

Opinion of the Committee of the Regions – Guidelines for Trans-European Telecommunications Networks

(2013/C 356/17)

THE COMMITTEE OF THE REGIONS

- takes note of the European Commission (Commission) amended Proposal for a Regulation on guidelines for trans-European telecommunications networks and highlights that the priorities set out in this paper — high-speed networks, cross-border public services, access to re-usable Public Sector Information (PSI) and multilingual services, safer internet service infrastructures — are all domains in which the cities and regions are simultaneously actors, providers and beneficiaries;
- highlights the key role of trans-European telecommunications networks for both commercial and non-commercial purposes and of investment in research to support specific activities and development of future applications in order to enhance the value of the telecommunications sector;
- proposes the entire exploitation of Europe's full potential for developing ICT services in the public and private sectors, and usage of ICT as a mean of improving LRAs' services in fields such as healthcare, education, public procurement, security and social services, but also in other measures to support LRAs in their decision-making;
- highlights the importance of stimulating public and private investment in a mutually reinforcing partnership for rural and low density areas, as well as for urban areas that are facing social and economic problems and thus draws attention to the coordination of broadband access by government administration, public safety, local schools and healthcare facilities.

Rapporteur

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Reference document

Amended Proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European telecommunications networks and repealing Decision No 1336/97/EC

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I. THE COMMITTEE OF THE REGIONS' VIEWS

THE COMMITTEE OF THE REGIONS

1. takes note of the European Commission (Commission) amended Proposal for a Regulation on guidelines for trans-European telecommunications networks and highlights that the priorities set out in this paper — high-speed networks, cross-border public services, access to re-usable Public Sector Information (PSI) and multilingual services, safer internet service infrastructures — are all domains in which the cities and regions are simultaneously actors, providers and beneficiaries;

2. acknowledges the importance of carefully reviewing existing European regulations, as requested by the European Parliament, and of adapting them to current needs;

3. notes with concern the substantial reduction from EUR 9.2 billion to EUR 1 billion for the telecommunications part of the Connecting Europe Facility (CEF) and points out that neglecting telecommunication networks could cause serious problems regarding the implementation and development of future digital services and the digital economy; in this respect, the CoR regrets the elimination for budgetary reasons of two services — the 'Trans-European high-speed backbone connections for public administrations' and the 'Information and communication technology solutions for intelligent energy networks and for the provision of Smart Energy Services' — which are no longer considered projects of common interest;

4. highlights the key role of trans-European telecommunications networks for both commercial and non-commercial purposes and of investment in research to support specific activities and development of future applications in order to enhance the value of the telecommunications sector;

5. considers that these technologies have the potential to turn into valuable assets for citizens, businesses and administrations, and could contribute to the improvement of products and quality of public services;

6. reaffirms the importance of investment in ICT research in order to ensure growth and development of new businesses and

points out that the use of ICT in innovation could address key socio-economic challenges;

7. recalls that ICT, underpinning an information society which is open to all, should include the needs of all members of society, including those risking social exclusion;

8. stresses that local and regional authorities (LRA) should not be regarded only as users of pan-European eServices, but also as major providers of services in the context of the proposal;

9. asks for encouraging private investment as well as investment from public sources other than the CEF, including wider contribution from business and institutional players such as the European Investment Bank (EIB);

10. reaffirms importance of synergies between Horizon2020, Structural Funds (SF) and national policies in relation to the broader EU objectives of competitiveness and cohesion;

11. stresses the key role of local LRAs in promoting informed dialogue with the general public, and in addressing public concerns close to the citizens as well as facilitating cooperation between users and producers of ICT innovations in different corners of governments and administrations;

12. points out that the exchange of best practices between the regions and LRAs would not only be useful but should in fact be an essential part of the proposal;

II. THE COMMITTEE OF THE REGIONS' RECOMMENDATIONS

13. encourages the LRAs to participate in wide-ranging cooperation to improve the interoperability of public administration and the effectiveness of public service delivery;

14. stresses the key role of LRAs in facilitating the deployment of cross-border services, both physical and digital; it insists, therefore, on the need to fully involve such authorities in the governance of the programme;

15. acknowledges that in addition to the need to pay ongoing attention to the competitiveness of particular sectors, it is important to note that Europe's future prosperity will be increasingly dependent upon inter-sectoral activities ⁽¹⁾;

II.1 *Broadband*

16. reaffirms that LRAs have a key role to play in helping to ensure equal and affordable broadband access in areas where the market fails, in leading projects aimed at bridging the e-Accessibility gap, and in developing new approaches towards people-centred public e-services ⁽²⁾;

17. proposes the entire exploitation of Europe's full potential for developing ICT services in the public and private sectors, and usage of ICT as a mean of improving LRAs' services in fields such as healthcare, education, public procurement, security and social services, but also in other measures to support LRAs in their decision-making;

18. recalls that EU-backed public-private partnerships among LRAs and ICT-development SMEs in the area of public ICT services can serve as an excellent cornerstone for building up local skills and knowledge across the EU ⁽³⁾;

19. points out that while investing in ultra-fast broadband networks could be considered a risk, it is the best option for investors since high-speed Internet allows better access to digital services; proposes that this investment be accompanied by plans encouraging and helping the public to sign up for these services, thus working towards the European Digital Agenda's objectives;

20. recalls that funding and other support measures should favour the implementation of open-access broadband networks that are based on horizontally layered network architecture and highlights the need for a business model that separates physical access to the network from service provision, with modern optical fibre networks opened up to competition; in practice, this means actively promoting open-access business models for so-called dark optic fibre — which is a kind of passive infrastructure;

21. highlights the importance of stimulating public and private investment in a mutually reinforcing partnership for rural and low density areas, as well as for urban areas that are facing social and economic problems and thus draws attention to the coordination of broadband access by government administration, public safety, local schools and healthcare facilities ⁽⁴⁾;

⁽¹⁾ CdR 39/2006.

⁽²⁾ CdR 5/2008 fin.

⁽³⁾ CdR 156/2009 fin.

⁽⁴⁾ CdR 10/2009 fin.

II.2 *Government and Interoperability*

22. asks for more focus on awareness-raising at regional and local level about the importance of interoperability of digital services infrastructures for the effective delivery of projects of common interest within and across borders; moreover, it insists on the need to stimulate the infrastructure upgrade in order to ensure the development and implementation of trans-European telecommunications networks;

23. recognises the need to develop a framework at European level to ensure that research infrastructures work more effectively and barriers to international research are eliminated;

24. considers that effective information society infrastructure must be guaranteed to all members of the population regardless of where they live and acknowledges that fast and operationally reliable communication links, complemented by efficient wireless mobile services, play a key role in promoting regional competitiveness, accessibility and equality between people ⁽⁵⁾;

25. encourages the development of cross border public authority services by covering aspects of interoperability and identification of citizens, eSignatures, electronic service of documents and other building blocks of eGovernment;

II.3 *Access to digital resources*

26. reaffirms the role of the Digital Single Market as a cornerstone of the Digital Agenda for Europe that will make it possible to create a growing, successful and vibrant pan-European market for providing access to electronic services ⁽⁶⁾;

27. highlights the need for a coordinated effort in the area of digitisation and notes that the online accessibility of cultural material will make it possible for citizens throughout Europe to access and use it for leisure, studies or work;

28. encourages the creation and distribution of legal digital content and online services, as well as giving consumers easy, safe and flexible access to digital content and service markets;

29. welcomes the fact that digital resources of European heritage are a priori eligible for funding under the programme; notes to this effect the impact of online accessibility of cultural material on citizens throughout Europe and underlines that this process contributes to giving Europe's diverse and multilingual heritage a clear profile on the internet; welcomes therefore the continued support to the current European portal, Europe's online library, museum and archive;

⁽⁵⁾ CdR 104/2010 fin.

⁽⁶⁾ CdR 104/2010 fin.

30. considers that the digitised material can be re-used — for both commercial and non-commercial purposes — for uses such as developing learning and educational content, documentaries, tourism applications, games, animations and design tools, provided that this is done with full respect for copyright and related rights;

31. recalls that it is crucial that public institutions at regional and local level have adequate in-house capacities and sustainable financial resources for digitisation in order to benefit of considerable cost reductions;

II.4 Access to re-usable PSI

32. considers it necessary to make distinction between access (regulated by the Member States) and re-use of public information, that should be undertaken with full respect of data protection rules, in order to improve the benefits of the producer who might not entirely cover his expenses on generating the respective information and eliminate the risks of consumer's disappointment when a limited access is granted to the public information ⁽⁷⁾;

33. reaffirms the significance of and the need for common rules and practices governing the re-use and exploitation of public sector information to ensure that the same basic conditions are applied to all players in the European information market, conditions for re-using such information are more transparent, and distortions of the internal market are eliminated as settled within Directive 2013/37/EU ⁽⁸⁾;

34. notes that ready access to re-usable public sector data boosts economic growth and creates new business opportunities, including for small businesses, regardless of their location and remarks that participation in re-use by SMEs in particular should be encouraged and the necessary refinancing ensured for the production, storage and updating of public sector documents ⁽⁹⁾;

35. stresses that the full potential of PSI re-use could be reached with closer involvement of LRAs, which could significantly contribute to promoting PSI re-use in order to increase competitiveness and create jobs ⁽¹⁰⁾;

II.5 Safety and Security

36. urges that all security requirements at every level are met when further developing the infrastructures and services under the Digital Agenda for Europe in order to ensure optimum

levels of privacy and protection of personal data and prevent any unauthorised tracking of any kind of personal information and profiling, including shopping preferences, medical status, health records, etc. ⁽¹¹⁾;

37. proposes that organisations, including public authorities, need to acknowledge that tackling cybercrime is an ongoing battle, and are urged to prioritise the threat posed by cyber disruptions and attacks by identifying vulnerabilities and develop organisational capacities for managing breaches;

38. notes that cybercrime, in all its forms, is a rapidly developing, sophisticated new threat to Member States, organisations and EU citizens in the 21st century and one which continually increases in frequency, complexity and knows no borders;

39. stresses that LRAs could have a key role to play in fighting cybercrime, collating cyber-related data and protecting data security considering that breaches of security are a threat to utility services — local water, energy, and given they use and own many digital information products and services;

40. asks for partnerships to be encouraged and developed between all relevant actors to work on coordinated actions for cyber security and feed into cyber security actions at the national and EU level, with a view to combating e-crime and minimising its effects caused by direct financial or intellectual property theft, disruption of communications or damage to business-critical data ⁽¹²⁾;

II.6 Final remarks

41. considers that the actions planned in the amended proposal for Regulation, as they stand, do not appear to raise any issue regarding their compliance with both the principle of subsidiarity and proportionality;

42. highlights the role of LRAs in promoting joint research programmes since LRAs are key players in developing regional research and innovation strategies and they often manage research institutions and they support innovative environments;

43. stresses that LRAs should be systematically consulted in the conception, implementation and governance of the measures designed to provide financing for the trans-European telecommunication networks (particularly concerning the aspects related to broadband roll-out in less populated areas, provision of cross-border services, etc.).

⁽⁷⁾ CdR 247/2009 fin.

⁽⁸⁾ CdR 247/2009 fin.

⁽⁹⁾ CdR 626/2012 fin.

⁽¹⁰⁾ CdR 247/2009 fin.

⁽¹¹⁾ CdR 247/2009 fin.

⁽¹²⁾ CDR1646-2013.

III. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Preamble

New	CoR amendment
	(10) <u>When further developing the digital services infrastructures, it will be crucial to ensure that all security requirements at every level are met to ensure adequate levels of privacy and protection of personal data and prevent any unauthorised tracking of any kind of personal information and profiling.</u>

Reason

Nowadays, it is important to ensure the protection of personal data and apply privacy standards as security requirements because of the vulnerabilities that could compromise individual personal information including shopping preferences, medical status, health records, etc.

Amendment 2

Preamble, Point 1

Text proposed by the Commission	CoR amendment
Telecommunications networks and services are increasingly becoming internet-based infrastructures, with broadband networks and digital services closely interrelated. The internet is becoming the dominant platform for communication, services, and doing business. Therefore, the trans-European availability of fast Internet access and digital services in the public interest is essential for economic growth and the Single Market.	Telecommunications networks and services are increasingly becoming internet-based infrastructures, with broadband networks and digital services closely interrelated. The internet is becoming the dominant platform for communication, services, and doing business. Therefore, the trans-European <u>availability in all EU regions</u> of fast Internet access <u>at affordable prices</u> and digital services in the public interest is essential for <u>competitiveness</u> , economic growth, <u>social inclusion</u> and the Single Market.

Reason

Competitiveness and social inclusion are two important issues that should be taken into consideration.

Amendment 3

Preamble, Point 7

Text proposed by the Commission	CoR amendment
With regard to digital service infrastructures, building blocks shall take priority over other digital service infrastructures, since the former are a pre-condition for the later. Digital service infrastructures should, inter alia, create European added value and meet proven needs. They should be sufficiently mature for deployment, technically as well as operationally as proven in particular through successful piloting. They should be based on a concrete sustainability plan to ensure the long-term operation of core service platforms beyond the CEF.	With regard to digital service infrastructures, building blocks and <u>digital services infrastructures with elements that can be used by other service providers</u> shall take priority over other digital service infrastructures, since the former are provides a pre-condition basis <u>to build on</u> . Digital service infrastructures should, inter alia, create European added value and meet proven needs. They should be sufficiently mature for deployment, technically as well as operationally as proven in particular through successful piloting. They should be based on a concrete

Text proposed by the Commission	CoR amendment
Financial assistance under this Regulation should therefore wherever possible be phased out over time and funding from sources other than the CEF should be mobilised.	sustainability plan to ensure the long-term operation of core service platforms beyond the CEF. Financial assistance under this Regulation should therefore wherever possible be phased out over time and funding from sources other than the CEF should be mobilised.

Amendment 4

Preamble, Point 22

Text proposed by the Commission	CoR amendment
The Commission should be assisted by an Expert Group of representatives of Member States which shall be consulted on and contribute to, inter alia, monitoring of the implementation of these guidelines, planning, evaluation and addressing implementation problems.	The Commission should be assisted by an Expert Group of representatives of Member States <u>and one representative from the local and regional authorities</u> which shall be consulted on and contribute to, inter alia, monitoring of the implementation of these guidelines, planning, evaluation and addressing implementation problems.

Reason

The participation of representatives from LRAs could be useful in the process of consultation due to their role in implementing of services.

Amendment 5

Article 3.2(b)

Text proposed by the Commission	CoR amendment
3.2(b) improvements in the daily life for citizens, businesses and governments through the promotion of interconnection and interoperability of national, regional and local telecommunications networks as well as access to such networks.	3.2(b) improvements in the daily life <u>and social and economic activities</u> for citizens, businesses and governments through the promotion of interconnection and interoperability of national, regional and local telecommunications networks as well as access to such networks.

Reason

Social and economic activities are connected to everyday life and are part of the local and regional priorities and together could stimulate development and more efficient public services as well as businesses.

Amendment 6

Article 3.3(b)

Text proposed by the Commission	CoR amendment
3.3(b) efficient flow of private and public investments to stimulate the deployment and modernisation of broadband networks in view to contribute towards achieving the broadband targets of the Digital Agenda for Europe.	3.3(b) efficient flow of private and public investments <u>and the development of e-learning</u> to stimulate the deployment and modernisation of broadband networks in view to contribute towards achieving the broadband targets of the Digital Agenda for Europe.

Reason

The development of e-learning markets provides alternatives to finance content digitisation.

Amendment 7

Article 4.2

Text proposed by the Commission	CoR amendment
Projects of common interest may encompass their entire cycle, including feasibility studies, implementation, continuous operation, coordination and evaluation.	Projects of common interest may encompass their entire cycle, including feasibility studies, implementation, continuous operation, coordination and evaluation: <u>and should respect the principle of technology neutrality, which forms the basis of the EU electronic communications structure</u>

Reason

It is important to specify the principles that settle the structure of electronic communications, especially here in the context of establishing the projects of common interest.

Amendment 8

Article 7

Text proposed by the Commission	CoR amendment
The Union may establish contacts, discuss, exchange information and cooperate with public authorities or any other organisations in third countries to achieve any objective pursued by these guidelines. Among other objectives, this cooperation shall seek to promote the interoperability between telecommunications networks in the Union and telecommunications networks of third countries.	The Union may establish contacts, discuss, exchange information and cooperate with public authorities or any other organisations in third countries <u>, where this is in the public interest,</u> to achieve any objective pursued by these guidelines. Among other objectives, this cooperation shall seek to promote the interoperability between telecommunications networks in the Union and telecommunications networks of third countries. <u>This cooperation shall be coordinated with the strategies drawn up in the context of the Union's external policies, in particular those covered by any macro-regional strategies which are already being implemented or are being prepared.</u>

Reason

Public interest should represent a priority for the preparation of decision making. Also, it is advisable to follow the existing policies and strategies while establishing external cooperation mechanisms.

Amendment 9

Article 8.1

Text proposed by the Commission	CoR amendment
On the basis of information received under Article 21 of the Regulation XXX establishing the CEF, Member States and the Commission shall exchange information about the progress made with the implementation of these guidelines.	On the basis of information received under Article 21 of the Regulation XXX establishing the CEF, Member States and the Commission shall exchange information <u>and best practices</u> about the progress made with the implementation of these guidelines <u>. A yearly overview of that information shall be sent to the European Parliament. Member States shall involve local and regional authorities in the process.</u>

Reason

A suggestion for improving the transparency process.

Amendment 10

Article 8.2

Text proposed by the Commission	CoR amendment
The Commission shall consult and be assisted by an Expert Group, composed of a representative of each Member State.	The Commission shall consult and be assisted by an Expert Group, composed of a representative of each Member State, <u>including one representative of a regional government and one from local government.</u>

Reason

The participation of local and regional government would be beneficial because public services in Europe are provided mainly by local and regional authorities and it is these services that are important for the daily life and free movement of businesses and individuals.

Amendment 11

Annex-Section 1-2(g)

Text proposed by the Commission	CoR amendment
Safer internet service infrastructure: This refers to the platform for acquiring, operating and maintaining shared computing facilities, databases and software tools for the Safer Internet Centres (SICs) in the Member States. Back-office operations to handle reporting of sex abuse content are also included as well as the link with police authorities including international organisations such as Interpol, and when appropriate, the handling of the take down of this content by the relevant web sites. This will be supported by common databases.	Safer internet service infrastructure: This refers to the platform for acquiring, operating and maintaining shared computing facilities, databases and software tools <u>as well as exchange of best practices</u> for the Safer Internet Centres (SICs) <u>in the Member States. SICs in the Member States ensuring Union added value are the key element of the safer internet service infrastructure, of which national helplines, hotlines, awareness nodes and other awareness-raising activities are of particular importance.</u> Back-office operations to handle reporting of sex abuse content are also included as well as the link with police authorities including international organisations such as Interpol, and when appropriate, the handling of the take down of this content by the relevant web sites. This will be supported by common databases <u>and by common software systems.</u>

Reason

Best practice examples could help significantly SIC activity.

Brussels, 8 October 2013.

*The President
of the Committee of the Regions*
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