the Commission ~~*may*~~***shall***, in close cooperation with BEREC, provide guidance on the application of this Article ***by ... [the date of application of this Regulation]***.	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,~~**Member States may** provide guidance on the application of this Article.	
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	1. In order to request access to physical infrastructure in accordance with Article 3, any	1. In order to request access to physical infrastructure in accordance with Article 3, any	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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:	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:	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:	
Article 4(1), first subparagraph, point (a)				
133	(a) georeferenced location and route;	(a) georeferenced location and route;	(a) georeferenced location and route;	
Article 4(1), first subparagraph, point (b)				
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;	
Article 4(1), first subparagraph, point (c)				
135	(c) a contact point.	(c) a contact point.	(c) a contact point.	
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 **working** days after the request for information is submitted. **In duly**	

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			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.	
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~~**VHCN** or associated facilities.	
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 **or refused** 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, **the security of national critical infrastructure,** public health or safety**, where physical infrastructures are not subject to access obligations according to Article 3(6)**, or for reasons of confidentiality or operating and business secrets.	

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Article 4(1a)				
138a		***(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.***		
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***, including operators of electronic communication networks*** and public sector bodies shall make available ***at least*** the minimum information referred to in paragraph 1***, and, where applicable, as additional information referred to in paragraph 1a*** 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	2. Network operators and public sector bodies shall make available the minimum information- referred to in paragraph 1, via ~~the~~**a** single information point and in electronic format, ~~by [DATE OF ENTRY INTO FORCE + 12 MONTHS]~~**starting not later than 24 months after the entry into force of this Regulation**. 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. **In case network operators or public sector bodies**	

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		information and any new minimum information referred to in paragraph 1.	**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 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.**	
Article 4(2a)				
139a		***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 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***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		single information point and in electronic format. Those exceptions and the roadmaps shall be published in advance via the single information point.		
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 the limitations set out in paragraph 1, fourth subparagraph.	3. Network operators and public sector bodies shall meet reasonable requests for on-site surveys of specific elements of their physical infrastructure upon specific ***written*** 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 the limitations set out in paragraph 1, fourth subparagraph.	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~~**VHCN** 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 the limitations set out in paragraph 1, fourth subparagraph. **Member States may specify detailed requirements on such request.**	
Article 4(4), first subparagraph				

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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. **Member States may decide that** paragraphs 1, 2 and 3 ~~need~~**shall** not apply to **all or parts of** critical national infrastructure as defined under national law **for security reasons**.	
Article 4(4), second subparagraph				
142	Paragraphs 1, 2 and 3 shall not apply:	Paragraphs 1, 2 and 3 shall not apply:	**(5)** Paragraphs 1, 2 and 3 shall not apply:	
Article 4(4), second subparagraph, point (a)				
143	(a) in the case of physical infrastructure that is not technically suitable for the deployment of very high capacity networks or associated facilities'; or	(a) in the case of physical infrastructure that is not technically suitable for the deployment of very high capacity networks or associated facilities'; or	(a) in the case of physical infrastructure that is not technically suitable for the deployment of ~~very high capacity networks~~**VHCN** or associated facilities'; or	
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	(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	(b) in specific cases where the obligation to provide information about certain existing **types of** physical infrastructure pursuant to paragraph 1, first subparagraph, would be disproportionate, on the basis of a ~~detailed~~ cost-benefit analysis conducted by Member	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	States and based on a consultation with stakeholders.	States and ~~based on~~ a consultation with stakeholders.	States and based on a consultation with stakeholders~~.~~**; or**	
Article 4(4), second subparagraph, point (ba)				
144a			**(c) where physical infrastructures are not subject to access obligations in accordancewith Article 3(6).**	
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~~***exceptional categories*** shall be published via a single information point and notified to the Commission.	**The justification, criteria and conditions for applying** any such exceptions shall be published via a single information point~~ and notified to the Commission~~.	
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. ***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.***	5. **6.** Operators that obtain access to information pursuant to this Article shall take appropriate measures to ensure respect for confidentiality and operating and business secrets.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 5				
147	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~~ **Public sector bodies owning or controlling physical infrastructure and all network operators** 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	2. Any network operator ***or public sector body shall*** 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	2. ~~Any~~**Public sector bodies owning or controlling physical infrastructure and all** network ~~operator~~**operators ,** 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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	operators with a view to deploying elements of very high capacity networks or associated facilities.	operators with a view to deploying elements of very high capacity networks or associated facilities.	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~~**VHCN** or associated facilities. **Member states may specify detailed requirements on such request, including cases of partial financing.**	
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:	
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;	
Article 5(2), second subparagraph, point (b)				
152				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	(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;	
Article 5(2), second subparagraph, point (c)				
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.	
Article 5(3), second subparagraph				
153a		***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 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),***		

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		point (fa).		
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~~ ***that provides or that is*** authorised to provide public electronic communications networks to an undertaking ~~providing or~~ ***that provides or is*** authorised to provide public electronic communications networks may be deemed ***to be*** unreasonable where both ***of*** 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:	
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:	
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~~**VHCN** pursuant to Article 22(1) of Directive (EU) 2018/1972;	

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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~~**VHCN** 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;	
Article 5(3), first subparagraph, point (b)				
159	(b) the requesting undertaking failed to express its intention to deploy very high capacity networks 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.	(b) the requesting undertaking failed to express its intention to deploy very high capacity networks 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.	(b) the requesting undertaking failed to express its intention to deploy ~~very high capacity networks~~**VHCN** 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	If a request to coordinate is considered unreasonable on the basis of the first ~~*paragraph, the undertaking providing or*~~	If a request to coordinate is considered unreasonable on the basis of the first ~~paragraph~~**subparagraph**, the	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	***subparagraph, operators totally or partially publicly financed that provide or are*** 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.	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.	
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 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.	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 States shall identify the type of civil works considered to be limited in scope or related to critical national infrastructure ~~*based on duly justified*~~***on the basis of duly substantiated*** and proportionate reasons. Information on such types of civil works shall be published via a single information point and notified to the Commission.	4. **Member States may decide that** paragraphs 2 and 3 ~~need~~**shall** not apply to ~~civil~~**types of** works that are limited in scope, such as in terms of value, size or duration, or for critical national infrastructure. Member States shall identify the type of civil works considered to be limited in scope or related**, based on Union or national law,** 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**. Member States may decide not to publish information related to critical national infrastructure** ~~and~~	

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			~~notified to the Commission~~.	
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, ***and after having taken into account well-established principles and the specific situations of each Member State,*** 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,~~**Member States may** provide guidance on the application of this Article.	
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(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	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	1. In order to ~~negotiate agreements on~~**request** coordination of civil works referred to in ~~Article 5~~**Articles 5.2**, any network operator shall make available in	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	single information point the following minimum information:	single information point the following minimum information:	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;	
Article 6(1), first subparagraph, point (b)				
166	(b) the network elements involved;	(b) the network elements involved;	(b) the ~~network~~ elements **of physical infrastructure** 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;	
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;	
Article 6(1), first subparagraph, point (e)				
169	(e) a contact point.	(e) a contact point.	(e) a contact point.	

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Article 6(1), second subparagraph				
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 ***in advance*** 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~~**ensure that** the information referred to in the first subparagraph for planned civil works related to its physical infrastructure**, is correct and up to date and made available promptly, via a single information point**. 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.	
Article 6(1), second subparagraph a				
170a			**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**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			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.	
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 ***reasoned*** 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~~***of*** 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***, the***	Operators shall have the right to access the minimum information referred to in the first subparagraph in electronic format, upon request, via ~~the~~**a** 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~~**VHCN** or associated facilities. Within ~~1 week~~**15 working days** 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. **In duly justified cases, the deadline may be extended by 15 working days.** Access to the minimum information may be limited **or refused** only to the	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	safety, confidentiality or operating and business secrets.	***security of critical infrastructure***, public health or safety, confidentiality or operating and business secrets.	extent necessary to ensure the security of the networks **including that of critical infrastructures,** and their integrity, national security, 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 the basis of duly substantiated*** 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. **Member States may decide that** paragraph 1 ~~need~~**shall** not apply to information on **types of** civil works **that are** limited in scope, such as in terms of value, size or duration, in the case of critical national infrastructure, or for reasons of **public safety,** national security or emergency. Member States shall identify, based on duly justified and proportionate reasons, the **types of** 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 **types of** civil works excluded from transparency obligations shall be published via a	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			single information point**. Member States may decide not to publish information related to critical national infrastructure**~~ and notified to the Commission~~.	
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~~ **and** rights of way	
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 ***and, where applicable, harmonised*** across the national territory.	1. Competent authorities shall not unduly restrict~~, hinder or make economically less attractive~~ **or hinder** the deployment of any element of ~~very high capacity networks~~**VHCN** or associated facilities. Member States shall ~~ensure~~**make their best efforts to facilitate** that any rules governing the conditions and procedures applicable for granting permits, ~~including~~**and** rights of way, required for the deployment of elements of ~~very high capacity networks~~**VHCN** or associated facilities are consistent across the national territory**, whithout prejudice to the right of the**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			Member States to maintain rules and safeguards for the protection of public safety.	
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 ***and ways to submit applications in electronic format and retrieve information on the status of the application***, 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 **which are granted via administrative procedures**, 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.	
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 ***all necessary*** permits or rights of way and to retrieve information about the status of its application.	3. ~~Any operator~~**Competent authorities** 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. **Member states may specify**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			detailed procedures to retrieve the information.	
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~~***of the date of*** 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	
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~~***two*** months ~~from the date of the receipt of a complete permit application~~***of expiry of the deadline set out in the second subparagraph or within the deadline set by national law, whichever is shorter***.	5. The competent authorities shall grant or refuse permits, other than rights of way, within **a maximum of** 4 months from the date of the receipt of a complete permit application.	
Article 7(5), second subparagraph				
179				

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	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.	***The competent authorities shall determine*** the completeness of the application for permits or rights of way ~~*shall be determined by the competent authorities*~~ within 15 days ~~*from the*~~***of*** receipt of ~~*the*~~ application. ~~*Unless*~~***If*** the competent authorities ~~*invited*~~***do not invite*** the applicant to provide any missing information within that period, the ~~*application*~~***two-month deadline set out in the first subparagraph*** shall ~~*be deemed complete*~~***start on the fifteenth day after receipt of the application***.	The completeness of the application for permits or rights of way shall be determined by the competent authorities within ~~15~~**20 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.	
Article 7(5), third subparagraph				
180	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.	The first and second ~~*subparagraph*~~***subparagraphs*** 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 ***and without prejudice to rules that grant the applicant additional rights or aim to ensure the fastest possible granting of permits***.	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.	

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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*~~***In exceptional and duly substantiated cases and for reasons falling within one of those*** set out ***in advance by the***~~*by a*~~ Member State, the ~~*4*~~***two*** 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*~~***by a period no longer than three months***. 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 **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**. Member States shall set out the reasons justifying such an extension, **and** publish them in advance via single information points~~ and notify them to the Commission.~~**.**	
Article 7(5), fifth subparagraph				
182	Any refusal of a permit or right of way shall be duly justified on the	Any refusal of a permit or right of way shall be duly	Any refusal of a permit or **a** right of way shall be duly justified on	

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	basis of objective, transparent, non-discriminatory and proportionate criteria.	~~justified~~***substantiated*** on the basis of objective, transparent, non-discriminatory and proportionate criteria.	the basis of objective, transparent, non-discriminatory and proportionate criteria.	
Article 7(6)				
183	6. By way of derogation from Article 43(1), point (a) of Directive (EU) 2018/1972, where rights of 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.	6. By way of derogation from Article 43(1), point (a) of Directive (EU) 2018/1972, where rights of 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 ***or refuse*** such rights of way within the ~~4~~***two*** month period ***or deadline set by national law, whichever is shorter,*** from the date of receipt of the application.	6. By way of derogation from Article 43(1), point (a) of Directive (EU) 2018/1972, where rights of way **on,** over or under public**, or where applicable,** ~~or~~ private property**, with the prior authorisation of the owner or in accordance with national law,** are required for the deployment of elements of ~~very high capacity networks~~**VHCN** 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 **complete** application **except in the case of expropriation**.	
Article 7(7)				
184	7. In the absence of a response from the competent authority within the 4-month deadline referred to in paragraphs 5 first	7. In the absence of a response from the competent authority within the ~~4~~ ***two*** month deadline referred to in paragraphs 5 first	Deleted	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	subparagraph, and unless such deadline is extended pursuant to paragraph 5 fourth subparagraph, the permit shall be deemed to have been granted***, except where the principle of administrative tacit approval does not exist in the national legal system***. This shall also apply in the case of rights of way referred to in paragraph 6. ***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.***		
Article 7(7), second subparagraph				
184a		***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.***		
Article 7(7a)				
184b		***7a. Competent authorities shall renew the permit granted to an operator for civil works necessary for the deployment of elements of***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		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 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.		
Article 7(7b)				
184c		***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.***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 7(8)				
185	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.	8. ***By... [6 months after the date of entry into force of this Regulation],*** the Commission shall ***after consulting relevant stakeholders, adopt delegated acts in accrodance with Article 13, supplementing this Regulation by specifying a minimum list of***~~, 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~~***, 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***.	8. ~~The Commission shall, by means of an implementing act~~**Member states may in accordance with national law**, specify categories of deployment of elements of ~~very high capacity networks~~**VHCN** 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.~~	
Article 7(9)				
186				

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	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.	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 ***also*** 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***, of a special status*** protected in accordance with national law***, regional or local regulations*** or where necessary for public ***health and*** safety reasons ***or for reasons of national security***.	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~~ **Member States may, inter alia,** require permits for the deployment of elements of ~~very high capacity networks~~**VHCN** or associated facilities on buildings or sites of architectural, historical, religious or ~~natural~~**enviromental** value protected in accordance with national law or where necessary for public safety**, security of critical infrastructure or enviromental** reasons.	
Article 7(10)				
187	10. Permits, other than rights of 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.	10. Permits, other than rights of 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***~~*mutatis mutandis*~~, in Article 16 of Directive (EU) 2018/1972.	10. Permits, other than rights of way, required for the deployment of elements of ~~very high capacity networks~~**VHCN** or associated facilities shall not be subject to any fees or charges going beyond administrative costs as provided for, ***mutatis mutandis***~~mutatis mutandis~~, in Article 16 of Directive (EU) 2018/1972.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 7(11)				
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.	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	
Article 7(11a)				
188a		***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 been met.***		
Article 7(11b)				
188b		***11b. The procedure established in this Article shall apply without prejudice to Article 57 of the Directive (EU) 2018/1972.***		
Article 7(11c)				
188c				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		11c. Member States shall designate a single body responsible to coordinate the procedures related to granting permits.		
Article 8				
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)				
190	1. All 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 [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.	1. All 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 [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.	1. All **newly constructed** buildings**, or those undergoing major renovation works**~~at the end user's location~~, including **multi-dwelling buildings containing** elements under joint ownership, ~~newly constructed or undergoing major renovation works~~**at the end-user's location**, for which applications for building permits have been submitted after ~~[ENTRY INTO FORCE + 12 MONTHS]~~**24 months after the date of entry into force of this Regulation**, shall be equipped with a **building access point, a** fibre-ready in-building physical infrastructure**, and the in-building**	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
			fibre wiring, including connections up to the network termination points**, 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**~~ as well as with in-building fibre wiring~~.	
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 INTO FORCE + 12 MONTHS], shall be equipped with an access point.	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.	Deleted	
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	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	3. **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**~~By [ENTRY INTO FORCE + 12~~	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	~~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 **building access point, a** fibre-ready in-building physical infrastructure, **and the in-building fibre wiring, including connections** 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~~**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 ~~point~~**the public network**.	
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	4. Member States shall***, in cooperation with operators and on the basis of industry best practices*** adopt the relevant standards or technical specifications that are	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~~	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	FORCE + 9 months]. Those standards or technical specifications shall set at least:	necessary for the implementation of paragraphs 1, 2 and 3 before [ENTRY INTO FORCE + 9 ~~months~~***MONTHS***]. Those standards or technical specifications ***shall easily allow ordinary maintenance activities for the individual fibre wirings used by each operator to provide very high capacity network services and*** shall set at least:	~~FORCE + 9 months]~~**at the latest 18 months after the date of enter into force of this Regulation**. Those standards or technical specifications ~~shall set at least~~**may include**:	
Article 8(4), point (a)				
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;	
Article 8(4), point (b)				
195	(b) cable specifications;	(b) cable specifications;	(b) cable specifications;	
Article 8(4), point (c)				
196	(c) socket specifications;	(c) socket specifications;	(c) socket specifications;	
Article 8(4), point (d)				
197	(d) specifications of pipes or micro-ducts;	(d) specifications of pipes or micro-ducts;	(d) specifications of ~~pipes~~**conduits** or micro-ducts;	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 8(4), point (e)				
198	(e) technical specifications needed to prevent interference with electrical cabling;	(e) technical specifications needed to prevent interference with electrical cabling;	(e) technical specifications needed to prevent interference with electrical cabling;	
Article 8(4), point (f)				
199	(f) the minimum bend radius.	(f) the minimum bend radius.	(f) the minimum bend radius~~.~~**;**	
Article 8(4), point (fa)				
199a			**(fa) technical specifications for the cabling installation.**	
Article 8(5)				
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**, on a voluntary basis and following the procedures set up by Member states,** to receive a 'fibre-ready' **label, where Member States have chosen to introduce such a** label.	
Article 8(6)				
201				

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	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~~**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]~~. Member States ~~shall~~**may** make the issuance of the building permits referred to in paragraphs 1 and ~~2~~**3** conditional upon compliance with the standards or technical specifications referred to in this paragraph on the basis of a **technical project, and when applicable, the permit to use the building for its intended purpose after completion of construction, on the basis of a** certified test report **or a similar procedure set up by Member States, which could include on-site inspection of the buildings or a representative sample of them**.	
Article 8(7)				
202	7. Paragraphs 1, 2 and 3 shall not apply to certain categories of buildings, in particular single-	7. Paragraphs 1, 2 and 3 shall not apply to certain categories of buildings, in particular single-	7. Paragraphs 1, ~~2~~ and 3 shall not apply to certain categories of buildings, ~~in particular single-~~	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	dwelling buildings, where compliance with those paragraphs is disproportionate, in particular in terms of costs for individual or joint owners based on objective elements.	dwelling buildings, where compliance with those paragraphs is disproportionate, in particular in terms of costs for individual or joint owners ~~based on~~***on the basis of*** objective elements. ***Member States shall identify such categories of buildings on the basis of duly substantiated, proportionate reasons.***	~~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.**	
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 duly justified and~~***on the basis of duly substantiated,*** proportionate reasons. Information on such categories of buildings shall be published via a single information point and notified to the Commission.	8. **Member States may decide that** paragraphs 1, ~~2~~ and 3 ~~need not~~**shall not apply, or** apply **with proper technical adaptations,** 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~~.	
Article 9				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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(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, ***and without prejudice to property rights,*** 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 **provider of** public electronic communications ~~network provider~~**networks** shall have the right to roll out its network at its own costs up to the **building** 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 duplication is technically impossible or economically inefficient.	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 duplication is technically impossible or economically inefficient.	2. Subject to paragraph 3, any **provider of** public electronic communications ~~network provider~~**networks** shall have the right to access any existing in-building physical infrastructure with a view to deploying elements of ~~very high capacity networks~~**VHCN** if duplication is technically impossible or economically inefficient.	
Article 9(3), first subparagraph				
207				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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 ***writen*** 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 **building** access point and the in-building physical infrastructure shall meet all reasonable **written** requests for access to the **building** access point and the in-building physical infrastructure from **providers of** public electronic communications ~~network providers~~**networks** under fair**, reasonable** and non-discriminatory terms and conditions, including price, where appropriate. **Member States may specify detailed requirements for these requests.**	
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 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.	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 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.	Deleted	
Article 9(4)				
209				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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*~~***respects*** the private property ***rights*** of third parties.	4. In the absence of available fibre-ready in-building physical infrastructure, ~~every~~**any provider of** public electronic communications ~~network provider~~**networks** shall have the right to terminate its network at the premises of the subscriber, subject to the agreement of the **owner or the** subscriber, **using, the existing in-building infrastructure, to the extent that it is available and accessible under paragraph 3, and** provided that it minimises the impact on the private property of third parties.	
Article 9(5)				
210	5. This Article shall be without prejudice to the right to property of 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.	5. This Article shall be without prejudice to the right to property of 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.	5. This Article shall be without prejudice to the right to property of the owner of the **building** 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				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		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.	**5a. (6) Member states may provide guidance on the application of this Article.**	
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, ***and having taken into account well-established principles and the distinct situation across Member States,*** the Commission may, in close cooperation with BEREC, provide guidance on the application of this Article.	Deleted	
Article 10				
212	Article 10 Digitalisation of single information points	Article 10 Digitalisation of single information points	Article 10 Digitalisation of single information points	

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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 Regulation.	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 Regulation.	1. Single information points shall make appropriate digital tools available, such as in the form of web portals, **electronic adresses, databases,** 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 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 ***existent or newly developed*** digital tools supporting the single information points referred to paragraph 1, as appropriate. ***To that end, Member States shall carry out an assessment to identify the existing relevant digital tools in order to avoid duplication.***	2. Member States may interconnect or fully or partially integrate several digital tools supporting the single information points referred to paragraph 1, as appropriate.	
Article 10(3)				
215	3. Member States shall set out a single national digital entry point,	3. Member States shall set out a single national digital entry point,	3. Member States shall set out a single national digital entry point,	

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	consisting of a common user interface ensuring seamless access to the digitalised single information points.	consisting of a common user interface ensuring seamless access to the digitalised single information points.	consisting of a common user interface ensuring seamless access to the digitalised single information points.	
Article 10(3a)				
215a		***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.***		
Article 11				
216	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	1. Without prejudice to the possibility to refer the case to a court, any party shall be entitled to refer to the competent national	1. Without prejudice to the possibility to refer the case to a court, any party shall be entitled to refer to the competent national	

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	dispute settlement body established pursuant to Article 12 a dispute that may arise:	dispute settlement body established pursuant to Article 12 a dispute that may arise:	dispute settlement body established pursuant to Article 12 a dispute that may arise:	
Article 11(1), point (a)				
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~~**2 months** 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~~**fifteen working days, or in duly justified cases within another fifteen working days,** after the request under Article 4 is submitted, and within ~~1 week~~**two weeks** after the request under Article 6 is submitted;	
Article 11(1), point (ba)				
219a				

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		(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);		
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	
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;	
Article 11(2), first subparagraph -a				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
221a			**2. 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.**	
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:	
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,	(a) within ~~four~~***two*** months from the date of the receipt of the dispute settlement request, with respect to disputes referred to in	(a) within four months from the date of the receipt of the dispute settlement request, with respect to disputes referred to in paragraph 1,	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	point (a);	paragraph 1, point (a);	point (a);	
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), ***(ba),*** (c) and (d).	(b) within ~~one month~~**two months** 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).	
Article 11(2), second subparagraph				
225	Those deadlines may only be extended in exceptional circumstances.	~~*Those*~~***The national dispute settlement body referred to in paragraph 1 may extend the*** deadlines ~~*may only be extended*~~***reffered to in the first subparagraph only*** in exceptional ***duly substantiated*** circumstances***, by a maximum period of one month***.	Those deadlines may only be extended in **duly justified** exceptional circumstances.	
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.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 11(3a), first subparagraph				
226a		***(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.***		
Article 11(3), second subparagraph				
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.	
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	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	4. ~~The rules laid down in the present~~ **This** Article ~~are~~**is** in addition to and without prejudice to the judicial remedies and procedures in compliance with Article 47 of the Charter of	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	the European Union[1]. _____ 1. Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407)	the European Union[1]. _____ 1. Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407)	Fundamental Rights of the European Union[1]. _____ 1. **[1]** Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407)	
Article 12				
229	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.	
Article 12(2), first subparagraph				
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	2. The national dispute settlement body shall be ***politically independent,*** 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	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	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	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.	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.	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.	
Article 12(2), second subparagraph				
231a			**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.**	
Article 12(2a)				
231b		***2a. Article 8 first paragraph of Directive (EU) 2018/1972 shall be applied mutatis mutandis to national dispute settlement bodies.***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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.	
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.	
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 ***where applicable,*** 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.	
Article 12(6)				
235				

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	6. Paragraph 2 shall apply mutatis mutandis to the competent bodies performing the functions of a single information point.	6. ~~*Paragraph 2*~~***Paragraphs 2 and 2a*** shall apply ***mutatis mutandis***~~*mutatis mutandis*~~ to the competent bodies performing the functions of a single information point.	6. Paragraph 2**, first subparagraph,** shall apply ***mutatis mutandis***~~mutatis mutandis~~ 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.	
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 with each other on matters of common interest.	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 with each other on matters of common interest.	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 with each other on matters of common interest.	

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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]~~**twelve months after the date of entry into force of this Regulation** 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) 2018/1972 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) 2018/1972 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) 2018/1972 shall apply ***mutatis mutandis***~~mutatis mutandis~~ to any appeal pursuant to this paragraph.	
Article 12(10), second subparagraph				
240				

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	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.	
Article 13				
241	Article 13 Committee procedure	Article 13 ~~Committee procedure~~***Article 13*** ***Exercise of delegation***	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*~~***power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article***.	Deleted	
Article 13(2)				
243	2. Where reference is made to this paragraph, Article 5 of Regulation	2. ~~*Where reference is made to this paragraph, Article 5 of Regulation*~~	Deleted	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	(EU) No 182/2011 shall apply.	~~(EU) No 182/2011~~***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 REGUALTION COMES IN EFFECT]. The Commission*** shall ~~apply~~***draw up a report in respect of the delegation of power not later than nice 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***.		
Article 13(3)				
243a		***3. The delegation of power referred to in Article 7(8) may be revoked at any time by the European Parliament or by the 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***		

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		shall not affect the validity of any delegated acts already in force.		
Article 13(4)				
243b		***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.***		
Article 13(5)				
243c		***5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***		
Article 13(6)				
243d		***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***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		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.		
Article 14				
244	Article 14 Penalties and compensation	Article 14 Penalties and compensation	Article 14 Penalties~~ and compensation~~	
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 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.	Member States shall lay down rules on penalties, including, where necessary, fines and non-criminal predetermined or periodic penalties, applicable to 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.	Member States shall lay down rules on penalties, ~~including, where necessary, fines and non-criminal predetermined or periodic penalties,~~ applicable to 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.	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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	
Article 15				
247	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 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	1. By [DATE OF ENTRY INTO FORCE + ~~5~~3 YEARS], the Commission shall 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 ***its impact on the objective of a fast and extensive deployment of very high capacity networks, in rural,***	1. By ~~[DATE OF ENTRY INTO FORCE + 5 YEARS]~~**5 years after the date of entry into force of this Regulation**, the Commission shall 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	

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	Decision establishing the Digital Decade Policy Programme 2030.	***insular and remote areas, such as islands and mountainous and scarcely-populated regions, the evolution of the associated facilities' market, and*** 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. ***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.***	achieving the connectivity targets set out in the Decision establishing the Digital Decade Policy Programme 2030.	
Article 15(2)				
249	2. To that end, the Commission 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	2. To that end, the Commission 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	2. To that end, the Commission may request information from Member States that shall be submitted without undue delay. In particular, by ~~[DATE OF ENTRY INTO FORCE + 12 MONTHS]~~**24 months after the date of entry into force of this Regulation**, Member States shall, in close cooperation with the Commission, through the Communications Committee set up under Article 118 of Directive (EU) 2018/1972,	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	Regulation and the mechanism to ensure a periodic data gathering and reporting to the Commission thereof.	Regulation and the mechanism to ensure a periodic data gathering and reporting to the Commission thereof.	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.	
Article 16				
250	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-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.	National measures that specify the categories of deployment of elements of very high capacity networks or associated facilities not being subject to any permit-granting procedure within the meaning of Article 7 ***of this Regulation***, 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*~~***delegated acts*** provided for in Article 7(8) of this Regulation enters into ~~*application*~~***force***.	Deleted	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
Article 16, second paragraph				
251a		***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.***		
Article 16, first paragraph a				
251b			**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 accessible to operators upon request..**	
Article 16a				
251c		***Article 16a Amendments to Regulation (EU) 2015/2120***		
Article 16a, first paragraph				
251d				

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		Regulation (EU) 2015/2120 is amended as follows:		
Article 16a, first paragraph, point 1				
251e		***1. the title is replaced by the following:*** ***'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';***		
Article 16a, first paragraph, point 2				
251f		***2. in Article 1, paragraph 3 is replaced by the following:*** ***'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***		

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		of the consumer's domestic provider and terminating at any fixed or mobile number in another Member State.';		
Article 16a, first paragraph, point 3				
251g		***3. Article 5a is replaced by the following:*** ***'Article 5a*** ***Abolition of retail surcharges for regulated intra-EU communications***		
Article 16a, first paragraph, point 3(1)				
251h		***3.1 Providers of electronic communications to the public shall not apply tariffs to regulated 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.***		
Article 16a, first paragraph, point 3(2)				
251i				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
		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.		
Article 16a, first paragraph, point 3(3)				
251j		***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.';***		
Article 16a, first paragraph, point 4				
251k		***4. in Article 10, paragraph 5 is deleted.***		
Article 17				
252	Article 17 Repeal	Article 17 Repeal	Article 17 Repeal	

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
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.	
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.	
Article 18				
255	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.	
Article 18(2)				
257				

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	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 ~~[6~~**24** months after ~~its~~**the date of** entry into force~~]~~ **of this Regulation**.	
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	
Formula				
259	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
260	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
261	The President	The President	The President	
Formula				
262	For the Council	For the Council	For the Council	
Formula				
263				

	Commission Proposal	EP Mandate	Council mandate	Draft Agreement
	The President	The President	The President	
Annex				
264	Annex	*deleted*		