

Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

1996/0220(COD) - 26/01/1998 - Council position

The Council common position incorporates, in full or in part, five amendments of the 12 included by the Commission in its amended proposal: - requirement to safeguard national measures preserving cultural identity and diversity, in accordance with Community law; - updating of the references to the recent directives in the audiovisual and telecommunications fields; - taking account of the social, societal and cultural objectives pursued by national draft rules; - proposal of both an evaluation report and a revision clause for this directive; - reference to the interpretation of the conception of free provision as developed in Court of Justice case law. The common position has included two significant changes to the substantive provisions of the proposal: (1) The first concerns the special arrangements introduced for notifying draft national rules relating specifically to on-line financial services: - the total exclusion from the scope of the present Directive of national rules on questions which are already the subject of Community regulations on financial services; - the partial exclusion of national rules on regulated markets (in particular stock exchanges) and other specific markets and bodies; - a special emergency procedure for draft national rules on the protection of the security and the integrity of the financial system; (2) The second important change made by the Council concerns the reduction of the total status quo period to four months (instead of the six months proposed by the Commission) if a detailed opinion is delivered by the Commission or by one or more Member States on a notified draft. In addition, the common position has introduced further changes and clarifications. These comprise in particular: - the exclusion of national rules on questions which are already the subject of Community regulations on telecommunications services; - the non-application, with regard only to draft national rules on Information Society services, of the twelve-month status quo period, when the Commission announces that it merely 'intends' to propose a directive, regulation or decision in the same field as that covered by the national draft; - definition of the criteria for applying the Directive; - non-application of the Directive to broadcasting services (including pay-TV and pay-per-view) already covered by the Television without Frontiers Directive; - provision that the Committee currently operating in the context of Directive 83/189 should meet 'in a specific composition' to examine matters relating to Information Society services. The Council has also fixed a period of 12 months for the transposition of this directive and has provided for an evaluation report and a possible review of the directive two and three years respectively after the end of the transposition period.