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9 July 2025

Public consultation on the draft BEREC Guidelines on the coordination of civil works according to Art. 5(6) of the Gigabit Infrastructure Act

Dear Sir/Madam,

EENA welcomes the opportunity to comment on the draft BEREC Guidelines on the coordination of civil works according to Article 5(6) of the Gigabit Infrastructure Act.

We are concerned that the current categorisation of civil works costs as either directly attributable or shared may lead to a misinterpretation that investments to improve safety and resilience will always be considered attributable. In reality, certain investments in safety and resilience may be in the common interest of multiple parties and therefore qualify as shared.

Paragraph 24 of the draft Guidelines lists "(increased) safety costs depending on the utility networks" as an example of directly attributable costs. However, Paragraph 27, which outlines shared or common costs, does not reference safety or resilience measures. This omission overlooks scenarios where investments to enhance the overall resilience of infrastructure, such as to improve redundancy of physical protection, cannot easily be attributed to a single entity.

Recent events in Europe, such as extended outages in Spain and Ireland in 2025, and the increasing impact of geopolitical threats, underscore the need to upgrade civil works and network infrastructure for greater resilience. If such investments are automatically classified as directly attributable, parties may be discouraged from undertaking them, which could have significant societal and operational consequences.

To address this, EENA proposes the following addition to Paragraph 27 (change in bold):

*"The following costs could be considered to be 'shared' or 'common': costs for the civil works (trenching), such as materials and labour for digging, backfilling, renewal of surface, restoration; transportation costs, **certain investments to improve physical resilience**. For the categorisation as common costs, it is significant whether those costs would have occurred for both parties even without coordination. As mentioned above, some of these cost categories can also be additional/incremental costs (e.g. costs for additional trenching) if caused by the coordination only (for instance, costs of planning can be either common costs or directly attributable depending on that criterion)."*

This clarification would allow for a more nuanced application of the cost categorisation, particularly in situations where investments serve the broader public interest and contribute to more resilient critical infrastructure.

Kind regards,

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██████████ | European Emergency Number Association - EENA

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