

Spain: the objectives of the Digital Agenda 2013-2015

Over the past decade Spanish private and public sectors and civil society have made a remarkable joint effort to implement information and communication technology, broadband coverage and e-public services. However, Spain still has far to go to reach the desirable indicators on the development and use of such technology, particularly in comparison with other European countries. In order to reduce this gap and foster the development of ICT, in February the Council of Ministers approved a new Digital Agenda for Spain outlining the strategy for 2013-2015. Pablo Gonzalez-Espejo, Partner at Uría Menéndez, explores the guiding principles behind Spain's new Digital Agenda.

The Spanish Agenda is in line with the 2015 Digital Agenda for Europe and has adopted the European objectives, in addition to further specific objectives tailored to the economic situation and the late development of the digital society in Spain. In particular, the Agenda focuses on six major objectives: the deployment of ultra-high speed networks and services, the development of the digital economy, the improvement of e-administration and the efficient provision of public services, increased trust in the digital environment, the encouragement of research, development and innovation in ICT and the promotion of digital literacy and the training of ICT professionals. These broad and ambitious objectives are to be achieved through numerous lines of action and sector-based plans.

Firstly, the Agenda pays particular

attention to the removal of barriers to the deployment of telecommunication networks, specifically ultra-high speed networks, and to increased efficiency in radio spectrum use.

This objective is principally based on a wide-reaching amendment of the e-communications legal regime, which began in January 2013 with the Council of Minister's approval of a draft bill of the new General Telecommunications Law (*Anteproyecto de Ley General de Telecomunicaciones*), yet to be submitted to the Spanish Parliament for approval.

The bill's aspirations are to increase the liberalisation of the telecom sector, the recovery of market unity and the reduction of administrative burdens to encourage private operators to invest in the deployment of new generation networks and in the provision of new services. The bill aims to ensure the implementation of uniform regulations on the technical aspects of the deployment of telecommunications networks throughout Spanish territory and to simplify the building of infrastructures within the private domain, replacing the need for certain regional or local licences (such as licences or the authorisation of facilities or environmental licences) with other approaches, such as statements of responsibility from the operators. The bill also promotes the development of networks through such measures as establishing an obligation to deploy electronic communications infrastructures in new urbanised areas and encouraging infrastructure sharing. In order to facilitate cooperation with local authorities, the bill establishes flexible mechanisms for the coordination of the new networks based on the prior submission of the operators'

deployment plans.

As regards the increase in spectrum use efficiency, the Agenda proposes to bring forward the offer of liberalised spectrum bands formerly allocated to TV broadcasting - the so-called digital dividend - to telecom operators for the provision of 4G electronic communication services. The Government plans to fully release and make the digital dividend available to telecom operators by 2014, although the process remains open to uncertainty due to the allocation of re-sintonisation costs. Furthermore, to accommodate the use of spectrum to the current and new uses of technology, the Agenda intends to encourage the secondary spectrum market and the shared use of bands as well as the detection of under-used bands and future needs for the spectrum's optimal assignment.

The second objective of the Agenda is the development of the digital economy. In this regard, the Agenda proposes several measures to encourage the efficient and intensive use of ICT by Spanish companies, particularly small and medium-size enterprises which represent the vast majority of Spanish business and lag far behind their European competitors in this respect. The main goals are the implementation of ultra-high speed broadband connections and the increased use of e-commerce and e-invoice systems.

To foster the innovative digital content sector in Spain, the Agenda proposes an amendment of the intellectual property regulations on the use and protection of content in the digital environment. Following this proposal, on 22 March 2013 the Council of Ministers published a draft bill (*Anteproyecto de Ley*) for the amendment of the Intellectual Property Law, which includes the revision of the private copying levy,

the adoption of measures to guarantee greater transparency and efficiency in the collecting societies set up by rights-holders and the establishment of mechanisms to make the protection of intellectual property rights more efficient against infringements in the digital environment. In addition, the amendment implements Directive 2011/77/EU of 27 September 2011 on the term of protection of copyright and certain related rights. The draft bill will be subject to a public information procedure until 17 April 2013, after which the legal procedure for Spanish Parliamentary approval is likely to commence.

In addition, the Agenda proposes several measures on the implementation and development of the 'industries of the future' through the use of ICT, including cloud computing, green ICT, the Internet of Things, Smart Cities and infrastructure and techniques for Big Data. Furthermore, it includes specific plans for the implementation of ICT technology for the provision of digital public services in fields such as health and social welfare, justice and education.

The third objective of the Agenda stresses the importance of improving the e-administration and the efficient provision of public services. In 2007, the law on e-access of citizens to public services was enacted, forcing public administrations to obtain the necessary resources to make the most of the public services available electronically. However, although the electronic public services currently offered are relatively broad (almost 100% in the case of the state administration), this deployment has not yet led to an equivalent increase in its use by citizens and companies. In addition, a difference in use of the services is

Undoubtedly, the Agenda sets ambitious goals and provides challenging policies to achieve them. Ensuring its success will require new bills and public policies as well as a significant change in the approach of citizens and companies to the digital environment.

noted which corresponds to digital breaches in uninhabited areas, age or citizens' level of education.

To reduce this gap, one of the Agenda's main goals is to achieve a substantial increase in the use of e-administration by citizens (for example, by requiring the mandatory use of electronic means for certain services), and to optimise the use of ICT by public administrations through establishing cooperation and sharing mechanisms and the use of more efficient technology, such as cloud computing.

Another of the Agenda's objectives is to increase trust in the digital environment, as this is deemed a key factor for the effective implementation and use of ICT. For this purpose, the Agenda proposes to foster the development of a trustworthy services market to permit the certification of companies and operations which are 'trustworthy,' through the promotion of e-signatures and other identification services and the increase in the supervisory powers of public administrations. The Agenda also encourages measures aimed at increasing the awareness and education of citizens in this field, informing them of the importance of maintaining software and updated antivirus software, requiring privacy policies and using secure access services for online payments, and at the same time encouraging companies to adopt (and users to demand) best practices regarding the trustworthiness of online services and transactions.

The Agenda's fifth objective focuses on research, development and innovation (R&D&I) in ICT. In particular, it concentrates on the need to increase the efficiency of public investments in R&D&I together with the need to encourage private investment in

this field (again, paying particular attention to small and medium-size companies). Emphasis is also given to the importance of expanding Spanish participation in international R&D&I projects.

Finally, the Agenda aims to promote digital literacy, given that a considerable percentage of the Spanish population (30%) has never used the internet; the group consisting mainly of people over 65, those with low incomes, the unemployed and those with a low level of education. In addition, the Agenda stresses the need to improve the training of ICT professionals (in both universities and vocational training) to meet an ever-increasing demand for new ICT profiles and professions.

Undoubtedly, the Agenda sets ambitious goals and provides challenging policies to achieve them. Ensuring its success will require new bills and public policies as well as a significant change in the approach of citizens and companies to the digital environment. The economic situation leaves little room for option: it's now or never and Spain must rise up and meet the challenge.

Pablo Gonzalez-Espejo Partner
 Uría Menéndez
pablo.gonzalezesepejo@uria.com
