



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 December 2012

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ADD 2**

**TELECOM 262
MI 839
COMPET 786
CONSOM 161
DATAPROTECT 149
RECH 472
AUDIO 137
POLGEN 216**

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 19 December 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: SWD(2012) 447 final

Subject: COMMISSION STAFF WORKING DOCUMENT Overview of progress on
the 101 Digital Agenda actions and Digital Agenda Review package
Accompanying the document Communication from the Commission to the
European Parliament, the Council, the European Economic and Social
Committee and the Committee of the Regions
The Digital Agenda for Europe - Driving European growth digitally

Delegations will find attached Commission document SWD(2012) 447 final.

Encl.: SWD(2012) 447 final



Brussels, 18.12.2012
SWD(2012) 447 final

COMMISSION STAFF WORKING DOCUMENT

Overview of progress on the 101 Digital Agenda actions and Digital Agenda Review package

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS









Digital agenda for Europe-driving European growth digitally

{COM(2012) 784 final}
{SWD(2012) 446 final}

Overview of progress on the 101 Digital Agenda actions and Digital Agenda Review package

Legend:					
On track					
Delayed					
In risk of delay					
Completed					
Action	Respon-sible DG	Digital Agenda deadline	Status	Completion date/deliverable	
<u>Pillar 1 - A vibrant digital single market</u>					
<u>001</u>  Key Action 1a - Framework Directive on collective rights management	MARKT	31/12/2010	[Grey box]	<u>Proposal for Directive on collective management of copyright and related rights and multi-territorial licensing adopted 11 July 2012</u>	
<u>002</u>  Key Action 1b - Directive on orphan works + stakeholders dialogue on out-of print works	MARKT	31/12/2010	[Grey box]	<u>Proposal for Directive on orphan works adopted 24 May 2011, Memorandum of Understanding on out-of-print works signed on 20 September 2011.</u>	
<u>003</u>  Key Action 1c - Review the Directive on Re-Use of Public Sector Information	CNECT	31/12/2012	[Grey box]	<u>Open Data Package incl. revised Directive adopted on 12 December 2011.</u> Various sectoral actions will apply the concept, e.g. Marine Knowledge initiative to unlock marine data into the public domain.	
<u>004</u>  Wide stakeholder debate on further measures	MARKT; CNECT	31/12/2012	[Grey box]	<u>IPR strategy adopted 24 May 2011</u> (follow-up through Action 5)	












<u>005 Green paper on online distribution of audiovisual works and other creative content</u>	MARKT	31/12/2010	<u>Green Paper adopted on 13 July 2011. Report on consultation on the Green Paper forthcoming.</u>
<u>006 Review of the Directive on the enforcement of intellectual property rights</u>	MARKT	31/12/2012	The review of the IPR Enforcement Directive is on-going and a public consultation on the civil enforcement of intellectual property rights was launched on 30 November 2012 and will stay open until 30 March 2013.
<u>007 Key Action 2 - Fix a date for migration to Single Euro Payment Area (SEPA) & eInvoicing</u>	MARKT	31/12/2012	<u>Proposal for SEPA migration end-date adopted 16 December 2010, Communication on e-Invoicing adopted 2 December 2010. Green paper on card, internet and mobile payments adopted on 11 January 2012.</u>
<u>008 Key Action 3 - Revision of the eSignature Directive</u>	CNECT	31/12/2011	<u>Legislative proposal adopted on 6 July 2012, coupled with eID following the Single Market Act.</u>
<u>009 Proposals on e-Commerce Directive</u>	MARKT; SANCO; CNECT	31/12/2011	<u>Communication adopted on 11 January 2012. It was deemed unnecessary to revise the eCommerce Directive at this point. Commission to provide some guidance on interpretation (notice & action)</u>
<u>010 Member States - Implement key directives enabling the digital single market</u>	CNECT	31/12/2015	
<u>011 Member States - Transpose the VAT Directive</u>	TAXUD	31/12/2013	
<u>Key Action 4 - Review the Data protection Directive</u>	JUSTICE	31/12/2010	<u>Proposal adopted on 25 January 2012. On legislative track.</u>
<u>013 Optional contract law instrument complementing Consumer Rights Directive</u>	JUSTICE	31/12/2012	<u>Proposal adopted 11 October 2011. On legislative track.</u>
<u>014 Alternative Dispute Resolution Green paper /Online Dispute Resolution</u>	SANCO	31/12/2012	<u>Proposal for a Common European Sales Law adopted 29 November 2011. On legislative track.</u>

 Stakeholder consultation and measures on private address	JUSTICE; SANCO; COMP	31/12/2015	After 2011 public consultation Commission decided it was premature to start policy intervention in this field.
 Code of EU Online Rights	CNECT; JUST	31/12/2012	The Commission will update the Code of Online Rights at the end of 2012.
 Stakeholder platform for EU online trustmarks	CNECT	31/12/2012	The Commission has conducted a study and final results are expected for end of 2012.
 Harmonisation of numbering resources	CNECT	31/12/2011	Public consultation concluded no need for this harmonisation.
 Spectrum Policy Plan	CNECT	31/12/2010	Proposal adopted 20 September 2010. Legislative process concluded in 2012.
 An investigation into the cost of non-Europe in telecommunication markets	CNECT	31/12/2011	Study published on 28 February 2012.
 Roaming	CNECT	31/12/2012	Proposal for Regulation on roaming on public mobile communications networks adopted 6 July 2011. Legislative process concluded in 2012.
<u>Pillar 2 - Interoperability and standards</u>			
 Key Action 5 - Propose legal measures to allow use of certain ICT fora and consortia standards	ENTR	31/12/2010	Proposal adopted 1 June 2011. On legislative track. Formally completed with the adoption in December 2010 of the "Revised rules for the assessment of horizontal cooperation agreements under EU competition law". The Council adopted on 4 October 2012 the Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation.
 Promote rules via guidelines for ex-ante disclosure	ENTR	31/12/2011	Adopted 14 January 2011.
 Guidance on link between ICT standardisation and public procurement	CNECT	31/12/2011	The Commission will make a proposal in the first half of 2013.













024 Adopt a European Interoperability Strategy and European Interoperability Framework	DIGIT	31/12/2010		Adopted 16 December 2010.
025 Measures to license interoperability information	CNECT	31/12/2012	✓	Following a public consultation on Access to Interoperability Information of Digital Products and Services, no legislative action will be proposed during this mandate. Soft measures centred on best licensing practices and model licences will be further explored and developed.
Member States - Implement European Interoperability Framework at national level	DIGIT	31/12/2013		
Member States - Implement Malmo and data declarations	DIGIT	31/12/2013		The Commission is monitoring the current status of interoperability in Member states and EU administrations through the National Interoperability Framework Observatory and via yearly implementation reviews of the European Interoperability Strategy.
<u>Pillar 3 - Trust and security</u>				
Key Action 6 - Reinforced and high level Work and Information Security Policy	CNECT	31/12/2012		On 30 September 2010 the Commission proposed a new Regulation on modernisation of ENISA. Following legislative track.
Key Action 7 - Combat cyber attacks against information systems	CNECT	31/12/2010		Proposal for a Directive on Attacks against Information Systems adopted 30 September 2010.
Establish a European cybercrime platform	HOME	31/12/2012		
Examine the feasibility of a European cybercrime centre	HOME	31/12/2011		Communication on a European Cybercrime Centre adopted on 28 March 2012. The centre to start operations in January 2013.
Work with global stakeholders on targeted attacks against computer-based crime and security	CNECT	31/12/2015		EU & US conducted readiness tests for cyber attacks in "Cyber Atlantic 2011".
Support EU-wide cyber-security preparedness exercises	CNECT	31/12/2015		First pan-European simulation "Cyber-Europe 2010" in November 2010.











 034 Explore the extension of security breach notification provisions	JUSTICE	31/12/2012		See Action 12.
 035 Guidance on implementation Telecoms rules on data privacy and personal data	CNECT	31/12/2011		Guidance was provided to Member States on the transposition of the ePrivacy Directive in October 2010 . After a stock-taking report in 2012, it was concluded that no additional guidance was needed at this stage.
 036 Support reporting of illegal content online (spam) and awareness campaigns	CNECT	31/12/2015		Communication "Strategy for a Better Internet for Children" published 2 May 2012.
 037 Self-regulation of European and global service providers as regards use by minors	CNECT	31/12/2015		Coalition of top tech & media companies to make internet better place for children launched 1 December 2011.
 038 Member States - network of CERTs covering all Europe	CNECT	31/12/2012		
 039 Member States - Carry out large scale attack simulation and test mitigation strategies	CNECT	31/12/2010		Not all Member States have yet carried out their simulations.
 040 Member States - Fully implement harmful content alert hotlines	CNECT	31/12/2013		
 041 Member States - National alert platforms to the public cybercrime platform	HOME	31/12/2012		
Pillar 4 - Fast and ultrafast broadband access				
 042 Key Action 8a - Broadband Communication common framework for actions	CNECT	31/12/2010		Adopted 20 September 2010.
 043 Key Action 8b - Proposals on funding of high-speed broadband	CNECT	31/12/2014		Part of the Cohesion policy 2014-2020 and CEF proposals.
 044 Key Action 8c - European Spectrum Policy Programme	CNECT	31/12/2010		Proposal adopted 20 September 2010 . Legislative process concluded in 2012.
 045 Key Action 8d - Recommendation on Next Generation Access networks	CNECT	31/12/2010		Adopted 20 September 2010.


<u>Member States - Develop and make operational national broadband plans</u>	CNECT	31/12/2012	<u>Commission staff working document on implementation of national broadband plans published 30.3.2012.</u>
<u>Member States - Measures to facilitate broadband investment</u>	CNECT	31/12/2015	To seek support of the MS for the adoption of legislation in the pipeline and seek effective and harmonised implementation of the adopted measures.
<u>Member States - Use fully the Structural and Development Funds</u>	CNECT	31/12/2013	
<u>Member States - Implement the European Union Policy Programme</u>	CNECT	31/12/2015	
<u>Pillar 5 - Research and innovation</u>			
<u>Key Action 9 - Leverage more private investment</u>	CNECT	31/12/2015	<u>Addressed in the Horizon 2020 proposal adopted 30 November 2011.</u>
<u>Reinforce the coordination and pooling of resources</u>	CNECT	31/12/2015	<u>Addressed in the Horizon 2020 proposal adopted 30 November 2011.</u>
<u>052 Propose measures for 'light and fast' access to EU research funds in ICT</u>	CNECT	31/12/2011	<u>Addressed in the Horizon 2020 proposal adopted 30 November 2011.</u>
<u>Financial support to joint ICT research structures and innovation clusters</u>	CNECT	31/12/2015	<u>Addressed in the Horizon 2020 proposal adopted 30 November 2011.</u>
<u>Develop a new generation of web-based applications and services</u>	CNECT	31/12/2015	
<u>Member States - Double annual public spending on ICT research and development</u>	CNECT	31/12/2020	
<u>Member States - Engage in large scale pilots led by the CIP</u>	CNECT	31/12/2015	
<u>Pillar 6 - Digital literacy, skills and inclusion</u>			

057  <u>Key Action 10 - Digital literacy and competences a priority for the ESF</u>	EMPL	31/12/2012		<u>Proposal for a Regulation on new ESF 2014-2020 adopted 6 October 2011.</u> On legislative track. Start of new programme expected in 2014.
058  <u>Key Action 11 - Tools for competences of ICT designers and users</u>	ENTR; EAC	31/12/2012		
059  <u>Make digital literacy and skills a priority of the "New skills for new jobs" Flagship</u>	EAC; EMPL	31/12/2010		<u>Adopted 23 November 2010.</u>
060  <u>Promote a higher participation of young women returners in ICT</u>	CNECT	31/12/2015		
061  <u>Develop an online interactive platform for learner education including materials on new media technologies and media literacy</u>	SANCO	31/12/2011		A community educational website called "Consumer Classroom", aimed at teachers of 12-18 year-olds, is scheduled for launch in the first half of 2013. The updated Code of EU online Rights (action 16) will take into account the latest legislative developments.
062  <u>Propose EU-wide indicators of digital competences and media literacy</u>	CNECT; EAC	31/12/2013		
063  <u>Systematically evaluate accessibility in all areas of legislation</u>	CNECT	31/12/2015		
064  <u>Make sure that public sector websites are fully accessible by 2015</u>	CNECT	31/12/2011	√	On 3 December 2012 the European Commission adopted a proposal for a <u>Directive on the accessibility of the public sector bodies' websites.</u>
065  <u>Memorandum of Understanding on Digital Access for persons with disabilities</u>	MARKT	31/12/2012		<u>Signed 14 September 2010.</u>
066  <u>Member States - long-term e-skills and digital literacy policies</u>	CNECT	31/12/2011		<u>Varying progress among Member States. Gdansk Roadmap for Digital Inclusion was developed through stakeholder consultation and launched in Oct 2011.</u>
067  <u>Member States - Implement provisions on Quality in Telecoms Framework and Audiovisual Media Services Directive</u>	CNECT	31/12/2011		<u>First Report on the application of the Audiovisual Media Services Directive (AVMSD) published 7 May 2012.</u>

Member States - Mainstream eLearning in Digital policies	CNECT; EAC		No end date, but under constant monitoring.
<u>Pillar 7 - ICT-enabled benefits for EU society</u>			
069 <u>Key Action 12 - ICT sector common energy and emission measures</u>	CNECT	31/12/2011	Key ICT companies piloted the different available methodologies and tested their coherence and compatibility and concluded that the methodologies form a coherent framework; depending on its use more detailed guidance could be required. In 2013, the Commission will assess the need for legal measures.
070 <u>Support partnerships between the ICT sector and major emitting sectors</u>	CNECT; ENER	31/12/2013	Commission launched the Smart Cities and Communities initiative on 10 July 2012 to facilitate integrated approaches across sectors such as buildings, transport and energy.
071 <u>Assess contribution of smart grids and define minimum functionalities to promote the interoperability</u>	CNECT; ENER	31/12/2011	Partially completed - task force recommendation and standardisation mandate issued 2011. First set of standards by end 2012
072 <u>Green Paper on Solid State Lighting (SSL)</u>	CNECT	31/12/2011	Green Paper: Lighting the Future adopted 15 December 2011
073 <u>Member States - Agree common additional functionalities for smart meters</u>	CNECT; ENTR; ENER	31/12/2011	Commission presented a set of functionalities agreed by 11 Member States in October 2011. Commission Recommendation adopted in February 2012; remaining Member States to incorporate agreed functionalities in their cost-benefit analyses by end 2012.
074 <u>Member States - specifications for total lifetime costs for public lighting</u>	MARKT; ENTR; ENV	31/12/2012	Public Procurement Directive and the Green public procurement criteria for lighting equipment.
075 <u>Key Action 13 - Secure online access to their digital health data and wider deployment of telemedicine</u>	CNECT; SANCO	31/12/2015	2 pilots funded. Staff working paper on legal framework for telemedicine planned for second half of 2012.
076 <u>Key Action 14 - Recommendation to define minimum common set of patient data</u>	SANCO; CNECT	31/12/2012	eHealth Network to adopt guidelines in first half of 2013.
077 <u>EU-wide standards, interoperability testing and validation of eHealth</u>	CNECT	31/12/2015	

 Reinforce the Ambient Assisted Living (AAL) programme	CNECT	31/12/2013		Proposal in preparation for AAL JP continuation under Horizon 2020.
 070 Key Action 15 - Sustainable model for financing for Europeana	CNECT	31/12/2012		Commission Recommendation on digitisation and digital preservation adopted on 27 October 2011. Europeana is part of the Connecting Europe Facility (CEF) proposal. On legislative track.
 080 Propose measures on cultural and creative industries	EAC	31/12/2012	✓	Communication "Promoting cultural and creative sectors for growth and jobs in the EU" adopted 26 September 2012.
 Recommendation on promoting digitisation of European cinema	EAC	31/12/2011		Proposal for a recommendation on European film in the digital era is foreseen for first half of 2013.
 082 Implementation of the provisions of the Audiovisual Media Services Directive on cultural diversity	CNECT	31/12/2011		First Report on the application of the Audiovisual Media Services Directive (AVMSD) published 7 May 2012.
 083 Key Action 16 - Council and Parliament Decision on mutual recognition of e-ID	CNECT	31/12/2012		(Merged with Action 8) Legislative proposal adopted on 6 June 2012, coupled with eID following the Single Market Act.
 Seamless cross-border eGovernment services in the single market	CNECT	31/12/2015		
 Review the Public access to Environmental Information Directive	ENV	31/12/2011		Communication on application of the Directive to be adopted end of 2012.
 Implement cross-border eEnvironment services	ENV	31/12/2015		
 087 Communication on "A Strategy for e-Procurement (White Paper on inter-connecting e-procurement capacity in EU)	MARKT	31/12/2011		Communication "Strategy for e-procurement" published 20 April 2012.
 088 Commission 2011-2015 action plan	DIGIT	31/12/2010		Communication "e-Commission 2012-2015" adopted 1 August 2012.
 Member States - Make eGovernment services interoperable	CNECT	31/12/2015		

 Member States - Points of Single contact on as fully fledged eGovernment centres	MARKT	31/12/2015		
 Member States - Agree a common list of key cross-border public services	CNECT	31/12/2011		A Ministerial Roundtable in November 2011 in Poznan identified five key cross-border services. Agreement with Member States planned for the first half of 2013.
 Apply proposed ITS Directive in support of interoperability and rapid standardisation	MOVE	31/12/2015		
 Adopt the Air Traffic Management Solutions for (SESAR)	MOVE	31/12/2010		Communication on governance and incentive mechanisms for deployment of SESAR adopted 22 September 2011.
 Directive on the deployment of e-Maritime services	MOVE	31/12/2011		Directive 2010/65/EU on reporting formalities for ships adopted on 29 October 2010 is an essential milestone for the use of e-maritime services. The Commission, supported by the European Maritime Safety Agency set up an expert group gathering the different users' administrations.
 Directive setting out technical specifications for telematic applications for rail passenger services	MOVE	31/12/2011		Regulation adopted on 5 May 2011.
 Member States - Fulfil obligations under European Rail Traffic Management System (ERTMS) 2015	MOVE	31/12/2015		
<u>International issues</u>				
 Promote the internationalisation of internet finance	CNECT	31/12/2015		
 Support the continuation of the Internet Governance Forum (IGF) beyond 2010	CNECT	31/12/2015		Decision at 65th UN General Assembly in December 2010 , extending the IGF to 2015.
 Improve international trade conditions including	TRADE	31/12/2015		The common EU/US initiative on ICT principles was launched at the Transatlantic European Council in 2011 and is being pursued actively in the relevant WTO fora.

 Link mandate to update Information Technology Agreement (ITA)	TRADE; TAXUD	31/12/2015	Commission received mandate from Member States in 2009; technical meetings started in May 2012 to create a consolidated list of products for expansion of the ITA. Parallel track of non-tariff barrier negotiations under way.
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Digital Agenda Review package

A European borderless economy – The Digital Single Market

<p>102 Key Transformative Action: Completing the on-going review of the Copyright Framework through the preparation for legal drafting work, with a view to a decision in 2014 whether to table legislative reform proposals and seek the resolution of copyright-related issues where rapid progress is needed via a structured stakeholder dialogue in 2013.</p>	MARKT; CNECT; EAC	31/12/2014	
<p>103 MS - Adopt and implement the key digital single market proposals of the Digital Agenda</p>	MARKT; SANCO; CNECT	31/12/2015	
<p>104 Follow up on eCommerce Action Plan, Green Paper on payments and Consumer Agenda</p>	MARKT; SANCO; CNECT		
<p>105 Guidelines to correctly implement EU rules on consumer information requirements</p>	SANCO	31/12/2014	
<p>106 VAT reform - align tax rates for digital content and similar physical goods</p>	TAXUD	31/12/2013	
<p>107 Proposals to strengthen the data industry in Europe</p>	CNECT	31/12/2013	
<p>108 Green paper on a converged audiovisual world</p>	CNECT	31/12/3013	

Speeding up public sector innovation

<p>109 Key Transformative Action: Develop and implement public service infrastructures, policy and support in the framework of the Connecting Europe Facility</p>	<p>CNECT</p>	<p>31/12/2015</p>
<p>110 Deploy and roll out digital services in key areas of public interest</p>	<p>CNECT</p>	<p>31/12/2015</p>
<p>111 Focus and develop and implement, as appropriate the Smart Cities, Active and Healthy Ageing, Green Cars, Energy Efficient Buildings PPP</p>	<p>CNECT; MOVE; ENER</p>	<p>31/12/2015</p>

Very fast internet supply and demand

<p>112 Key Transformative Action: Durable regulatory measures on non-discrimination and wholesale pricing to promote investment and competition</p>	<p>CNECT</p>	<p>31/12/2014</p>
<p>113 Recommendation on non-discrimination, first half of 2013</p>	<p>CNECT</p>	<p>31/12/2013</p>
<p>114 Recommendation on cost methodologies for regulated wholesale prices for network access, first half of 2013</p>	<p>CNECT</p>	<p>31/12/2013</p>
<p>115 Recommendation on safeguarding the open internet for consumers, first half of 2013</p>	<p>CNECT</p>	<p>31/12/2013</p>
<p>116 Update of the 2007 Recommendation on the list of markets relevant for ex ante regulation</p>	<p>CNECT</p>	<p>31/12/2014</p>
<p>117 Commission Regulation on cost reductions for civil works, beginning of 2013</p>	<p>CNECT</p>	<p>31/12/2013</p>

118 Update of guidelines on state aid for broadband by end 2012	CNECT	31/12/2012
119 Pilot project to test project bonds for broadband deployment	CNECT	31/12/2013
<u>Cloud Computing</u>		
120 Key Transformative Action: Establishment of the European Cloud Partnership to harness public buying power to accelerate the development of the market for cloud computing	CNECT	31/12/2013
121 Follow up of the European Cloud Computing Strategy	CNECT	31/12/2015
122 Launch pilot action to explore the efficiency gains from moving public services into the Cloud	CNECT	31/12/2014
<u>Trust and Security</u>		
123 Key Transformative Action: Directive on network and information security	CNECT; HOME; EEAS	31/12/2013
124 European Cyber Security Strategy	CNECT; HOME; EEAS	31/12/2013
125 Expand the Global Alliance against Child Sexual Abuse Online	CNECT;HOME	31/12/2013
<u>Entrepreneurship and digital jobs and skills</u>		

126 Key Transformative Action: Grand Coalition on ICT and jobs	CONNECT; EAC; EMPL; ENTR	31/12/2013
127 Set up a more business-friendly environment for start-ups	CNECT	31/12/2014
128 Action Plan for web entrepreneurship	CNECT	31/12/2013
<u>Beyond R&D&I: An industrial agenda for key enabling technologies</u>		
129 Key Transformative Action: Pooling of European public and private resources for micro- and nano-electronics behind a common industrial strategy, with a strengthened Joint Undertaking at EU level as the main vector for R&D&I support.	CNECT	31/12/2015
130 Focus and develop the photonics, robotics and Future Internet Public Private Partnership (PPP)	CNECT	31/12/2015
131 Action plan for electronics industry in Europe, further to the 2012 strategy for Key Enabling Technologies	CNECT	31/12/2013
132 Invest in High Performance Computing	CNECT	31/12/2014