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Committee on the Internal Market and Consumer Protection

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AMENDMENTS

7 - 29

Draft opinion
Marielle Gallo
(PE489.674v01-00)

on Trans-European telecommunications networks, and repeal of Decision No 1336/97/EC

Proposal for a regulation
(COM(2011)0657 – C7-0373/2011 – 2011/0299(COD))

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United in diversity

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Amendment 7
Sabine Verheyen

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions -European Broadband: investing in digitally driven growth concludes that the critical role of the internet means that the benefits for society as a whole appear to be much greater than the private incentives to invest in faster networks. Public support for this area is therefore necessary, but should not unduly distort competition.

Amendment

(4) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Broadband: investing in digitally driven growth concludes that the critical role of the internet means that the benefits for society as a whole appear to be much greater than the private incentives to invest in faster networks. Public support for this area is therefore necessary, *particularly in rural areas*, but should not unduly distort competition.

Or. de

Amendment 8
Sabine Verheyen

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Net neutrality is vital for an open internet.

Or. de

Amendment 9
Sabine Verheyen

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) As regards the use of public-private partnerships to provide fast broadband services, particularly in rural areas, it is desirable to make use of such partnerships between regional and local authorities and small and medium-sized ICT undertakings in the field of public ICT services, with European funding, as they can form a sustainable basis for the local development of skills and knowledge throughout the EU.

Or. de

Amendment 10
Sabine Verheyen

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) Substantial economic and social benefits, which cannot be captured nor monetised by investors, are associated with higher broadband speeds. Fast and ultra-fast broadband is the key enabling infrastructure for the development and deployment of digital services, which rely on the availability, speed, reliability and resilience of the physical networks. The deployment and take-up of faster networks opens the way for innovative services exploiting higher speeds. Action at Union level is necessary to maximise the synergies and interactions between those two components of digital telecommunications networks.

(10) Substantial economic and social benefits, which cannot be captured nor monetised by investors, are associated with higher broadband speeds. Fast and ultra-fast broadband is the key enabling infrastructure for the development and deployment of digital services, which rely on the availability, speed, reliability and resilience of the physical networks. The ***comprehensive*** deployment and take-up of faster networks opens the way for innovative services exploiting higher speeds. Action at Union level is necessary to maximise the synergies and interactions between those two components of digital telecommunications networks.

Or. de

Amendment 11
Sabine Verheyen

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The deployment of ultra-fast broadband will particularly benefit small and *medium* enterprises (SMEs) which often cannot benefit from web-based services such as 'cloud computing' due to inadequate connectivity and speed of existing broadband connections. This will unlock the potential for substantial productivity gains for SMEs.

Amendment

(11) ***Innovative internet services, modern software and communications applications and mobile devices with internet connections call for constantly rising data rates.*** The deployment of ultra-fast broadband will particularly benefit small and *medium-sized* enterprises (SMEs) ***and the cultural and creative sector,*** which often cannot benefit from web-based services such as 'cloud computing' due to inadequate connectivity and speed of existing broadband connections. This will unlock the potential for substantial productivity gains for SMEs ***and for the cultural and creative industries. The aim should therefore be to create connections with high data rates even in rural areas.***

Or. de

Amendment 12
Sabine Verheyen

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

(11a) To serve rural areas, it is vital to expand access networks, which facilitate the linking of individual house connections.

Amendment

Or. de

Amendment 13
Sabine Verheyen

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Increasing and preserving access to Europe's rich and diverse cultural content and data held by public sector bodies, and opening them up for reuse in full respect of copyright and related rights, will nurture creativity and spur innovation and entrepreneurship. Unhampered access to re-usable multilingual resources will help overcome language barriers, which undermine the internal market for online services and limit access to knowledge.

Amendment

(18) Increasing and preserving access to Europe's rich and diverse cultural content and data held by public sector bodies, and opening them up for reuse in full respect of copyright and related rights, will nurture creativity and spur innovation and entrepreneurship. Unhampered access to re-usable multilingual resources will help overcome language barriers, which undermine the internal market for online services and limit access to knowledge. ***It must, however, remain possible for national, regional and local decision-makers to decide for themselves on the use of their information and to cover a large part of their costs arising from the performance of their public duties.***

Or. de

Amendment 14
Sabine Verheyen

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) In order to take into account the developments in the areas of information and communication technologies, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annex to this Regulation.

Amendment

(21) In order to take into account the developments in the areas of information and communication technologies, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annex to this Regulation.

It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The objective of this delegation is to address new technological and market developments, emerging political priorities or opportunities for exploiting synergies between different infrastructures, including those in the fields of Transport and Energy. The scope of delegation is limited to modifying the description of projects of common interest, adding a project of common interest or removing an obsolete project of common interest according to pre-established, clear and transparent criteria.

It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level **and at regional and local level**. The objective of this delegation is to address new technological and market developments, emerging political priorities or opportunities for exploiting synergies between different infrastructures, including those in the fields of Transport and Energy. The scope of delegation is limited to modifying the description of projects of common interest, adding a project of common interest or removing an obsolete project of common interest according to pre-established, clear and transparent criteria.

Or. de

Amendment 15
Sabine Verheyen

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) contribute to economic growth and support the development of the Single Market resulting in the improvement of the competitiveness of the European economy, including small and medium sized enterprises (SMEs).

Amendment

(1) contribute to economic growth and support the development of the Single Market, **and promote the digital integration of entire economically and culturally deprived areas**, resulting in the improvement of the competitiveness of the European economy, including small and medium sized enterprises (SMEs).

Or. de

Amendment 16
Sabine Verheyen

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) contribute to improvements in daily life for citizens, businesses and governments through the promotion of the interconnection and interoperability of national telecommunication networks as well as access to such networks.

Amendment

(2) contribute to improvements in daily life for citizens, businesses and governments through the promotion of the interconnection and interoperability of national telecommunication networks as well as access to such networks ***at affordable prices.***

Or. de

Amendment 17
Sabine Verheyen

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) stimulate Europe-wide deployment of fast and ultra-fast broadband networks which, in turn, shall facilitate the development and deployment of trans-European digital services.

Amendment

(3) stimulate Europe-wide deployment of fast and ultra-fast broadband networks, ***in accordance with the principle of technological neutrality,*** which, in turn, shall facilitate the development and deployment of trans-European digital services.

Or. de

Amendment 18
Sabine Verheyen

Proposal for a regulation
Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) subscribe to the principles of net neutrality.

Or. de

Amendment 19
Sabine Verheyen

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) the deployment of ultra fast broadband networks ensuring the speed of data transmission of 100 Mbps and above;

Amendment

(a) the **comprehensive** deployment of ultra fast broadband networks ensuring the speed of data transmission of 100 Mbps and above;

Or. de

Amendment 20
Sabine Verheyen

Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) the deployment of broadband networks to link island, landlocked and peripheral regions with the central regions of the Union ensuring in those regions that speeds of data transmission are sufficient to permit broadband connectivity of 30 Mbps and above;

Amendment

(b) the deployment of broadband networks, **particularly ‘access networks’**, to link island, landlocked and peripheral regions with the central regions of the Union ensuring in those regions that speeds of data transmission are sufficient to permit broadband connectivity of 30 Mbps and above;

Or. de

Amendment 21
Sabine Verheyen

Proposal for a regulation
Article 4 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) Support for public-private partnerships between regional and local authorities and small and medium-sized ICT undertakings in the field of public ICT services.

Or. de

Amendment 22
Malcolm Harbour

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States and/or other entities in charge of the implementation of projects of common interest or contributing to their implementation shall take the necessary legal, administrative, technical and financial measures in compliance with the corresponding specifications of this Regulation.

deleted

Or. en

Justification

The proposed text appears to put in place a hard obligation on Member States that are responsible for projects of common interest to put measures in place to comply with the specifications in this Regulation. For example, for smart metering this would imply that any Member State rolling out smart meters would be required to meet the requirements set out in Regulation. This would be inconsistent with the Third Package electricity and gas directives.

Amendment 23
Sabine Verheyen

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

(3) Member States and/or other entities in charge of the implementation of projects of common interest or contributing to their implementation shall take the necessary legal, administrative, technical and financial measures in compliance with the corresponding specifications of this Regulation.

Amendment

(3) Member States and/or other entities, ***including regional and local authorities***, in charge of the implementation of projects of common interest or contributing to their implementation shall take the necessary legal, administrative, technical and financial measures in compliance with the corresponding specifications of this Regulation.

Or. de

Amendment 24
Malcolm Harbour

Proposal for a regulation
Annex 1 – section 1 – paragraph 1

Text proposed by the Commission

The deployment of trans-European telecommunication networks that will help to remove the bottlenecks existing in the digital single market shall be accompanied by studies and programme support actions. They are:

(a) Innovative management, mapping & services. Technical assistance measures, where necessary for deployment and governance, shall include project and investment planning and feasibility studies, in support of investment measures and financial instruments. Mapping of pan-European broadband infrastructure will develop an on-going detailed physical surveying and documentation of relevant sites, analysis of rights of way, assessments of potential for upgrading existing facilities, etc. It should follow the principles of the Directive 2007/2/EC (INSPIRE Directive) and related standardisation activities. Technical assistance measures may also support

Amendment

deleted

replication of successful investment and deployment models.

These actions may also include climate proofing to assess the climate related risks and ensure disaster resilience of infrastructure, in compliance with relevant requirements set out in EU or national legislation.

(b) Support actions and other technical support measures. These actions are needed to prepare or support the implementation of projects of common interest or accelerate their take-up. In the field of digital services, support actions shall also stimulate and promote the take-up of new digital service infrastructures that may become necessary or useful based on technological developments, changes in the relevant markets or emerging political priorities.

Or. en

Justification

These are not a priority for subsidy at EU level. It is far more appropriate to direct any EU level funding towards deployment rather than mapping / feasibility study, which would be more appropriately funded at Member State level.

Amendment 25 Malcolm Harbour

Proposal for a regulation Annex 1 – section 2 – paragraph 10 – introductory part

Text proposed by the Commission

Actions contributing to the project of common interest in the area of broadband networks, irrespective of the technology used, shall:

Amendment

Actions contributing to the project of common interest in the area of broadband networks, irrespective of the technology used, shall, ***where it is demonstrable that the market is unable to deliver this infrastructure commercially:***

Justification

It should be very clear that support should only be provided to areas where the market will not provide.

Amendment 26
Malcolm Harbour

Proposal for a regulation

Annex 1 – section 3 – paragraph 3 – subparagraph 4 – subparagraph 2 – subparagraph 1

Text proposed by the Commission

Communication channels and platforms ***will be developed and deployed in order to*** enhance the EU-wide capability for preparedness, information sharing, coordination and response.

Amendment

Facilitation of the development of communication channels and platforms in ***Member States should*** enhance the EU-wide capability for preparedness, information sharing, coordination and response, ***whilst taking into account existing national capabilities and initiatives.***

Justification

The Commission should play a facilitating role and should take into account existing capabilities and initiatives in Member States. This amendment would clarify this point.

Amendment 27
Malcolm Harbour

Proposal for a regulation

Annex 1 – section 3 – paragraph 3 – subparagraph 4 – subparagraph 2 – subparagraph 2 – subparagraph 1

Text proposed by the Commission

The core service platform will consist of a network of National/Governmental

Amendment

The core service platform will consist of a network of National/Governmental

Computer Emergency Response Teams (CERTs) based on a minimum set of baseline capabilities. The network *will* provide *the backbone* of a European Information Sharing and Alert System (EISAS) for EU citizens and SMEs.

Computer Emergency Response Teams (CERTs) based on a minimum set of baseline capabilities. The network *may* provide *a limited amount of information* to a European Information Sharing and Alert System (EISAS) for EU citizens and SMEs.

Or. en

Justification

The ENISA implementation report on EISAS of October 2011 states that ‘The operational conditions of National / Governmental CERTs in terms of scope, focus and resources seriously challenge the idea of building on National / Governmental CERTs as the Central node and driving force for EISAS in the Member States.’ It would not be appropriate for CERTs to form the backbone of EISAS. Other organisations which have SMEs and citizens as their key customers should play a greater role.

Amendment 28 Malcolm Harbour

Proposal for a regulation

Annex 1 – section 3 – paragraph 3 – subparagraph 4 – subparagraph 2 – subparagraph 3 – point a

Text proposed by the Commission

(a) *Proactive services – technology watch and dissemination and sharing of security-related information; security assessments; providing guidelines on security configuration; providing intrusion detection services;*

Amendment

(a) *EISAS should provide EU citizens and SMEs with the knowledge and skills necessary to protect their IT systems and information assets. The establishment of a network of National/Governmental CERTs should facilitate information sharing and cooperation between MS.*

Or. en

Justification

The ENISA implementation report suggests that such detailed information would not be that valuable to SMEs and citizens. The exact details of the services should be defined in ENISA’s further work. The activities of the network of National/Governmental CERTs is likely to be further defined in the Commission’s regulation on Cyber Security later this year, and should

not be set out here.

Amendment 29
Malcolm Harbour

Proposal for a regulation
Annex 1 – section 3 – paragraph 3 – subparagraph 4 – subparagraph 2 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) Reactive services – incident handling and response; issuing alerts and warnings; vulnerability analysis and handling, artefact handling (proving high-quality alerts on new malware and other artefacts). ***deleted***

Or. en

Justification

The ENISA implementation report suggests that such detailed information would not be that valuable to SMEs and citizens. The exact details of the services should be defined in ENISA's further work. The activities of the network of National/Governmental CERTs is likely to be further defined in the Commission's regulation on Cyber Security later this year, and should not be set out here.