

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 09/06/1997 - Council position

The common position takes over in full or in part 12 of the European Parliament amendments out of the 19 approved by the Commission in its modified proposal. The main modifications made by the Council relate to the following points: - extension of the scope: a specific reference to the universal service has been introduced in order to clarify the aims of this Directive. In addition certain rights relating to telephone information services, operator assistance and emergency services, contracts and access to information have been extended to mobile users; - definitions: a number of definitions have been modified or deleted with the aim of aligning them with other telecommunications directives in the context of the new regulatory framework (the terms concerned are 'fixed public telephone network' and 'publicly available telephone service', 'voice telephony service' and 'subscriber'); - directory services: this provision has been aligned with that of the draft data protection/ISDN directive, in particular by referring to directories of all subscribers who have not expressed opposition to being listed, rather than to subscribers who consent to be listed; - adjustment to a competitive market: in an endeavour to avoid over-regulation in the context of the new competitive situation in the telecommunications markets the Council has sought to: . ensure that where the market already adequately provides for certain facilities (public pay phones, itemized billing, tone dialling, selective call barring) certain requirements of the directive need not be applied; . avoid undue administrative burdens on all operators and in particular new market entrants; . avoid 'case-by-case' procedures when national regulatory authorities are required to intervene in the event of interruption, termination, significant variation or reduction in availability of services; . find a balance between an adequate level of consumer protection and the desire for a more market-oriented approach. - number portability: as a result of a compromise reached in the context of conciliation on the interconnection directive, the common position provides for the establishment of an interim service involving rerouting or indication of the new number until the number portability facility is available. The common position did not take over Parliament's amendments on the following points: - objective and non-discriminatory criteria with regard to the decision on which organizations provide the universal service; - reference to the ONP/framework and leased lines directives with regard to the definition of a national regulatory authority; - financing of the additional universal service; - specific measures for disabled users with regard to public text telephones and access to directory enquiry services; - access to operator assistance services and directory enquiry services free of charge or at a nominal cost; - modifications to contracts; - special access to the network.