Basic information

1995/0280(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Telecommunications : competitive environment (amend. Directives 90 /387/EEC, 92/44/EEC) **Subject** 3.30.03 Telecommunications, data transmission, telephone	

Key players

European Parliament

Former committee responsible	Former rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	HERMAN Fernand H.J. (PPE)	31/01/1996
ECON Economic and Monetary Affairs, Industrial Policy	HERMAN Fernand H.J. (PPE)	31/01/1996

Former committee for opinion	Former rapporteur for opinion	Appointed
ENER Research, Technological Development and Energy	DE GAULLE Charles (EDN)	16/01/1996
JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
TRAN Transport and Tourism		

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2025	1997-07-22
Agriculture and Fisheries	1995	1997-03-19
Agriculture and Fisheries	1946	1996-09-17
Telecommunications	1941	1996-06-27
Telecommunications	1910	1996-03-21
Telecommunications	1888	1995-11-27

Key events

Date	Event	Reference	Summary
14/11/1995	Legislative proposal published	COM(1995)0543	Summary
27/11/1995	Debate in Council		
19/01/1996	Committee referral announced in Parliament, 1st reading		
21/03/1996	Debate in Council		
25/04/1996	Vote in committee, 1st reading		Summary
25/04/1996	Committee report tabled for plenary, 1st reading	A4-0144/1996	
21/05/1996	Debate in Parliament		Summary
31/07/1996	Modified legislative proposal published	COM(1996)0418	Summary
12/09/1996	Council position published	08941/1/1996	Summary
19/09/1996	Committee referral announced in Parliament, 2nd reading		
03/12/1996	Vote in committee, 2nd reading		Summary
03/12/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0402/1996	
10/12/1996	Debate in Parliament		Summary
19/03/1997	Parliament's amendments rejected by Council		
28/05/1997	Formal meeting of Conciliation Committee		
28/05/1997	Final decision by Conciliation Committee		
27/06/1997	Joint text approved by Conciliation Committee co-chairs	3617/1997	
03/07/1997	Report tabled for plenary, 3rd reading	A4-0240/1997	
15/07/1997	Debate in Parliament		Summary
22/07/1997	Decision by Council, 3rd reading		Summary
06/10/1997	Final act signed		
06/10/1997	End of procedure in Parliament		
29/10/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/0280(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/08751

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0144/1996 OJ C 152 27.05.1996, p. 0004	25/04/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0243/1996 OJ C 166 10.06.1996, p. 0055-0087	22/05/1996	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0402/1996 OJ C 020 20.01.1997, p. 0004	03/12/1996	
Text adopted by Parliament, 2nd reading		T4-0666/1996 OJ C 020 20.01.1997, p. 0046-0055	11/12/1996	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0240/1997 OJ C 286 22.09.1997, p. 0009	03/07/1997	
Text adopted by Parliament, 3rd reading		T4-0376/1997 OJ C 286 22.09.1997, p. 0070-0083	16/07/1997	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	08941/1/1996 OJ C 315 24.10.1996, p. 0041	12/09/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1995)0543 OJ C 062 01.03.1996, p. 0003	14/11/1995	Summary
Modified legislative proposal	COM(1996)0418 OJ C 291 04.10.1996, p. 0018	31/07/1996	Summary
Commission communication on Council's position	SEC(1996)1642	12/09/1996	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1997)0032	12/02/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0529/1996 OJ C 204 15.07.1996, p. 0014	24/04/1996	Summary
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3617/1997	27/06/1997	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 1997/0051 OJ L 295 29.10.1997, p. 0023	Summary

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.

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

1995/0280(COD) - 17/09/1996

Following the political agreement reached at the meeting of the previous 27 June the Council formally adopted the common position by qualified majority. The German and Portuguese delegations voted against the text.

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

1995/0280(COD) - 14/11/1995 - Legislative proposal

OBJECTIVE: the proposal for a European Parliament and Council directive amending Directive 90/387/EEC and Directive 92/44/EEC concerning the adaptation of the basic principles concerning open network provision (ONP) to a competitive environment and the specific directive on the application of ONP principles to leased lines. SUBSTANCE: the basic principles defined in the ONP framework directive must be adapted to establish a common approach to telecommunications services throughout the European Union and thus guarantee pan-European services, whilst taking account of the next liberalisation of all telecommunications services and infrastructures to be implemented by 1 January 1998 (with transitional periods for certain Member States). The main adaptations to the ONP measures in force relate to the following points: the organisations involved; tariff principles; the national regulatory authorities. In this respect, the proposal: - provides that market operators may opt voluntarily for harmonised conditions in a competitive environment, whilst recognising that it is essential to maintain and develop universal service and establish compulsory requirements in areas where market forces alone may not be sufficient to meet the objectives of European policy; - will make it possible to clearly separate the national regulatory authorities from activities associated with the ownership or control of telecommunications networks, equipment or services; - stipulates that specific ONP measures should apply to bodies providing public telecommunications networks or services so as to reflect the situation of a particular body in the

relevant market. The organisations concerned will be determined in accordance with the specified goal, whilst guaranteeing respect for the principle of proportionality; - will ensure that the principle of cost orientation continues to be used as an objective basis for the readjustment of telecommunications tariffs, whilst recognising that the requirement for cost orientation may be less necessary in competitive markets.

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

1995/0280(COD) - 31/07/1996 - Modified legislative proposal

The amended Commission proposal incorporates, in full or in principle, 8 of the 17 amendments adopted by Parliament at first reading, and notably those which: - provide for consideration, before the year 2000, of the possibility of establishing a European telecommunications regulatory authority; - call for the need to re-examine, before the year 2000, the provisions of the two ONP Directives in the light of developments in the market; - are consistent with other directives, and notably with the common position adopted in relation to the proposal for a Directive on interconnection; - enable the national regulatory authorities to be in possession of all resources necessary to fulfil their mission in full autonomy; - address the need to restructure the ONP Committee (without this being a legal requirement); - improve the clarity of the text. The amended proposal did not incorporate the amendments concerning: - the amendment of definitions and concepts such as: universal service; essential requirements; interconnection; significant market power; - revision of the Directive; - commitology; - the applicability of the leased-lines Directive.

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

1995/0280(COD) - 12/09/1996 - Council position

The common position of the Council incorporates, in whole or in part, 5 of the 8 amendments accepted by the Commission in its modified proposal. Furthermore, the Council made the following changes to the Commission proposal: - Clarifications concerning universal service by: . inclusion of a reference to 'taking account of any future evolution', with regard to guaranteeing the provision of universal service; . addition of a reference to sharing of net cost of universal service obligations; . inclusion of a reference to the financing of universal service, in accordance with the Interconnection Directive; - alignment with other Directives: a number of definitions ('users', 'telecommunications services', 'universal service', 'essential requirements' and 'interconnection') were changed with a view to aligning them with the proposal for the Interconnection Directive and/or Licensing Directive. Moreover, the common position points out that this Directive is without prejudice to the provisions of the Treaty on public security, public policy and public morality; - tariff principles: the common position specifies that the requirements of costs orientation and transparency may be relaxed in competitive markets. The Council also specified that the requirement for the independence of the national regulatory authorities is without prejudice to the institutional autonomy and constitutional obligations of Member States. Finally, in relation to commitology, provision is made for a regulatory committee type IIIa.

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

1995/0280(COD) - 22/07/1997

Following the agreement reached on a joint text in the Conciliation Committee on 28 May 1997, the Council adopted the Directive amending Directives 90/387/EEC and 92/44/EEC in the telecommunications sector.

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

1995/0280(COD) - 11/12/1996 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mr Fernand HERMAN (PPE, B), Parliament approved the common position of the Council on the amendment of certain directives for the purpose of adapting telecommunications to future liberalization. The amendments adopted by Parliament are aimed, inter alia, at: - tightening up the definition of leased lines and ensuring number portability; - clarifying the rules governing the financing of universal service; the Commission is called upon to submit, before 31 January 1997, a draft Directive on the costing and financing of universal service; - examining the possibility of establishing a European Regulatory Authority.

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

1995/0280(COD) - 24/04/1996 - Economic and Social Committee: opinion, report

The Committee recognizes that Directives 90/387/EEC and 92/44/EEC need to be amended, and agrees in the main with the Commission proposals. However, it would be pleased if the Commission could take account of the proposals and comments made in the present Opinion. Above all, it should take account of: - the necessity to reconsider and clarify its definitions of "public" and "universal service" in Article 2 of Directive 90/387/EEC; - the importance of applying the "cost orientation" principle flexibly. The Committee also thinks that if competition is to be safeguarded and the rules governing competition applied in full, the ONP provisions must be binding on all providers in order to ensure equal opportunity and the existence of proper competition.

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

1995/0280(COD) - 12/02/1997 - Commission opinion on Parliament's position at 2nd reading

The Commission accepted, in full or in part, 4 of the 7 amendments adopted by the European Parliament at second reading. The main amendments incorporated by the Commission relate to the following three areas: - comitology (an advisory rather than a regulatory committee); - an examination in the report which the Commission is required to present by the end of 1999 of the possibility of creating a European regulatory authority; - a reference to number portability. However, the Commission rejected amendments concerning: - the resources of the national regulatory authorities; - the drafting of a directive on calculating the costs of and funding the universal service; - the definition of rented lines; - the revision clauses (adaptation requirements should be limited to the present directive).

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

1995/0280(COD) - 22/05/1996 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Fernand HERMAN (PPE, B) on the proposal for a directive amending two existing directives for the purpose of adaptation to the competitive environment in the telecommunications sector. The amendments adopted by the European Parliament concern: - the scope of the directive: Parliament excluded radio broadcasting and television; - universal service: Parliament emphasized that "universal service" means a defined minimum service of specified quality which is accessible to all users everywhere, at an affordable price and with no limitation connected with specific national conditions. It called on the Commission to draw up a draft Directive on the costing and financing of universal service before 30 September 1996; - essential requirements: the European Parliament added the protection of the environment and town planning to the "essential requirements" on the basis of which a Member State may restrict access to public telecommunications networks or public telecommunications services; - data protection: Parliament added authentication, i.e. the possibility of knowing where the message received has come from; - regulatory authorities: Parliament confirmed the independence of national regulatory authorities, which must be in possession of all the necessary resources to fulfil their mission, and also called for the establishment of a European Regulatory Authority; - tariffs: tariffs must be non-discriminatory and guarantee equality of treatment, except for restrictions which are compatible with Community law. Also, any charge for access must take into account the principle of fair sharing in the net cost (not the global cost) of the resources used and the need for a reasonable level of return on investment; - finally, the European Parliament called for the Commission to be assisted by an advisory committee composed of the representatives of the national regulatory authorities and chaired by the representative of the Commission. This committee, called the "ONP Committee", would form part of the EUTC Committee in which it would be integrated in due course.

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

1995/0280(COD) - 27/06/1996

The Council reached political agreement on the common position. The Council instructed the Permanent Representative Committee to finalise the text with a view to permitting formal adoption of the common position as an "A" point at a forthcoming Council meeting. The German delegation indicated its intention to vote against the common position.

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

1995/0280(COD) - 12/09/1996 - Commission communication on Council's position

The Commission accepted the Council's common position, because it retained all the main elements of the initial proposal. However, it regretted that the Council had changed the committee procedure by replacing the type I advisory committee with a type IIIa regulatory committee

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

1995/0280(COD) - 16/07/1997 - Text adopted by Parliament, 3rd reading

By adopting the report by Mr Fernand HERMAN (PPE, B), the European Parliament approved the joint text of the Conciliation Committee. Following the recommendation for second reading adopted by Parliament on 11 December 1996, the Conciliation Committee adopted the proposal without debate. As regards the competitive environment in the field of telecommunications, the Commission undertook to check that the detailed arrangements for the introduction of the universal service by the Member States did not entail any distortion of competition. The joint text also stipulated that consideration would be given to the establishment of a European regulatory authority and that portability of numbers would be genuinely implemented in order to eliminate any obstacle which might prevent users from choosing their supplier.