



**EUREAU position on  
Regulation of the European Parliament and of the Council on measures to  
reduce the cost of deploying high speed electronic communications  
infrastructure (COM(2013)147)  
(28 June 2013)**

**Background:**

In March, the European Commission published its proposal for a Regulation on measures to reduce the cost of deploying high speed electronic communications infrastructure. The draft Regulation requires new and renovated housing to be broadband ready, calls for ducts and other infrastructure to be shared among telecommunications companies on fair and reasonable terms and shortens the permission process. Water, waste water, electricity or gas companies will be mandated to provide details of their infrastructure, including underground pipes, sewers and ducts, with telecom firms to cut their cost of creating high-speed broadband networks.

EUREAU supports the Commission's general ambition to speed up the deployment of broadband across the EU and considers that the proposed regulation would expedite the manner in which network operators and infrastructure owners engage and co-operate.

However, based on experience from its members EUREAU would like to inform the European legislators on the far-reaching consequences that the proposal could have for the water sector. If these are not be taken into account, EUREAU fears that such a regulation might bring technical difficulties and administrative burden for the water operators that could have immediate negative consequences for the well-functioning of the drinking and waste water infrastructure to the expenses of public health, the environment and thus lead to upraising costs for the water users and public authorities.

**1. Exclusion of Drinking Water for public health reasons**

EUREAU considers that the proposed use of the pipes that transport drinking water to carry telecoms cables is not appropriate due to the risks that such practices would pose to public health by affecting the safety and integrity of the drinking water supply network. In line with Article 10 of Directive 98/83/EC (the Drinking Water Directive) this position is fundamental to the supply of water for human consumption and any introduction of "foreign" materials would not be permissible.

The proposed Regulation does allow for infrastructure owners to refuse access on the grounds of an activity impacting the ability of the asset to fulfil its primary function. This allows drinking water infrastructure to be excluded but the burden of proof lies with the infrastructure owner and would potentially be required for each and every application by a communication network operator. This circumstance is not acceptable and should be tackled with a general exclusion of using drinking water pipes for telecommunications cables.

- **Due to threats to public health water infrastructure intended for human use should be excluded from the scope of the proposal.**

## 2. Technical and legal conditions to the deployment of broadband in Waste Water infrastructure

EUREAU accepts that the proposal could entail opportunities to share construction and management costs of sewage infrastructure and is therefore not asking for the exclusion of waste water infrastructure from the proposal, but for the sewage manager to remain under control of the infrastructure he is responsible for. Some EUREAU members already have experience of the installation of cables or optical fibres in sewers and have encountered technical difficulties and liability concerns.

### **Technical difficulties**

The sewer network is a dynamic network combining high volumes of water with physical and gaseous materials. Introduction of "foreign" infrastructure could reduce the hydraulic capacity, increase the danger for blockage, especially in connection pipes for family homes and limit access for maintenance or repair.

Experience has shown that the smaller the sewage pipes are, the more complicated it is to install and maintain cables. Such cables constitute an obstacle to the flow of sewage and waste may cling to them and eventually clog the drains. A manual maintenance is then necessary, which can only be achieved in ducts accessible to humans under normal conditions and safety at work (a minimum diameter of at least 1.20 m is required). Access to infrastructure cannot always be guaranteed because of heavy rainwater flows.

Furthermore, within sewers explosive atmosphere may occur and special safety measures must be taken, as well as mechanical protection of wires and sheaths must be appropriated including corrosive gas, rats and shocks from diverse rubbish one can find in sewers, particularly during strong rain events.

Therefore, the management and access to sewage pipes should exclusively be restricted to sewage professionals; and the installation of any foreign body in waste water infrastructure should remain under control of the sewage manager.

### **Liability**

Sewer operators routinely use aggressive cleaning techniques (for example using high pressure water jets) to maintain the operability of networks. Experiences of our members have also shown difficulty with responsibility in case of damages caused to the optical cables or to the waste water infrastructure by these cables. EUREAU therefore wants to underline that liability aspects have to be solved contractually upfront on a case by case basis. Hence, we oppose any mandatory request at EU level for sewage managers to share existing infrastructure they are responsible for without their agreement. These contractual agreements should also provide clear, prearranged rules on responsibility. This is especially important when it comes to smaller sewage pipes. Consequently, EUREAU is of the opinion that the one month refusal period is too short to assess a reasonable offer.

- **Provided that appropriate measures are taken to ensure that sharing of non-potable water infrastructure is carried out in such a way that access is not inhibited or performance affected, then waste water service providers would be open to providing the information as outlined in the proposed Regulation. This will have to be done under clear, prearranged provisions allowing installation or maintenance of foreign body in waste water infrastructure to be done under management of the responsible waste water operator on a case by case basis.**