Telecommunications : competitive environment (amend. Directives 90/387/EEC, 92/44/EEC)

1995/0280(COD) - 06/10/1997 - Final act

OBJECTIVE: to amend two current directives on the provision of an open network (ONP framework directive and ONP directive on leased lines) in order to align them with the liberalised telecommunications market after 1998. COMMUNITY MEASURE: European Parliament and Council Directive 97/51/EC amending directives 90/387/EEC et 92/44/EEC with a view to aligning them with a competitive environment in the telecommunications sector. CONTENT: the directive is an essential part of the general body of regulatory reforms required for the total liberalisation of telecommunications services and infrastructures with effect from 1 January 1998. The present directive amends two existing key directives on the provision of an open network in order to align them with the new competitive environment. The most important amendment to the framework directive on the provision of an open network concerns those measures which are intended to guarantee the independence of national regulatory authorities and real structural separation of the regulatory functions and those activities which are associated with ownership and control. In addition, emphasis is henceforth to be placed on the creation of harmonised conditions of access and use for public telecommunications networks on the basis of compliance with voluntary standards. The directive on leased lines has been amended essentially to ensure that all users will have access to leased lines supplied by at least one operator in each Member State, under harmonised conditions of access and use. However, the obligation to provide leased lines is only to be imposed on operators who have significant market power, unless there is no such operator in the leased-line market in question. In addition, the requirement for tariff orientation on the basis of costs, as provided for in Directive 92/44/EEC, has been made more flexible when there exists strong competition for the supply of leased lines in the market in question. It is worth noting that the directive also provides for an examination of the benefits of setting up a European regulatory authority and for the effective implementation of number portability in order to eliminate any obstacle to users choosing their supplier. ENTRY INTO FORCE: 18/11/1997 DEADLINE FOR TRANSPOSITION: 31/12/1997.