





**DECISION No 1336/97/EC OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**of 17 June 1997**

**on a series of guidelines for trans-European telecommunications  
networks**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE  
EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and  
in particular the first paragraph of Article 129d thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social  
Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 189b of  
the Treaty <sup>(4)</sup> in the light of the joint text approved on 16 April 1997 by  
the Conciliation Committee,

- (1) Whereas the establishment and development of trans-European telecommunications networks aim at ensuring the circulation and exchange of information across the Community; whereas this outlay in equipment is a precondition to enable citizens and industry — especially SMEs — in the Community to derive full benefit from the potential of telecommunications so as to make possible the establishment of the ‘information society’, in which the development of applications, services and telecommunications networks will be of crucial importance with a view to ensuring the availability for each citizen, company or public authority, including in the less developed or peripheral regions, of any type or quantity of information they may need;
- (2) Whereas, in its White Paper on ‘Growth, Competitiveness and Employment’, the Commission stressed the importance of establishing the information society, which, by introducing new forms of economic, political and social relations, will help the Union to face the new challenges of the next century, including the challenge of employment creation; whereas this was recognized by the Brussels European Council of December 1993;
- (3) Whereas the internal market constitutes an area without borders, within which the free movement of goods, persons, capital and services has to be ensured, and where Community measures already adopted or in the process of being adopted require significant exchange of information between individuals, economic operators and administrations; whereas the fact of possessing efficient means of exchanging information is of vital importance for improving the competitiveness of undertakings; whereas these exchanges of information can be ensured by trans-European telecommunications networks; whereas the availability of trans-European networks will strengthen social and economic cohesion in the Community;
- (4) Whereas establishment and development of trans-European telecommunications networks must enable information to be freely exchanged between individuals, economic operators and admin-

<sup>(1)</sup> OJ No C 302, 14. 11. 1995, p. 23 and  
OJ No C 175, 18. 6. 1996, p. 4.

<sup>(2)</sup> OJ No C 39, 12. 2. 1996, p. 20.

<sup>(3)</sup> OJ No C 129, 2. 5. 1996, p. 32.

<sup>(4)</sup> Opinion of the European Parliament of 1 February 1996 (OJ No C 47, 19. 2. 1996, p. 15), Council Common Position of 21 March 1996 (OJ No C 134, 6. 5. 1996, p. 18) and Decision of the European Parliament of 17 July 1996 (OJ No C 261, 9. 9. 1996, p. 59). Decision of the European Parliament of 14 May 1997 and Council Decision of 26 May 1997.

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istrations, while respecting individuals' rights to privacy and intellectual and industrial property rights;

- (5) Whereas, in June 1994, in their report on 'Europe and the global information society', which they prepared for the Corfu European Council of 24 and 25 June 1994, the members of a group of prominent representatives of industry recommended the implementation of trans-European telecommunications networks and the securing of their interconnectivity with all European networks; whereas the report identified mobile communications as a pillar of the information society whose potential should be strengthened; whereas the Corfu European Council gave its general approval to that recommendation;
- (6) Whereas those recommendations were followed by the Commission in its communication to the European Parliament and the Council entitled 'Europe's way to the information society: an action plan'; whereas the conclusions of the Council meeting on 28 September 1994 on this action plan stressed the fact that the fast development of high-performance information infrastructures is essential for the Community on the basis of a global, coherent and balanced approach;
- (7) Whereas Article 129c of the Treaty requires the Community to establish a series of guidelines covering the objectives, priorities and broad lines of measures envisaged in the sphere of trans-European networks; whereas these guidelines must identify projects of common interest; whereas trans-European networks in the area of telecommunications infrastructure cover the three layers constituting these networks: applications, generic services and basic networks;
- (8) Whereas the information society cannot develop without the existence of accessible applications, and especially applications of collective interest, addressing user needs as well as possible, and taking into account, where appropriate, the needs of the elderly and disabled; whereas applications will thus form an important part of the projects of common interest; whereas the applications relevant to teleworking must take account in particular of legal provisions concerning workers' rights applying in the Member States concerned;
- (9) Whereas projects of common interest can, in many cases, already be implemented in the present telecommunications networks, especially the Euro-ISDN, and thereby offer trans-European applications; whereas guidelines have to be drawn up to identify these projects of common interest;
- (10) Whereas there should be coordination between the implementation of the proposals chosen and similar initiatives adopted at national or regional level in the Community;
- (11) Whereas in the selection and implementation of such projects account should be taken of all infrastructures offered by incumbent and new providers;
- (12) Whereas on 9 November 1995 the European Parliament and the Council adopted Decision No 2717/95/EC on a set of guidelines for the development of the EURO-ISDN (Integrated Services Digital Network) as a trans-European network<sup>(1)</sup>;
- (13) Whereas the present networks, which include existing ISDN, are evolving towards becoming advanced networks offering a variable data flow rate up to broadband capabilities, adaptable to different needs, in particular to the provision of multimedia services and applications; whereas implementation of Integrated Broadband Communication Networks (IBC networks) will be the outcome of this evolution; whereas IBC networks will constitute the optimum platform for information society applications;

<sup>(1)</sup> OJ No L 282, 24. 11. 1995, p. 16.

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- (14) Whereas the work of the RACE Programme (specific research and technological development programme in the field of communication technologies (1990 to 1994)) laid down in Decision 91/352/EEC<sup>(1)</sup> has prepared the ground and provided the technology base for the introduction of IBC networks in Europe;
- (15) Whereas the work of the Esprit Programme (specific programme for research and technological development, including demonstration, in the field of information technologies (1994 to 1998)), laid down in Decision 94/802/EC<sup>(2)</sup>, has prepared the ground and provided the technology base for the introduction of information technology applications;
- (16) Whereas the results of the work of the specific research and technological development programmes in the field of telematic systems of general interest (1991 to 1994) laid down by Decision 91/353/EEC<sup>(3)</sup> and of the specific programme for research and technological development, including demonstration, in the field of telematics applications of common interest (1994 to 1998) laid down by Decision 94/801/EEC<sup>(4)</sup> prepare the ground for the introduction of interoperable applications of common interest across Europe;
- (17) Whereas effective coordination needs to be ensured between the development of the trans-European telecommunications networks, which must address real-world concerns, without attempting to carry out purely experimental projects, and the different Community programmes, in particular the specific programmes of the fourth framework programme for research, technological development and demonstration, programmes in favour of SMEs, information-content-oriented programmes (such as INFO 2000 and MEDIA II) and other information society activities; whereas such coordination must also be ensured with the projects provided for by Decisions of the European Parliament and of the Council applying to trans-European networks;
- (18) Whereas the measures aimed at ensuring the interoperability of telematic networks between administrations fall within the framework of priorities adopted in relation to the present guidelines for trans-European telecommunications networks;
- (19) Whereas in its communication of 24 July 1993 on preparatory actions in the field of trans-European networks in respect of integrated broadband communications, the Commission recognized the need to carry out preparatory actions with the sector actors to draw up appropriate guidelines; whereas the result of these actions forms the basis for the guidelines relating to IBC networks in this Decision;
- (20) Whereas the telecommunications sector is being progressively liberalized; whereas the development of trans-European applications, generic services and basic networks will increasingly rely on private initiative; whereas these trans-European developments must respond on a European scale to market needs or to actual and sizeable needs of society which are not covered by market forces alone; whereas, taking this into account, the interested sector actors will be requested to submit, through the application of appropriate procedures giving everyone equal opportunities, specific proposals; whereas these procedures have to be defined; whereas a Committee will assist the Commission for specification of projects of common interest;
- (21) Whereas a *modus vivendi* between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid

(1) OJ No L 192, 16. 7. 1991, p. 8.

(2) OJ No L 334, 22. 12. 1994, p. 24.

(3) OJ No L 192, 16. 7. 1991, p. 18.

(4) OJ No L 334, 22. 12. 1994, p. 1.

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down in Article 189b of the Treaty was concluded on 20 December 1994<sup>(1)</sup>;

- (22) Whereas projects of common interest which relate to the territory of a Member State require the approval of the Member State concerned;
- (23) Whereas the Commission and the Member States will have to act to ensure interoperability of the networks and coordinate, on the one hand, the activities of the Member States aimed at implementation of trans-European telecommunications networks and, on the other, comparable national projects, only to the extent necessary to ensure overall coherence;
- (24) Whereas it is important, for the optimum development of the information society, to ensure an efficient exchange of information between the Community and third countries, in particular the States parties to the Agreement on the European Economic Area or countries having concluded an Association Agreement with the Community;
- (25) Whereas, however, activities undertaken in the context of these guidelines are subject to the full application of the competition rules laid down in the Treaty and implementing legislation,

HAVE ADOPTED THIS DECISION:

*Article 1*

This Decision establishes guidelines covering the objectives, priorities and broad lines of measures envisaged in the sphere of trans-European networks in the area of telecommunications infrastructure. These guidelines identify projects of common interest by listing those projects in Annex I and by laying down the procedure and criteria for the specification thereof.

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For the purpose of this Decision, ‘telecommunications infrastructure’ shall refer to the electronic data transmission networks and the services which make use of them.

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*Article 2*

The Community shall support the interconnection of networks in the sphere of telecommunications infrastructure, the establishment and development of interoperable services and applications as well as access to them, with the objectives of:

- facilitating the transition towards the information society, as well as providing experience on the effects of the deployment of new networks and applications on social activities and promoting the satisfaction of social and cultural needs and improving the quality of life,
- improving the competitiveness of Community firms, in particular SMEs, and strengthening the internal market,
- strengthening economic and social cohesion, taking account in particular of the need to link island, landlocked and peripheral regions to the central regions of the Community,
- accelerating the development of new growth-area activities leading to job creation.

<sup>(1)</sup> OJ No C 102, 4. 4. 1996, p. 1.

▼B*Article 3*

The priorities for the realization of the objectives referred to in Article 2 shall be:

- study and validation of the technical and commercial feasibility, followed by the deployment of applications supporting the development of a European information society, in particular applications of collective interest,
- study and validation of feasibility, followed by the deployment of applications contributing to economic and social cohesion, by improving access to information throughout the Community and building on European cultural diversity,
- stimulation of trans-boundary interregional initiatives and of initiatives involving regions, in particular the less-favoured ones, for the launch of trans-European telecommunications services and applications,
- study and validation of feasibility, followed by the deployment of applications and services contributing to the strengthening of the internal market and job creation, in particular those offering to SMEs means to improve their competitiveness in the Community and at world level,
- identification, study and validation of the technical and commercial feasibility, followed by the deployment of trans-European generic services providing seamless access to all kinds of information, including in rural and peripheral regions, and interoperable with equivalent services at world level,
- study and validation of the feasibility of new integrated broadband communication (IBC) networks, where required for such applications and services, and promotion of the interconnectivity of such networks,
- identification and removal of gaps and missing links for effective interconnection and interoperability of all the components of telecommunications networks in the Community and at world level, with particular emphasis on basic telecommunications networks as defined in Annex I.

*Article 4*

The broad lines of measures to be implemented for achieving the objectives defined in Article 2 shall cover:

- specification of projects of common interest by the establishment of a work programme,
- actions aimed at increasing the awareness of individuals, economic operators and administrations of the benefits they can derive from the new advanced trans-European telecommunications services and applications,
- actions aimed at the stimulation of combined initiatives by users and providers to launch projects in the sphere of trans-European telecommunications networks, in particular IBC networks,
- support, within the framework of the methods laid down in the Treaty, for actions to study and validate the feasibility, followed by the deployment, of applications, in particular applications of collective interest, and encouragement of the establishment of public/private collaboration, in particular through partnerships,
- stimulation of the supply and use of services and applications for SMEs and professional users, which constitute a source of employment and growth,
- promotion of interconnectivity of networks, of interoperability of broadband services and applications and of the infrastructure they require, in particular for multimedia applications, and of interoperability between existing and broadband services and applications.

*Article 5*

The development of trans-European networks in the sphere of telecommunications infrastructure shall be undertaken under this Decision

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through the implementation of projects of common interest. The projects of common interest are listed in Annex I.

*Article 6*

In accordance with Articles 7, 8 and 9, projects of common interest listed in Annex I shall be specified, using the criteria listed in Annex II. The projects identified are eligible for Community support in compliance with Council Regulation (EC) No 2236/95 of 18 September 1995 laying down general rules for the granting of Community financial aid in the field of trans-European networks<sup>(1)</sup>.

*Article 7*

1. On the basis of Annex I the Commission, following consultation of the sector operators and taking the other trans-European network policies into account, shall prepare a work programme, adopted in accordance with the procedure laid down in Article 8, and subsequently proceed with calls for proposals.

2. The Commission shall verify that the projects relating to the territory of a Member State are approved by the Member State concerned.

**▼M1***Article 8*

1. The Commission shall be assisted by a Committee (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

**▼B***Article 9*

1. The procedure laid down in Article 8 shall apply to:

- the preparation and updating of the work programme referred to in Article 7,
- the determination of the content of calls for proposals,
- the specification of projects of common interest using the criteria set out in Annex II,
- the determination of supplementary support and coordination actions,
- the measures to be taken to evaluate the implementation of the work programme on a financial and technical level.

2. The Commission shall inform the committee, at each of its meetings, of the progress made in implementing the work programme.

*Article 10*

This Decision shall apply to the Integrated Services Digital Network (ISDN) without prejudice to Decision No 2717/95/EC of the European Parliament and of the Council.

*Article 11*

Member States shall take all the measures necessary to facilitate the implementation of the projects of common interest in conformity with Community rules. The authorization procedures which may be necessary shall be completed as quickly as possible in conformity with Community legislation.

<sup>(1)</sup> OJ No L 228, 23. 9. 1995, p. 1.

**▼B***Article 12*

This Decision shall not prejudice any financial commitment by a Member State or the Community.

*Article 13*

The participation of third countries, in particular countries party to the Agreement on the European Economic Area or having concluded an Association Agreement with the Community, may be authorized by the Council on a case-by-case basis, in accordance with the procedure laid down in Article 228 of the Treaty, in order to allow them to contribute to the implementation of projects of common interest, and to promote the interconnection and interoperability of telecommunications networks, provided that it does not entail an increase in Community aid.

*Article 14***▼M1**

Before 31 January 2005, the Commission shall submit a report on the implementation of this Decision during the period July 2000 to June 2004, to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

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The report shall contain an evaluation of the results achieved with Community support in the various project fields in relation to the overall objectives and shall contain an assessment of the social and societal impact of the introduction of the applications after they are deployed.

Together with that report, the Commission shall submit appropriate proposals for revision of Annex I to this Decision on the basis of technical developments and experience gained.

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In the absence of a decision by 31 December 2006, Annex I shall be deemed to have lapsed except in respect of calls for proposals which have already been published in the *Official Journal of the European Communities* before that date.

**▼B***Article 15*

This Decision is addressed to the Member States.



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## ANNEX I

**IDENTIFICATION OF PROJECTS OF COMMON INTEREST**

1. Trans-European telecommunications networks will contribute to the introduction of innovative trans-European services in the general interest. The services will contribute to the development of the information society in terms of growth, employment, social cohesion and participation for all in the knowledge-based economy.
2. TEN-Telecom supports the technical and economic feasibility, validation and deployment of services. Services must be innovative, trans-European and based on proven technology:
  - a service may be launched in separate Member States with appropriate adaptation in each State,
  - a service that has already been deployed in a single Member State without support under this programme may be extended to other Member States,
  - a service of demonstrably trans-European interest may be implemented in a single Member State.
3. As services should be considered to be trans-European, the participation of organisations from more than one Member State and implementation in more than one Member State, though not required, will be encouraged.
4. In this context, projects of common interest shall be identified on the basis of their operational capability to support the objectives laid down in this Decision.
5. The projects of common interest described below shall be on three levels, forming a coherent structure.

**(i) Applications**

Applications serve user needs, taking into account cultural and linguistic differences and the requirements for accessibility, in particular for disabled people. Where it is applicable, they shall accommodate the specific needs of less developed or less populated regions. They shall use the potential of broadband, mobile and other communications networks as appropriate.

**(ii) Generic Services**

Generic Services shall support applications' common requirements by providing common tools for the development and implementation of new applications based on interoperable standards. They shall provide services for the transfer and integrity of data across networks, including broadband and mobile communication networks.

**(iii) Interconnection and interoperability of networks**

Support will be provided for the interconnection, interoperability and security of networks underpinning the operation of specific public interest applications and services.

The following sections identify at each level of the trans-European networks the projects of common interest that must be specified in accordance with Article 9 and under the procedure laid down in Article 8.

**I. Applications**

- e-Government and e-Administration: more efficient, interactive, and integrated governmental services benefiting citizens and SME's constitute a major opportunity for the information society. On-line services including those in the field of electronic procurement, secured access to on-line public services for citizens and SME's, personal security, environment and tourism, business support for SME's (including information services and electronic commerce), and services aimed at broadening participation in the democratic decision-making process will be supported at all levels: European, national, regional and local. Services may be provided by, or with the support of, public authorities as a service in the public interest benefiting citizens and SME's.
- Health: health telematics networks and services offer significant opportunities for the improvement of access and quality of care, as well as handling the impacts of medical advances and demographic changes. Innovative services will be supported linking health care institutions and other points of care, and providing health services directly to the

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public, in particular supporting actions on disease prevention and health promotion.

- Disabled and elderly: developments in network communications offer significant opportunities for the participation of older people and people with disabilities in the information society. Network applications and services addressing their specific needs are able to contribute to the overcoming of socio-economic, geographical and cultural barriers. Services will be supported catering for the requirements of older people and people with disabilities with the purpose of promoting their full integration and participation in the information society.
- Learning and culture: high levels of education, training and cultural awareness are crucial to economic development and social cohesion. Their importance will continue to be underlined in future with the increasing influence of technology in the information society. Services will be supported providing new innovative ways of presenting educational and cultural information, including services for lifelong learning.

**II. Generic services**

- Advanced mobile services: trials are under way on the interoperability aspects of innovative applications for 2,5 to 3G mobile networks. They will establish the basis for advanced end-to-end solutions in the mobile environment providing location-based, personalised, and context-sensitive services. Support will be provided for the launch of advanced mobile applications and services in the general interest including those for navigation and guidance, traffic and travel information, network security and billing, m-commerce, m-business and mobile work, learning and culture, emergency services and health.
- Trust and confidence services: the active involvement of businesses and citizens in the information society is dependent on their trust and confidence in the available services. Security is therefore a priority issue presenting a major challenge for the future. Support will be provided for services in the public interest aimed at all aspects of security including cooperation for effective networking within the European Union on national CERT systems.

**III. Interconnection and interoperability of networks**

- Interconnection and interoperability: the interconnection and interoperability of networks is a pre-requisite for effective trans-European services. Support will be provided for the interconnection, interoperability and security of networks necessary for the operation of specific public interest services. Projects concerning the development and enhancement of telecommunications networks will receive particular scrutiny to ensure that there is no interference with free market conditions.

**IV. Supplementary support and coordination actions**

In addition to its support for projects of common interest, the Community shall initiate actions aimed at providing the appropriate environment for the realisation of the projects. The financing of these actions should not take away in any significant manner from the amounts allocated to the rest of the programme. The actions will contribute to programme awareness, consensus development and concerted efforts concerning European, national, regional and local activities for stimulation and promotion of new applications and services, in conformity with the implementation of programmes in other areas, as well as the development of broadband networks. They will involve consultation with European standardisation and strategic planning bodies and coordination with actions funded by the different Community financial instruments, including:

- strategic studies toward target specifications, and transition towards these targets. These specifications will help sector actors to make sound economic investment decisions,
- definition of means of accessing broadband networks,
- establishment of common specifications based on European and world standards,
- furthering cooperation among sector actors, including public and private partnerships (PPP),
- coordination of the activities undertaken under this Decision with related Community and national programmes.

*ANNEX II***CRITERIA FOR THE SPECIFICATION OF PROJECTS OF COMMON INTEREST**

Projects of common interest will be specified from among the projects submitted by interested sector actors in response to a call for proposals, as provided for in Article 7, on the basis of their compliance with the objectives and priorities laid down in Articles 2 and 3 respectively. These projects must be transnational in the sense that they shall be conceived to satisfy needs existing in several Member States. As a general rule, they shall be implemented in several Member States but implementation in a single Member State shall be allowed if it contributes to a broader trans-European interest.

In addition, account will be taken of the economic and financial criteria set out in Regulation (EC) No 2236/95. These criteria, which will be used in the framework of the said Regulation for deciding on the granting of financial support to a specific project, are:

- the potential economic viability of the project, which should be assured,
- the maturity of the project,
- the stimulative effect of Community intervention on public and private financing,
- the soundness of the financial package,
- the direct or indirect socio-economic effects, in particular on employment,
- the consequences for the environment,
- for cross-border projects in particular, coordination of the timing of the different parts of a project.