

Telecommunications: interconnection, universal service and interoperability of networks and services, open network provision ONP

1995/0207(COD) - 18/06/1996 - Council position

In many instances, the common position of the Council follows the position of the Commission as expressed in its amended proposal. The Council's changes to the Commission proposal and its attitude towards Parliament's amendments were motivated by its concern to: - ensure consistency with other relevant Community provisions, in particular the Directives on the application of open network provision (ONP) (e.g. as regards the procedure applicable for the committee); - clarify the scope of certain provisions (e.g. by extending universal service cost-sharing to organizations providing voice telephony services available to the public); - simplify the Directive by introducing greater flexibility in the planned provisions. The Council therefore introduced new provisions in its common position, particularly the following: - Definitions: reformulation of the definitions of 'interconnection' and 'telecommunications services'; - Rights and obligations for interconnection: organizations which have significant market power must meet all reasonable requests for access to the network; - Definition of 'significant market power': this is now defined in an article rather than a recital; - Universal service: inclusion of organizations providing voice telephony services accessible to the public among the possible contributors towards the costs of universal service obligations; - Principles for interconnection charges and cost accounting systems: the principles of transparency and cost orientation are extended to suppliers of networks and public mobile telephony services with significant market power. It is also permissible to set a number of different tariffs, terms and conditions for interconnection for different categories of organizations; - Accounting separation and financial reports: Member States may require structural separation of telecommunications operations in the case of organizations which have special or exclusive rights for the provision of services in other sectors; - Essential requirements: the reference to specific conditions concerning compensation is deleted; - Technical standards: the reference to specifications having a wide acceptance within industry and developed by international industry bodies is deleted; - Publication of and access to information: up-to-date information must be made available on request and free of charge to interested parties; - Commitology: a Type III(a) regulatory committee is chosen to adapt Annexes IV, V and VII to technological progress, in order to maintain consistency with the other ONP directives; - Review of implementation of the Directive: the review will particularly concern the provisions of the Directive on universal service and the date 01/01/2003 for the introduction of number portability in major population centres; - Fixed public telephone network: the definition of the fixed public telephone network is extended to include provision of special facilities to meet special social needs. The common position did not incorporate Parliament's amendments, notably concerning: - the portability of telephone numbers; - the emphasis on the need to protect the environment; - consideration of the possibility of setting up a European regulatory authority for telecommunications when the Directive is reviewed in 1999.