

Basic information	
1995/0020(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Application of open network provision (ONP) to voice telephony Repealed by 1996/0226(COD)	
Subject 3.30.03.04 Telecommunication networks	

Key players			
European Parliament	Committee responsible		Rapporteur
	ECON Economic and Monetary Affairs, Industrial Policy		READ Imelda Mary (PSE)
			06/04/1995
	Former committee responsible		Former rapporteur
	ECON Economic and Monetary Affairs, Industrial Policy		READ Imelda Mary (PSE)
			06/04/1995
	Former committee for opinion		Former rapporteur for opinion
	ENER Research, Technological Development and Energy		The committee decided not to give an opinion.
	JURI Legal Affairs, Citizens' Rights		The committee decided not to give an opinion.
Council of the European Union	Council configuration	Meetings	Date
	General Affairs	1864	1995-07-10
	Telecommunications	1854	1995-06-13
	Telecommunications	1888	1995-11-27

Key events			
Date	Event	Reference	Summary
01/02/1995	Legislative proposal published	COM(1994)0689 	Summary

07/04/1995	Committee referral announced in Parliament, 1st reading		
19/04/1995	Vote in committee, 1st reading		Summary
19/04/1995	Committee report tabled for plenary, 1st reading	A4-0090/1995	
10/07/1995	Council position published	08280/1995	Summary
14/07/1995	Committee referral announced in Parliament, 2nd reading		
27/09/1995	Vote in committee, 2nd reading		Summary
27/09/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0231/1995	
25/10/1995	Debate in Parliament		Summary
27/11/1995	Act approved by Council, 2nd reading		Summary
13/12/1995	Final act signed		
13/12/1995	End of procedure in Parliament		
30/12/1995	Final act published in Official Journal		

Technical information	
Procedure reference	1995/0020(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 1996/0226(COD)
Legal basis	EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/06914

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0090/1995 OJ C 151 19.06.1995, p. 0002	19/04/1995	
Text adopted by Parliament, 1st reading/single reading		T4-0197/1995 OJ C 151 19.06.1995, p. 0021-0027	16/05/1995	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0231/1995 OJ C 287 30.10.1995, p. 0006	27/09/1995	
Text adopted by Parliament, 2nd reading		T4-0511/1995 OJ C 308 20.11.1995, p. 0097-0112	26/10/1995	Summary
Council of the EU				
Document type	Reference		Date	Summary

Council position	08280/1995 OJ C 281 25.10.1995, p. 0019	10/07/1995	Summary	
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(1994)0689  OJ C 122 18.05.1995, p. 0004	01/02/1995	Summary	
Commission communication on Council's position	SEC(1995)1195 	10/07/1995	Summary	
Commission opinion on Parliament's position at 2nd reading	COM(1995)0575 	21/11/1995	Summary	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0582/1995 OJ C 236 11.09.1995, p. 0038	31/05/1995	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Directive 1995/0062 OJ L 321 30.12.1995, p. 0006 Summary

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 13/12/1995 - Final act

OBJECTIVES: - defining the rights of users of voice telephony services in their dealings with telecommunications organizations; - improving access for all users, including service providers, to the fixed public telephone network (the directive does not apply to mobile voice telephony); - encouraging the provision of Community-wide voice telephony services. COMMUNITY MEASURE: Directive 95/62/EC of the European Parliament and of the Council on the application of open network provision (ONP) to voice telephony. SUBSTANCE: The directive provides guarantees to users, including: - connection at a reasonable charge and within time limits fixed officially; - itemized billing; - dispute resolution procedures; - special tariffs for specific social groups; - provision of directories of users and public telephone call boxes; - the introduction of pan-European numbering for free calls. For certain aspects (quality of service, billing, provision of additional vocal telephony services), the directive entrusts the Commission with the task of ensuring that the action taken by the Member States to attain the targets set converge at Community level and provides a procedure allowing the Commission, assisted by a regulatory committee, to adopt binding measures where convergence is inadequate. The directive includes a review clause to adapt it, by 1 January 1998, to the requirements of market liberalization. ENTRY INTO FORCE: 19 January 1996 DEADLINE FOR TRANSPOSITION INTO NATIONAL LEGISLATION: 13 December 1996.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 16/05/1995 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved this proposal for a directive without amendments.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 13/06/1995

The Council recorded its agreement on a common position on the proposal for a European Parliament and Council Directive on the application of the principles of open network provision (ONP) to voice telephony. Once the text had undergone legal and linguistic finalisation in the official languages of the Community, the common position would be formally adopted and forwarded to the European Parliament under the codecision procedure. The Portuguese delegation announced that it intended voting against the common position. Its explanation of vote: 'The Portuguese delegation is voting against this proposal for a directive because it considers that, in the current regulatory situation of the telecommunications sector and since these are compulsory measures, it is for the Council (acting by codecision with the European Parliament) to lay down the objectives for convergence laid down in Article 25(2), rather than the Commission as stipulated in this article. Furthermore, the Portuguese delegation considers that it is totally inexpedient to lay down measures of a compulsory nature for aspects that are not directly linked to the establishment of the internal market whilst making provision at the same time for the adoption of mere recommendations on setting up Europe-wide services requiring Community cooperation. It therefore deplores the failure to reach an agreement more in keeping with the logic of Community law, if only for the sake of consistency. The aspects referred to in the second paragraph are certainly important for users; there would thus be still greater reason for a broad consensus between the three institutions of the European Union. The Portuguese delegation, moreover, can but deplore the fact that its proposals concerning users' interests, such as omission free of charge, at their request, from telephone directories (an aspect which was also in the Commission's initial proposal), were not accepted'.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 10/07/1995 - Council position

The Council's common position incorporated a number of amendments to the Commission proposal to take account of the fact that several Member States had already liberalised the provision of voice telephony services and to anticipate the complete liberalisation of telecommunications services and infrastructures on 1 January 1998 (with transitional periods for some Member States). The amendments related to the following points: - A new recital indicated that certain Member States had already abolished exclusive rights for the provision of voice telephony services but called on the Member States to ensure that all users could subscribe to harmonised voice telephony services in accordance with the directive; - The article on the publication of and access to information was amended to enable national authorities to establish an appropriate deadline for the publication of changes in existing service offerings and information on new offerings. The actual deadline would be set in accordance with the situation of the market and the nature of the changes; - From now on, all compensation and/or refund arrangements to be provided for the user (if the contracted service quality levels were not met) should be included in the user's contract; - With regard to the principles governing financial accounts, the directive stipulated the audit requirements to be met by the EP and Council during the conciliation procedure; - When required, the Commission would submit to the EP and Council a proposal to enable them to decide, by 1 January 1998, on the revision of this directive to adapt it to market requirements; - Finally, the Council opted for a type IIIa regulatory committee procedure rather than the advisory committee procedure.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 01/02/1995 - Legislative proposal

The Commission presented a proposal for a directive on this subject in September 1992, but the European Parliament and the Council were unable to agree on a joint text, mainly because of comitology problems (powers of the committee to assist the Commission with the implementation of the directive). The European Parliament therefore rejected the Council's common position in July 1994. The comitology problem has since been resolved in the form of a "modus vivendi" between the institutions, to apply pending the revision of the Treaty in 1996 and, in its new proposal, just as in its initial proposal, the Commission proposes an advisory committee. Apart from the articles relating to comitology, the Commission has remained as close as possible to the text adopted by the European Parliament and the Council during the conciliation procedure. The objective of the proposal is to: - define the rights of telephone service users; - guarantee open and non-discriminatory access to the telephone network for all users, including service providers offering competitive services; - increase the supply of vocal telephony services in the Community. The directive mainly covers the following aspects: - non-discriminatory service for all users, i.e. availability of technical access, charges, quality of service, customer information; - right of the user to have a new telephone line installed within a time limit fixed officially; - right of the user to itemised billing and facility for user to take recourse to independent procedures to resolve billing disputes; - need to guarantee that telephone services remain affordable, to be monitored by the national regulatory authorities; - transparent, properly published charges, transparent cost accounting system; - reduction in charges for certain users, special charges for certain social groups, for certain types of call or for certain periods of the day; - provision of telephone directories and directory enquiry services; - installation and availability of public call boxes; - promotion of the creation of a single type of telephone card which can be used in all the Member States; - aid for certain categories of people with special needs, such as the disabled; - introduction of pan-European telephone numbering systems with a view to facilitating the use of freephone services; - guarantee that users will have the same rights and the same legal protection as for other goods and services.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 31/05/1995 - Economic and Social Committee: opinion, report

The ESC agreed with the Commission that there was a need for a directive on the application of ONP to voice telephony and for a minimum set of pan-European service aspects to be defined and supported by important service providers. It approved the articles in the proposal on special network

access and interconnection as initial measures and looked forward to a future, more comprehensive set of proposals in a separate proposal for a directive. In addition, the Commission should report to the EP, the Council and the ESC no later than 2 years after the deadline for implementation (cf. Articles 31 and 32).

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 27/11/1995

When accepting the European Parliament's amendments to its common position last July the Council adopted the Directive on the application to voice telephony of the principles of open network provision (ONP). The Portuguese delegation argued against the Directive; the explanation of its vote was published in Press Release 7840/95. The Directive pursues three fundamental objectives: - determining the rights of the users of voice telephony services in their relations with telecommunications bodies; - improving access for all users, including the providers of services, to the fixed infrastructure of public telephone networks (the Directive does not apply to mobile telephones); - encouraging the provision of voice telephony services at Community level. It will offer users guarantees, in particular as regards: - connection at affordable prices and within officially determined times; - detailed invoicing; - procedures for the settlement of disputes; - special tariffs for certain social groups; - the supply of directories and public telephones; - the introduction of pan-European numbers for free calls. As regards certain aspects (quality of service, invoicing, the provision of additional voice telephony services), the Directive entrusts the Commission with the task of ensuring that the measures taken by the Member States to achieve the objectives laid down converge at Community level and it provides for a procedure whereby the Commission, assisted by a regulatory committee, can take binding measures should that convergence be insufficient. The Directive will enter into force in a year. It includes a review clause so that before 1 January 1998 it can be adapted to the requirements of the liberalisation of the Market.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 10/07/1995 - Commission communication on Council's position

The Commission fully supported the common position, which met its objectives in relation to the harmonisation of conditions for accessing voice telephony services and using this service in the EU by guaranteeing an adequate level of consumer protection in this area. With regard to comitology, whilst restating that it would have preferred an advisory committee, the Commission agreed to accept the change in procedure (regulatory procedure) to make it easier for a decision to be reached by qualified majority.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 21/11/1995 - Commission opinion on Parliament's position at 2nd reading

The Commission felt that Parliament's two amendments to the Council's common position were wholly compatible with the draft directive and incorporated them in the amended proposal.

Application of open network provision (ONP) to voice telephony

1995/0020(COD) - 26/10/1995 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the recommendation for second reading by Mrs Imelda READ (PSE, UK) on voice telephony with two amendments to the Council's common position: - the first related to comitology and referred to the "modus vivendi" of 20 December 1994 concerning the implementing measures for acts adopted under the codecision procedure; - the second related to increased consumer protection: it stipulated that the national regulatory authorities should ensure that compensation and/or refund arrangements were in place in cases where contracted service quality levels were not met. Any exceptions to this rule should be justified by the telecommunications organisation or organisations concerned.