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► **B** REGULATION (EU) No 283/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 March 2014

on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC

(Text with EEA relevance)

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▼B**REGULATION (EU) No 283/2014 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL****of 11 March 2014****on guidelines for trans-European networks in the area of
telecommunications infrastructure and repealing Decision
No 1336/97/EC****(Text with EEA relevance)***Article 1***Subject matter**

1. This Regulation lays down guidelines for the timely deployment and interoperability of projects of common interest in the field of trans-European networks in the area of telecommunications infrastructure.
2. In particular, this Regulation provides for:
 - (a) the objectives for and operational priorities of projects of common interest;
 - (b) the identification of projects of common interest;
 - (c) the criteria according to which actions contributing to projects of common interest shall be eligible for Union financial assistance in accordance with Regulation (EU) No 1316/2013 in their development, implementation, deployment, interconnection, and interoperability;
 - (d) priorities for funding projects of common interest.

*Article 2***Definitions**

1. For the purposes of this Regulation, the definitions set out in Article 2 of Regulation (EU) No 1316/2013 shall apply.
2. For the purposes of this Regulation and of Regulation (EU) No 1316/2013, the following definitions shall also apply:
 - (a) "telecommunications infrastructure" means broadband networks and digital service infrastructures;
 - (b) "digital service infrastructures" means infrastructures which enable networked services to be delivered electronically, typically over the internet, providing trans-European interoperable services of common interest for citizens, businesses and/or public authorities, and which are composed of core service platforms and generic services;
 - (c) "building blocks" means basic digital service infrastructures, which are key enablers to be reused in more complex digital services infrastructures;
 - (d) "core service platforms" means central hubs of digital service infrastructures aiming to ensure trans-European connectivity, access and interoperability, and which are open to Member States and may be open to other entities;

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- (e) "generic services" means gateway services linking one or more national infrastructure(s) to core service platform(s);
- (f) "broadband networks" means wired and wireless access networks, ancillary infrastructure and core networks capable of delivering very high speed connectivity;
- (g) "horizontal actions" means studies and programme support actions as defined in points (6) and (7) of Article 2 of Regulation (EU) No 1316/2013, respectively;

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- (h) "local wireless access point" means low power equipment of small size operating within a small range, using on a non-exclusive basis radio spectrum for which the conditions of availability and efficient use for that purpose are harmonised at Union level, and which allows wireless access by users to an electronic communications network.

▼B*Article 3***Objectives**

1. The projects of common interest shall contribute to achieving the general objectives specified in Article 3 of Regulation (EU) No 1316/2013.
2. In addition to the general objectives, the projects of common interest shall pursue one or more of the following specific objectives:
 - (a) economic growth and support to the completion and functioning of the internal market in support of the competitiveness of the European economy, including small and medium-sized enterprises (SMEs);
 - (b) improvements in daily life for citizens, businesses and public authorities at every level through the promotion of broadband networks, interconnection and interoperability of national, regional and local broadband networks, as well as non-discriminatory access to such networks and digital inclusion.
3. The following operational priorities shall contribute to the achievement of the objectives referred to in paragraphs (1) and (2):
 - (a) interoperability, connectivity, sustainable deployment, operation and upgrading of trans-European digital service infrastructures, as well as coordination at European level;
 - (b) efficient flow of private and public investments to stimulate the deployment and modernisation of broadband networks with a view to contributing to achieving the broadband targets of the Digital Agenda for Europe.

*Article 4***Projects of common interest**

1. Projects of common interest shall, in particular:
 - (a) aim at the creation and/or enhancement of interoperable and, whenever possible, internationally compatible core service platforms, accompanied by generic services for digital service infrastructures;

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- (b) provide efficient investment vehicles for broadband networks, attract new categories of investors and project promoters, and encourage replicability of innovative projects and business models;

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- (c) support the provision of high-quality local wireless connectivity that is free of charge and without discriminatory conditions in local communities.

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2. Projects of common interest may encompass their entire cycle, including feasibility studies, implementation, continuous operation and upgrading, coordination and evaluation.
3. Projects of common interest may be supported through horizontal actions.
4. Projects of common interest, and actions contributing to them, are further described in the Annex.

*Article 5***Methods of intervention**

1. In the area of digital service infrastructures, core service platforms shall be implemented primarily by the Union while generic services shall be implemented by the parties connecting to the relevant core service platform. Investments in broadband networks shall be undertaken predominantly by the private sector, supported by a competitive and investment-friendly regulatory framework. Public support for broadband networks shall be provided only where there is market failure or a sub-optimal investment situation.

2. Member States and other entities in charge of or contributing to the implementation of projects of common interest shall be encouraged to take the measures necessary to facilitate the implementation of projects of common interest. The final decision on the implementation of a project of common interest which relates to the territory of a Member State shall be taken after the approval of that Member State.

3. Actions contributing to projects of common interest, which meet the criteria set out in Article 6 of this Regulation, shall be eligible for Union financial assistance under the conditions and instruments available under Regulation (EU) No 1316/2013. Financial assistance shall be provided in accordance with the relevant rules and procedures adopted by the Union, the funding priorities set out in Article 6 of this Regulation, and the availability of resources, taking into account the specific needs of beneficiaries.

4. Actions contributing to projects of common interest in the field of digital service infrastructures shall be supported by:

- (a) procurement; and/or

- (b) grants.

5. Actions contributing to projects of common interest in the field of broadband networks shall be supported by:

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- (a) financial instruments as defined in Regulation (EU) No 1316/2013, which shall be open to additional contributions from other sectors of the CEF, other instruments, programmes and budget lines in the Union budget, Member States, including regional and local authorities and any other investors, including private investors in accordance with Article 15(2) of Regulation (EU) No 1316/2013; and /or
- (b) the combination of financial instruments and grants from public sources other than the CEF, whether they are public sources of the Union or national.

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5a. Actions contributing to projects of common interest in the field of providing local wireless connectivity that is free of charge and without discriminatory conditions in local communities shall be supported by:

- (a) grants; and/or
- (b) other forms of financial assistance, not including financial instruments.

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6. Horizontal actions shall be supported by:

- (a) procurement; and/or
- (b) grants.

7. The total amount of the budget allocated to financial instruments for broadband networks shall not exceed the minimum necessary to establish cost-efficient interventions which shall be determined on the basis of ex-ante assessments as referred to in Article 14(1) of Regulation (EU) No 1316/2013.

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That amount shall be up to 15 % of the financial envelope for the telecommunications sector referred to in point (b) of Article 5(1) of Regulation (EU) No 1316/2013.

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8. At least one-third of the broadband projects receiving financial assistance under this Regulation shall aim at broadband speeds above 100 Mbps.

9. Following the report referred to in Article 8(6), the European Parliament and the Council may, upon a proposal by the Commission, revise the amount determined in accordance with paragraph 7 of this Article and the proportion of projects referred to in paragraph 8 of this Article.

10. Where the support from the CEF complements ESI Funds and other direct public support, the achievement of synergies between CEF actions and support from ESI Funds may be reinforced by using an appropriate coordination mechanism.

*Article 6***Eligibility criteria and priorities for funding**

1. Actions contributing to projects of common interest in the field of digital service infrastructures shall meet all the following criteria in order to be eligible for funding:

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- (a) have sufficient maturity to be deployed, as proven in particular through successful piloting under programmes such as the Union programmes related to innovation and research;
- (b) contribute to Union policies and activities in support of the internal market;
- (c) create European added value and have a strategy and planning for long-term sustainability, where appropriate through funding sources other than CEF, the quality of which is to be demonstrated by a feasibility and cost-benefit assessment. Such strategy shall be updated when appropriate;
- (d) comply with international and/or European standards or open specifications and orientations for interoperability, such as the European Interoperability Framework, and capitalise on existing solutions.

2. The selection of actions contributing to projects of common interest in the field of digital service infrastructures to be funded under the CEF, as well as their level of funding, shall be carried out as part of an annual work programme referred to in Article 17(1) of Regulation (EU) No 1316/2013.

3. Building blocks essential for, and with demonstrable prospects of being used in, the development, deployment and operation of other digital service infrastructures as listed in Section 1.1 of the Annex, shall be given top priority for funding.

4. Second priority shall be given to other digital service infrastructures in support of Union law, policies and programmes, as listed in Sections 1.2 and 1.3 of the Annex and, where possible, be based on existing building blocks.

5. Support to core service platforms shall take priority over generic services.

6. On the basis of the objectives provided for in Article 3 of this Regulation, the description of projects of common interest in the Annex to this Regulation and, taking into account the available budget, the annual and multiannual work programmes referred to in Article 17 of Regulation (EU) No 1316/2013 may establish further eligibility and priority criteria in the field of digital service infrastructures.

7. Actions contributing to projects of common interest in the field of broadband networks shall meet all the following criteria in order to be eligible for funding:

- (a) make a significant contribution to the realisation of the targets of the Digital Agenda for Europe;
- (b) have sufficiently mature project development and preparation stages that are underpinned by effective implementation mechanisms;
- (c) address market failures or sub-optimal investment situations;
- (d) not lead to market distortions or crowding out of private investment;

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- (e) use the technology which is deemed most suitable to address the needs of the geographic area in question, taking into account geographic, social and economic factors based on objective criteria and in keeping with technological neutrality;
- (f) deploy the technology best suited for the specific project, while proposing the best balance between state of the art technologies in terms of data flow capacity, transmission security, network resilience, and cost efficiency;
- (g) have a high potential for replicability and/or be based on innovative business models.

8. The criteria referred to in point (g) of paragraph 7 of this Article shall not be required for projects funded from additional ring-fenced contributions provided in accordance with Article 15(2) of Regulation (EU) No 1316/2013.

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8a. Actions contributing to projects of common interest in the field of providing high-quality local wireless connectivity that is free of charge and without discriminatory conditions in local communities shall meet conditions set out in Section 4 of the Annex in order to be eligible for the funding.

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9. Horizontal actions shall meet either of the following criteria in order to be eligible for funding:
- (a) prepare or support implementation actions in their deployment, governance and address existing or emerging implementation problems;
 - (b) create new demand for digital service infrastructures.

*Article 7***Cooperation with third countries and international organisations**

1. The Union may establish contacts, discuss and exchange information, and cooperate with public authorities or any other organisations in third countries to achieve any objective pursued by this Regulation. Among other objectives, this cooperation shall seek to promote interoperability between networks in the area of telecommunications infrastructure in the Union and similar networks in third countries.

2. European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA) may participate in the sector of the CEF covering telecommunications infrastructure in accordance with the conditions laid down in the EEA Agreement.

3. By way of derogation from Articles 8(3) and 9(4) of Regulation (EU) No 1316/2013, acceding States and candidate countries benefiting from a pre-accession strategy may participate in the sector of the CEF covering telecommunications infrastructure in accordance with agreements signed with the Union.

4. For the purposes of the participation of EFTA countries, the sector of the CEF covering telecommunications infrastructure shall be considered as a separate programme.

*Article 8***Exchange of information, monitoring and reporting**

1. On the basis of information received under the third subparagraph of Article 22 of Regulation (EU) No 1316/2013, Member States and the Commission shall exchange information and best practices about the progress made in the implementation of this Regulation. Where appropriate, Member States shall involve local and regional authorities in the process. The Commission shall publish a yearly overview of that information and submit it to the European Parliament and to the Council.

2. The Commission shall consult and be assisted by an Expert Group composed of a representative of each Member State. In particular, the Expert Group shall assist the Commission in:

- (a) monitoring the implementation of this Regulation;
- (b) taking account of national plans or national strategies, where applicable;
- (c) taking measures to evaluate the implementation of the work programmes on a financial and technical level;
- (d) addressing existing or emerging project implementation problems;
- (e) defining strategic orientations prior to the drawing-up of the annual and multiannual work programmes referred to in Article 17 of Regulation (EU) No 1316/2013, with particular regard to the selection and withdrawal of actions contributing to projects of common interest and the determination of the budget breakdown, as well as the revision of those work programmes.

3. The Expert Group may also consider any other issue relating to the development of the trans-European networks in the area of telecommunications infrastructure.

4. The Commission shall inform the Expert Group on the progress made in implementing the annual and multiannual work programmes referred to in Article 17 of Regulation (EU) No 1316/2013.

5. The Expert Group shall cooperate with entities involved in the planning, development and management of digital networks and services as well as with other relevant stakeholders.

The Commission and other entities in charge of the implementation of this Regulation, such as the European Investment Bank, shall pay particular attention to the Expert Group's observations.

6. In conjunction with the mid-term evaluation and the ex-post evaluation of Regulation (EU) No 1316/2013 as referred to in Article 27 of that Regulation, and with the assistance of the Expert Group, the Commission shall publish a report on the progress in the implementation of this Regulation. That report shall be submitted to the European Parliament and to the Council.

7. The report shall provide an evaluation of the progress achieved in the development and implementation of projects of common interest, including where relevant delays in implementation and difficulties are encountered, as well as information about commitments and payments.

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8. In the report, the Commission shall also evaluate whether the scope of the projects of common interest continues to reflect technological developments and innovations, as well as regulatory or market and economic developments and whether, in view of such developments and the need for long-term sustainability, funding for any of the projects of common interest supported should be phased out or sourced in other ways. For projects which are likely to have significant effects on the environment, those reports shall include an analysis of the environmental impact, taking into account, where appropriate, climate change adaptation and mitigation needs, and disaster resilience. Such an evaluation may also be carried out at any other time when it is deemed appropriate.

9. The achievement of the specific objectives set out in Article 3 shall be measured *ex post*, *inter alia*, on the basis of:

- (a) the availability of digital service infrastructures, measured by the number of Member States connected to each digital service infrastructure;
- (b) the percentage of citizens and businesses using digital service infrastructures and the availability of such services across borders;
- (c) the volume of investments attracted in the field of broadband, and the leverage effect, for projects funded through contributions from public sources referred to in point (b) of Article 5(5);

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- (d) the number of connections to local wireless access points established under actions implementing Section 4 of the Annex.

▼B*Article 9***Repeal**

Decision No 1336/97/EC is hereby repealed.

*Article 10***Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

*ANNEX***PROJECTS OF COMMON INTEREST****SECTION 1. DIGITAL SERVICE INFRASTRUCTURES**

Interventions in the area of digital service infrastructure generally rely on a two-layer architecture approach: core service platforms and generic services. The core service platform is a pre-condition for establishing a digital service infrastructure.

The core service platforms address the interoperability and security needs of projects of common interest. They are intended to enable digital interactions between public authorities and citizens, between public authorities and businesses and organisations, or between public authorities of different Member States through standardised, cross-border, and user-friendly interaction platforms.

Building block digital service infrastructures take priority over other digital service infrastructures, since the former are a pre-condition for the latter. The generic services provide the connection to the core service platforms and enable the national added value services to use the core service platforms. They provide gateways between national services and core service platforms and allow national public authorities and organisations, businesses and/or citizens to access the core service platform for their cross-border transactions. The quality of the services and the support for stakeholders involved in cross-border transactions must be ensured. They must support and stimulate the take-up of core service platforms.

The focus must not be entirely on the creation of digital service infrastructures and related services but also on the governance relating to the operation of such platforms.

New core service platforms must mainly be based on existing platforms and their building blocks and/or, when possible, must add new building blocks.

1. The building blocks identified to be included in the work programmes, subject to Article 6 (1) and (3), are the following:
 - (a) Electronic identification, and authentication: this refers to services to enable cross-border recognition and validation of e-identification and e-signature.
 - (b) Electronic delivery of documents: this refers to services for the secure, traceable cross-border transmission of electronic documents.
 - (c) Automated translation: this refers to machine-translation engines and specialised language resources including the necessary tools and programming interfaces needed to operate pan-European digital services in a multilingual environment.
 - (d) Critical digital infrastructures support: this refers to communication channels and platforms intended to enhance the Union-wide capability for preparedness, information sharing, coordination and response to cyber threats.
 - (e) Electronic invoicing: this refers to services enabling secure electronic exchange of invoices.
2. Well-established digital service infrastructures particularly identified to be eligible for funding contributing to uninterrupted service, subject to Article 6(1):

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- (a) Access to digital resources of European heritage. This refers to the core service platform based on the current Europeana portal. The platform provides the access point to Europeana cultural heritage content at item level, a set of interface specifications to interact with the infrastructure (search for data, download data), support for the metadata adaptation and ingestion of new content, as well as information on conditions for reuse of the content accessible through the infrastructure.
 - (b) Safer internet service infrastructure. This refers to the platform for acquiring, operating and maintaining shared computing facilities, databases, software tools and exchange of best practices for the Safer Internet Centres (SICs) in the Member States. Back-office operations to handle reporting of child sexual abuse content on the Internet 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 and by common software systems. SICs and their relevant activities such as helplines, hotlines, awareness nodes and other awareness raising activities represent the key element of the Safer Internet infrastructure.
3. Other digital service infrastructures identified to be eligible for funding subject to Article 6(1):
- (a) Interoperable cross-border electronic procurement services. This refers to a set of services which can be used by public and private sector e-procurement services providers to set up cross-border e-procurement platforms. This infrastructure will enable any company in the Union to respond to public procurement procedures from any contracting authority or entity in any Member State covering pre-award and post-award electronic procurement activities, including functionalities such as electronic submission of offers, virtual company dossier, e-catalogues, e-orders and e-invoicing.
 - (b) Interoperable cross-border e-health services. This refers to a platform which enables the interaction between citizens/patients and health care providers, institution-to-institution and organisation-to-organisation transmission of data, or peer-to-peer communication between citizens/patients and/or health professionals and institutions. The services shall comprise cross-border access to electronic health records and electronic prescription services as well as remote health/assisted living teleservices, etc.
 - (c) European Platform for the interconnection of European business registers. This refers to a platform which provides a set of central tools and services enabling business registers in all Member States to exchange information on registered businesses, their branches, mergers and windings-up. It shall also provide a multi-country and multilingual search service for users using a central access point accessible via the e-Justice portal.
 - (d) Access to re-usable public sector information. This refers to a platform for the single access point to multilingual (official languages of the institutions of the Union) datasets held by public bodies in the Union at European, national, regional and local levels; query and visualisation tools of the data sets; assurance that the available datasets are properly anonymised, licensed and where applicable priced to be published, redistributed and reused, including a data provenance audit trail.

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Electronic procedures for setting up and running a business in another European country. This service will allow all necessary administrative procedures to be dealt with electronically across borders through single contact points. This service is a requirement in Directive 2006/123/EC of the European Parliament and of the Council ⁽¹⁾.

- (e) Interoperable cross-border online services. This refers to platforms which shall facilitate interoperability and cooperation between Member States in areas of common interest, particularly with a view to improving the functioning of the internal market, such as eJustice, which will enable online cross-border access by citizens, businesses, organisations and legal practitioners to legal resources/documents and judicial procedures, Online Dispute Resolution (ODR) which will enable online resolution of cross-border disputes between consumers and merchants and Electronic Exchange of Social Security Information (EESSI), which will help social security bodies across the Union exchange information more rapidly and securely.

SECTION 2. BROADBAND NETWORKS

1. The scope of actions

Actions shall consist in particular of one or more of the following components:

- (a) the deployment of passive physical infrastructure, active physical infrastructure or the combination of the two and ancillary infrastructure elements, complete with services necessary to operate such infrastructure;
- (b) associated facilities and associated services, such as building wiring, antennae, towers and other supporting constructions, ducts, conduits, masts, manholes, and cabinets;
- (c) where possible, potential synergies shall be exploited between the roll-out of broadband networks and other utilities networks (energy, transport, water, sewerage, etc.), in particular those related to smart electricity distribution.

2. Contribution to the achievement of the targets of the Digital Agenda for Europe

All projects receiving financial assistance under this section shall contribute significantly to the achievement of the targets of the Digital Agenda for Europe.

Actions funded directly by the Union shall:

- (a) be based on wired or wireless technology capable of delivering very high-speed broadband services, thus meeting demand for applications which require high bandwidth;
- (b) be based on innovative business models and/or attract new categories of project promoters or new categories of investors; or
- (c) have a high potential for replicability, thus allowing them to achieve broader impact on the market due to their demonstration effect;
- (d) assist in narrowing the digital divide, where possible;
- (e) comply with applicable law, in particular with competition law, and with access obligations in accordance with Directive 2002/19/EC.

⁽¹⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

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Actions funded from additional ring-fenced contributions provided in accordance with Article 15(2) of Regulation (EU) No 1316/2013 shall bring significant new capabilities to the market in terms of broadband service availability, speeds and capacity. Projects which provide speeds of data transmission of less than 30 Mbps should ensure the increase of speeds to at least 30 Mbps and where possible to 100 Mbps and above over time.

3. Project assessment to establish optimal funding structures

The implementation of actions shall be based on a comprehensive project assessment. Such a project assessment shall cover, inter alia, market conditions including information on existing and/or planned infrastructure, regulatory obligations on project promoters, as well as commercial and marketing strategies. In particular, the project assessment shall establish whether the programme:

- (a) is necessary to address market failures or sub-optimal investment situations, which cannot be solved by regulatory measures;
- (b) does not lead to market distortions and crowding out of private investment.

These criteria shall be established primarily on the basis of the revenue potential and the level of risk associated with a project and the type of geographical area covered by an action.

4. Sources of funding

- (a) Projects of common interest in the field of broadband shall be funded through financial instruments. The budget allocated to these instruments shall be sufficient, but shall not exceed, the amount which is necessary to establish a fully operational intervention and to achieve a minimum efficient instrument size.
- (b) Subject to the rules of Regulation (EU, Euratom) No 966/2012, Regulation (EU) No 1316/2013 and all relevant regulations concerning ESI Funds, the financial instruments referred to in point (a) may be combined with additional contributions from:
 - (i) other sectors of the CEF;
 - (ii) other instruments, programmes and budget lines in the Union budget;
 - (iii) Member States, including regional and local authorities, that decide to contribute own resources or resources available from ESI Funds. ESI Funds contributions will be geographically ring-fenced to ensure that they are spent within a Member State or a region which provides a contribution;
 - (iv) any other investors, including private investors.
- (c) Financial instruments referred to in points (a) and (b) may also be combined with grants by Member States, including regional and local authorities, that wish to contribute own resources or resources available from ESI Funds, provided that:
 - (i) the action in question meets all criteria for funding under this Regulation; and
 - (ii) relevant State aid clearance has been obtained.

SECTION 3. HORIZONTAL ACTIONS

The deployment of trans-European networks in the area of telecommunications infrastructure that will help to remove the bottlenecks existing in the Digital Single Market shall be accompanied by studies and programme support actions. These actions may consist of either:

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- (a) technical assistance to prepare or support implementation actions in their deployment, governance and addressing existing or emerging implementation problems; or
- (b) actions to create new demand for digital service infrastructures.

Union support under this Regulation shall be coordinated with support from all other available sources, while avoiding duplication of infrastructure and preventing the displacement of private investments.

▼ M1**SECTION 4. WIRELESS CONNECTIVITY IN LOCAL COMMUNITIES**

Actions must aim for the provision of local wireless connectivity that is free of charge and without discriminatory conditions in centres of local public life, including outdoor spaces accessible to the general public that play a major role in the public life of local communities, to be eligible for financial assistance. For the purpose of accessibility, those actions shall provide access to services at least in the relevant languages of the Member State concerned and, to the extent possible, in other official languages of the institutions of the Union.

Financial assistance shall be available to public sector bodies as defined in point (1) of Article 3 of Directive (EU) 2016/2102 of the European Parliament and of the Council ⁽¹⁾, undertaking to provide, in accordance with national law, local wireless connectivity that is free of charge and without discriminatory conditions through the installation of local wireless access points.

Actions taken for the provision of local wireless connectivity shall be eligible to receive funding if they:

- (1) are implemented by a public sector body as referred to in the second paragraph which is capable of planning and supervising the installation, as well as ensuring for a minimum of three years the financing of operating costs, of indoor or outdoor local wireless access points in public spaces;
- (2) build on high-speed broadband connectivity enabling delivery of high-quality internet experience to users that:
 - (a) is free of charge and without discriminatory conditions, easy to access, secured, and uses most recent and best available equipment, capable of delivering high-speed connectivity to its users; and
 - (b) supports access to innovative digital services, such as those offered via digital service infrastructures;
- (3) use the common visual identity to be provided by the Commission and link to the associated online tools;
- (4) respect the principles of technological neutrality at the level of the backhaul, the efficient use of public funding and the ability to adapt projects to the best technological offers;
- (5) commit to procure the necessary equipment and/or related installation services in accordance with applicable law to ensure that projects do not unduly distort competition.

Actions duplicating existing free private or public offers of similar characteristics, including quality, in the same public space shall not be eligible to receive funding. Such duplication may be avoided by ensuring that the range of the access points funded under this Regulation is designed to cover primarily public spaces and not to overlap with that of existing private or public offers of similar characteristics.

⁽¹⁾ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

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The available budget shall be allocated in a geographically balanced manner across Member States to actions meeting the conditions set out in this Section in light of the number of proposals received and, in principle, on a 'first come, first served' basis. The total allocation of funds under each call shall include all Member States from which eligible proposals are received.

Actions financed under this Section shall be in operation and closely monitored by the Commission for at least three years. After the operational period the Commission shall continue to provide an overview of functionality of those actions and possible input for future initiatives.