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- TRANSPORT, TELECOMMUNICATIONS AND ENERGY -

Brussels, 20 November 2003

President : **Mr Maurizio GASPARRI**,
Minister for Communications,

Mr Lucio STANCA,
Minister for Innovation and Technologies

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- *Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.*
- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
- *Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the above mentioned Council Internet site or may be obtained from the Press Office.*

PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium :

Mr François ROUX

Deputy Permanent Representative

Denmark :

Mr Jeppe TRASHOLM

State Secretary

Germany :

Mr Alfred TACKE

State Secretary, Federal Ministry of Economic Affairs and Labour

Greece :

Mr Manolis STRATAKIS

State Secretary for Transport and Communications

Spain :

Mr Carlos LÓPEZ BLANCO

State Secretary for Telecommunications and the Information Society

France :

Ms Nicole FONTAINE

Minister attached to the Minister for Economic Affairs, Finance and Industry, with responsibility for Industry

Ireland :

Mr Dermot AHERN

Minister for Communications, Marine and Natural Resources

Italy :

Mr Maurizio GASPARRI

Minister for Communications

Mr Mr Lucio STANCA

Minister for Innovation and Technologies

Luxembourg :

Mr François BILTGEN

Minister for Labour and Employment, Minister for Relations with Parliament, Minister for Religious Affairs, Minister with responsibility for Communications

Netherlands :

Mr Jan Laurens BRINKHORST

Minister for Economic Affairs

Austria :

Ms Judith GEBETSROITHNER

Deputy Permanent Representative

Portugal :

Mr Franquelim ALVES

State Secretary to the Minister for Economic Affairs

Finland :

Ms Leena LUHTANEN

Minister for Transport and Communications

Sweden :

Ms Ulrica MESSING

Minister at the Ministry of Industry, Employment and Communications, with responsibility for Infrastructure

United Kingdom :

Ms Anne LAMBERT

Deputy Permanent Representative

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Commission :

Mr Erkki LIIKANEN

Member

The Governments of the Accessing States were represented as follows:

Czech Republic :

Mr Vladimir MLYNAR

Minister for Information Technology

Estonia :

Mr Signe RATSO

Deputy Secretary General at the Ministry of Economic Affairs and Communications

Cyprus :

Mr Kornelios KORNELIOU

Deputy Permanent Representative

Latvia :

Mr Eduards STRIPRAIS

Deputy Permanent Representative

Lithuania :

Mr Valdemaras SALAUSKAS

State Secretary

Hungary :

Mr Mihaly JAMBRIK

State Secretary

Malta:

Mr Censu GALEA

Minister for Transport and Communications

Poland :

Mr Marek POL

Minister for Infrastructure

Slovakia :

Mr Pavol PROKOPOVIČ

Minister for Transport

Slovenia :

Mr Pavel GANTAR

Minister for the Information Society

ITEMS DEBATED

TRANSITION FROM ANALOGUE TO DIGITAL BROADCASTING - Council Conclusions

The Council adopted the following Conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

- the Communication from the Commission on the transition from analogue to digital broadcasting (from digital ‘Switchover’ to analogue ‘Switch-off’).

2. RECALLS

- the Conclusions of the Barcelona European Council of March 2002;
- the general objectives of the eEurope 2005 Action Plan as endorsed by the Seville European Council of June 2002.

3. NOTES THAT

- market and policy in the area of broadcasting differs between Member States and that policy intervention should take place primarily at national level;
- a number of EU countries have planned the transition from analogue to digital television and radio having adopted measures in this area;
- the impact associated with the switchover process can greatly change from one local context to another depending on national situation on the field;
- the transition from analogue to digital broadcast is a complex process with social and economic implications going well beyond the pure technical migration posing a major challenge for industry, users, and public authorities;
- the digital television has also the potential of becoming a further platform for Information Society Services;
- there are long-term advantages in term of efficient spectrum utilisation introduced by digital television broadcast;
- without prejudice to competition law, and taking into account the aim of technological neutrality, and the need to minimise market distortion, policy interventions by Governments may be considered in order to accelerate switchover.

4. RECOGNISES

- the importance of issues such as development of attractive contents, transparency regarding plans for the transition from analogue to digital broadcast, nature of the public intervention, timing of switchover, development of Information Society Services, interoperability of services;
- the need to give information to the users, including eventual limitations of receivers currently in use, and the implications of the switch-off ;
- the importance of a stable regulatory environment and policy transparency in improving certainty for market players and consumers, encouraging co-ordinated action and facilitating the switchover;

- the need for a market and consumer driven approach taking into account citizens with special needs;
- the importance of radio for European citizens and that radio may pursue its own digital migration, with different timing from television;
- the importance of co-ordination between national and local authorities in stimulating market development, increasing consumer choice, quality of service and price competition;
- the role of co-ordination at EU-level, where appropriate, in contributing to Member States efforts, regarding the follow-up and support of switchover, while fully taking into account Member States' decisions on switchover such as dates and other policy decisions;
- that digital service diversity will help ensure differentiation from analogue and serve the needs of population segments and markets that are interested in multi-channel as well as in other types of digital television services.

5. INVITES THE MEMBER STATES

- to do their utmost to publish, by December 2003, their intentions regarding a possible switchover;
- to ensure that any policy interventions are transparent, justified, proportionate, timely and non-discriminatory.

6. WELCOMES THE INTENTION OF THE COMMISSION

- to continue monitoring national switchover policies and the evolution of digital broadcasting markets, in order to facilitate the efforts of Member States and market players, and to ensure compatibility of national measures with Community law and policy;
- to analyse the information provided by Member States in the framework of the *eEurope* 2005 Action Plan and the annual report on the implementation of the electronic communications regulatory package, reporting back to the Council, to the Parliament and to the competent Committees;
- to explore, with relevant stakeholders, the possibility of co-ordinated action related to the consumer information on digital consumer equipment;
- to launch an open policy debate with the Member States, on the spectrum aspects of switchover within the new Community spectrum policy framework.

7. INVITES THE COMMISSION

- within the limits of Community law and policy, to support Member States' initiatives to promote digital broadcasting."

DIGITAL TELEVISION AND 3G MOBILE COMMUNICATIONS - Council Conclusions

The Council adopted the following Conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

- the Communication from the Commission on barriers to the achievement of widespread access to new services and applications of the information society through open platforms in digital television and 3G mobile communications.

2. RECALLS

- the Conclusions of the Lisbon European Council of March 2000;
- the Conclusions of the Barcelona European Council in March 2002;
- the objectives of the eEurope 2005 Action Plan as endorsed by the Seville European Council of June 2002;
- the Council Resolution of 18 February 2003 on the implementation of the eEurope 2005 Action Plan².

3. RECOGNISES

- the importance of all open platforms in the widespread delivery of electronic services and the role they play in contributing to the interoperability of services thereby promoting competition and supporting users' choice;
- the need of developing attractive consumer services and creating a secure environment to inspire consumer confidence for new electronic services;
- the importance of both commercial factors and public sector measures in creating an Information Society for all;
- the need for a favourable and predictable legislative and regulatory environment in order to attract investment, to encourage innovation and economic development as well as to safeguard the interests of the consumers;
- that spectrum scarcity is a potentially significant barrier, of varying significance in different countries, to the successful roll-out of digital terrestrial services in Europe;
- the initiatives being taken by market players to develop interoperable systems, in particular in relation to 3G mobile communications and digital interactive television.

² JO C 48, 28.02.2003, p.2

4. CONSIDERS

- that timely development of standards will contribute to ensuring interoperability of services;
- that the availability of a wide variety of content, services and applications across various platforms, including 3G, personal computers and digital television, will increase choice and enable the widest possible access to the Information Society services.

5. INVITES THE MEMBER STATES

- to ensure, where possible, that public services which are available electronically are accessible by different platforms;
- to ensure full and effective implementation of the EU regulatory framework for electronic communications networks and services, in order to have a coherent set of rules that provide technologically neutral conditions for competition, without giving preference to one platform over others;
- to support the Commission in its efforts to take forward the standardisation programme.

6. WELCOMES THE INTENTION OF THE COMMISSION

- to take a series of follow-up actions in relation to regulatory and research areas, ongoing support for the private sector measures, access to Information Society services by disabled users, and multi-national measures, as indicated in the Communication;
- to undertake a public consultation on the interoperability of interactive digital TV as part of its examination of the extent to which interoperability and freedom of choice have been achieved for digital television services in Member States;
- to promote the principles of openness and interoperability at international level in relations with third countries and regions.

7. INVITES THE COMMISSION

- to actively extend its investigations to the achievement of widespread access to new services and applications of the Information Society to platforms other than digital television and the third generation of mobiles;
- to monitor developments in multi-platform delivery systems with a view to encouraging interoperability of digital interactive services and the freedom of choice for users;
- to ensure mandates are issued and completed in a timely fashion in respect of the standardisation programme covering electronic communications which has been mandated to CEN, CENELEC and ETSI pursuant to the "Framework Directive", in pursuit of the objectives laid down in Articles 17 and 18 of Directive 2002/21/EC."

EUROPEAN NETWORK AND INFORMATION SECURITY AGENCY - Public Deliberation

The Council reached a political agreement on the proposal for a Regulation establishing the European Network and Information Security Agency, as amended by the European Parliament's opinion in first reading. After finalisation of the text, the Council will formally adopt this Regulation at one of its forthcoming sessions.

The proposed European Agency is intended to assist the Commission and the Member States in meeting requirements, including those set out in present and future Community legislation, in the light of increased concerns regarding network and information security. The Regulation will enhance the capability of the Community, the Member States and, as a consequence, the business community to prevent, address and to respond to network and information security problems.

The main issues on which an agreement has been reached with the European Parliament with a view to adopt this draft Regulation in first reading, include:

- The scope and the tasks of the Agency.
- The composition and the decision-making procedure of the Management Board.
- The role of the European Parliament which has been enhanced, in terms of accountability of the Agency and in the exercise of its competencies as a budgetary authority.
- The participation of stakeholders in the Agency's operation through the establishment of a Permanent Stakeholders Group enabling it to advise the Executive Director on several tasks.

The Agency will be operational as soon as possible from the beginning of 2004 until 31 December 2008. It will be provisionally located in Brussels until a decision on this issue is taken by the Heads of State and Government.

It is recalled that on 20/21 March 2003, the European Council stressed in its conclusions the importance of boosting the momentum behind the information society, inter alia by creating a European Network and Information Society Agency by the end of 2003.

SITUATION OF ELECTRONIC COMMUNICATIONS

The Council held an exchange of views on the situation of electronic communications in Europe, and confirmed a generally improved situation of this sector.

The Council discussed, in particular, measures taken and envisaged to implement the "regulatory package" and to develop broadband and third mobile generation. Such discussion was specially useful in consideration of the participation of new accession Countries, providing a favourable scenario for mid-term European continent development.

During the debate, the Council also took note of the information given by the Commission, including the presentation of the 9th Report on the implementation of the Telecommunication Regulatory Package.

The Council requested the Presidency to transmit the results of this debate to the European Council in view of its future discussion on the Initiative for Growth.

eGOVERNMENT - Council Conclusions

The Council adopted the following Conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

- the Communication from the Commission "on the Role of eGovernment for Europe's Future"

2. RECALLS

- the Conclusions of the Lisbon European Council in March 2000;
- the Conclusions of the Göteborg European Council in March 2001;
- the Conclusions of the Barcelona European Council in March 2002;
- the general objectives of the eEurope 2005 Action Plan as endorsed by the Seville European Council in June 2002;
- the Council Resolution of 18 February 2003 on the implementation of the eEurope 2005 Action Plan³;
- the Conclusions of the Brussels European Council in March 2003;
- the Conclusions of the Brussels European Council in October 2003;
- the orientations of the European eGovernment Conference of Como in July 2003, as well as of the Ministerial eGovernance Conference of Athens in May 2003.

3. RECOGNISES

- the importance of the contribution of the public sector in achieving the Lisbon goals by facilitating and contributing to the European economic growth and innovation and the need to invest in the modernisation of public administrations, and in doing so, take full advantage of the use of information and communication technologies combined with organisational change and new skills;
- the importance for Member States, Acceding States and the Commission to identify demand-oriented pan-European eGovernment services on the basis of a study involving all relevant sectors and make available gradually, on the basis of existing services and work going on at national and European level, a number of selected pan-European eGovernment services to companies and citizens throughout the European Union, in order to contribute to advancing the Internal Market and European Citizenship.

4. INVITES THE COMMISSION, THE MEMBER STATES AND THE ACCEDING STATES

- to launch in 2004 a set of pan-European eGovernment pilot projects with benefits to citizens and companies throughout the European Union, with a view to evaluating necessities, obstacles and solutions. These pilot projects regarding the provision of cross-border services and support should be related inter alia to company registration and electronic public procurement, in order to contribute to the competitiveness of European businesses, particularly SMEs;

³ OJ C 48, 28.02.2003, p. 2.

- to explore, by the end 2004, possible interoperable European solutions for citizens' and companies authentication for eGovernment in the Internal Market, in order to facilitate mobility in Europe and providing cross-border services on line;
- to ensure that the creation, development and implementation of these services should be accompanied by joint actions to build up experience and validate advanced solutions concerning common approaches to key aspects of seamless pan-European eGovernment service provision such as accessibility, user identification, security, interoperability, including data definitions and procedures. As far as appropriate, pan-European eGovernment services should be integrated and interactive.

5. INVITES THE MEMBER STATES AND THE ACCEDING STATES

- to identify remaining legal and regulatory barriers to eGovernment and to begin the process of developing a way forward to eliminate them;
- to explore the potential in eGovernment innovation at national level as well as creating expertise centres, and to pool excellence in eGovernment through cooperation on a voluntary basis at European level with the support of the Commission, in particular to address priority issues as identified in the eGovernment Communication, such as trust and security including authentication, broadband and multi-platform service provision, and combined technological, organisational innovation and open standards.

6. INVITES THE COMMISSION

- to identify remaining legal, regulatory and organisational barriers to eGovernment at European level, on the basis of the proposed studies and pilot projects, and to suggest solutions in order to overcome them;
- to reinforce in 2004 coordination processes in order to ensure common priorities across and greater synergy between eGovernment-related EU programs, which allows for close cooperation with Member States and Acceding States and which takes into account the needs of the public administrations;
- to provide practical guidance to Member States, Acceding States and relevant stakeholders on access to existing financing instruments, and to explore other financing modalities, including, where appropriate, public-private partnerships, that promote the development of eGovernment and social and regional cohesion within European Union;
- to continue the assessment of economic and social impact of pan-European eGovernment services within the context of the eEurope 2005 Action Plan, as well as of the existing or planned programs and to propose a roadmap for further advancing pan-European eGovernment services;
- to support, as far as appropriate, the development of synergies between national research and innovation efforts in eGovernment, using the instruments of the EU's Sixth Framework Programme for Research and Technological Development;
- to investigate, further to the analysis of the Communication "On the Role of eGovernment for Europe's Future", overall expenditure on eGovernment for the modernisation of public administrations and present a report summarising the situation in 2004;

- to make available, in 2004 and based on existing efforts, a framework for the exchange of best practices, in order to increase possible synergies and to promote and facilitate the reuse of implemented eGovernment solutions;
- to review, following from the analysis in the Communication “On the Role of eGovernment for Europe’s Future”, the benefits and economics of eGovernment (the cost of ‘non-eGovernment’) and to propose on this basis benefits, performance and usage-based indicators to Council in the course of 2004.

7. **UNDERLINES**

the importance of transmitting these conclusions as a contribution to the Spring European Council 2004."

INTEROPERABLE DELIVERY OF PAN-EUROPEAN eGOVERNMENT SERVICES TO PUBLIC ADMINISTRATIONS - Public Deliberation

The Council reached unanimously a political agreement on the proposal for a Decision on Interoperable Delivery of pan-European eGovernment Services to Public Administrations, Businesses and Citizens. After finalisation of the text, the Council will formally adopt its common position at one of its forthcoming sessions and send it to the European Parliament in the framework of the codecision procedure.

This program will guarantee the continuity of the actions undertaken under the first two IDA programs, improving cooperation between public administrations and supporting the delivery of pan-European eGovernment services to citizens and businesses, thus contributing to a greater efficiency of both the public and the private sectors.

This is to be achieved by implementing projects of common interest by the Community in cooperation with the Member States. Those projects will be supported by horizontal measures including the promotion of infrastructure services for public administration or the establishment of strategical and supportive activities to promote pan-European

WORLD SUMMIT ON INFORMATION SOCIETY

The Council took note of the information given by the Presidency on the latest developments concerning the next World Summit on the Information Society (WSIS) to be held in Geneva on 10-12 December 2003.

The United Nations World Summit on the Information Society is aimed to developing a common vision and understanding of the Information Society and to drawing up a strategic plan of action for concerted development towards realising this vision.

The Council underlined that Member States should continue their efforts to defend a common position at this Summit and ensure that the WSIS would be a success.

ENCOURAGING DIGITAL CONTENT IN EUROPE

The Council held an exchange of views on the development and the use of the digital content in the information society.

The Council stressed that this is a subject of increasing importance and sensitivity for the industry of this sector, as well as in the broader political and cultural context of the development of a European identity. It was also underlined the need to strike a balance between intellectual property rights and the adequate rights of Internet users combined with a rich public domain.

During the debate, the Council welcomed the Commission's intention to present a follow-up to the eContent programme given the importance of available suitable content for the deployment of broadband services.