Broadband cost reduction: Commission decides to refer 3 Member States to the Court of Justice

Brussels, 13 July 2017

The European Commission today adopted a decision to refer Belgium, Croatia and Slovakia to the Court of Justice of the EU for delay in transposing the Broadband Cost Reduction Directive (Directive 2014/61/EU) today. Member States had to transpose the Directive into national law by 1 January 2016.

The Commission will call on the Court to impose a daily penalty payment on those three Member States from the day of the judgement until the Directive is in force in national law. The infringement proceedings were opened against Belgium, Croatia and Slovakia in March 2016 and the reasoned opinions were sent in these proceedings in September 2016. These Member States have not yet notified the Commission on the adoption of all measures necessary in order to transpose the Directive.

In the case of Croatia, the Commission received meanwhile reassurance that the last missing element of the transposition would be formally adopted on Friday.

The Broadband Cost Reduction Directive can save up to 30% of high-speed internet roll-out costs. It includes rules, such as the reuse of existing physical infrastructure (for example, ducts, masts, towers, etc.) of utilities for high-speed internet. The Directive also covers the coordination of civil works across sectors, including telecom, energy, waste water, transport and other infrastructure industries. Those measures create the conditions for a more efficient deployment of new physical infrastructure so that the networks can be rolled out at lower cost. Civil engineering, such as the digging-up of roads to lay down high-speed broadband, accounts for up to 80% of the cost of deploying broadband networks. The rules were adopted so that more people in the EU would have access to high-speed internet. The implementation of the Broadband Cost Reduction Directive is also very important from an overall perspective of completing the EU's Digital Single Market and to increase connectivity.

Background

The proposal to refer Belgium, Croatia and Slovakia to Court of Justice of the EU has been made taking into account that these member states have not provided stable draft transposition measures or a realistic timetable for adoption and notification of those measures. By failing to adopt all the laws, regulations and administrative provisions necessary to comply with the Broadband Cost Reduction Directive (Directive 2014/61/EU) or, in any event, by failing to notify such provisions to the Commission, Belgium, Croatia and Slovakia have failed to fulfil their obligations under Article 13 of this Directive.

In practice, under Article 260(3) of Treaty on the Functioning of the EU (TFEU) if a Member State fails to transpose an EU Directive into national law within the required deadline, the Commission may ask the Court to impose financial sanctions. The penalties take into account the seriousness and duration of the infringement.

By letter of 11 July 2017, The Croatian Minister of the Sea, Transport and Infrastructure, Oleg Butković, informed the Commission that the last missing element of the transposition of the Broadband Cost Reduction Directive into national law in Croatia would be formally adopted on Friday. If this element will be adopted and notified to the Commission shortly, the Commission will be able to assess it and draw the appropriate conclusions even before executing today's decision and the case could then be closed.

For More Information

-Broadband Cost Reduction Directive

-On the key decisions in the July 2017 infringements package, see full MEMO/17/1935.

-On the July infringements package (on letters of formal notices only), see full MEMO/17/1936.

-On the general infringements procedure, see MEMO/12/12.

-On the EU infringements procedure.

Press contacts:

Johannes BAHRKE (+32 2 295 86 15)
Inga HOGLUND (+32 2 295 06 98)

General public inquiries: Europe Direct by phone 00 800 67 89 10 11 or by email