Basic information

1995/2228(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Mobile and personal communications **Subject** 3.30.05 Electronic and mobile communications, personal communications	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	AREITIO TOLEDO Javier (PPE)	26/09/1995

Committee for opinion	Rapporteur for opinion	Appointed
ENER Research, Technological Development and Energy		
JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Telecommunications	1888	1995-11-27

Key events

Date	Event	Reference	Summary
21/06/1995	Non-legislative basic document published	SEC(1995)1382	Summary
18/09/1995	Committee referral announced in Parliament		
27/11/1995	Resolution/conclusions adopted by Council		Summary
28/11/1995	Vote in committee		Summary
28/11/1995	Committee report tabled for plenary	A4-0306/1995	

12/12/1995	Debate in Parliament		
14/12/1995	End of procedure in Parliament		
22/01/1996	Final act published in Official Journal		

Technical information	
Procedure reference	1995/2228(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/06986

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0306/1995 OJ C 017 22.01.1996, p. 0005	28/11/1995	
Text adopted by Parliament, single reading		T4-0619/1995 OJ C 017 22.01.1996, p. 0137-0172	14/12/1995	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(1995)1382	21/06/1995	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1307/1995 OJ C 039 12.02.1996, p. 0047	22/11/1995	Summary
CofR	Committee of the Regions: opinion	CDR0016/1996 OJ C 129 02.05.1996, p. 0011	17/01/1996	Summary

Mobile and personal communications

1995/2228(COS) - 17/01/1996

The Committee of the Regions welcomed the two proposals put forward by the Commission and stressed that further complementary measures were required as a matter of some urgency in order to complete the Community's regulatory framework for the telecommunications sector, the aim being to create a genuine, open and dynamic telecommunications market under the deadlines set for the deregulation of this sector. The CoR proposed that the

wording of the directive should provide for a set of regulations aimed at prohibiting discrimination between organisations operating public telecommunications networks in respect of the granting of public ‘rights of way’ for the ‘supply’ of these network services. The CoR wished to see the Commission’s proposals definitively approved as soon as possible and hoped that Member States would accept them officially without delaying their implementation and without evading any of the Community instructions. To this effect the Commission was called on to monitor the situation and to obtain from the Member States all the information that it needed to verify compliance with the directive. While agreeing with the objective of establishing a fully deregulated telecommunications system, the CoR was fully aware of the huge social impact created by the introduction of the information society and recommended that the Commission, when putting in place the required regulatory measures, should at the same time implement a series of initiatives linked to various basic themes outlined in the Green Paper, namely: - the development of employment opportunities in this sector; - the social implications of a fully deregulated telecommunications market; - the interaction between telecommunications policy and EU policy in related sectors, especially as regards data protection and consumer protection requirements; - the implications in respect of the impact of the new technologies on public health. As already highlighted in the Opinion on the Green Paper issued by the Committee of the Regions on 28 September 1994, the Commission was called on to intensify its research efforts, hitherto considered as insufficient, particularly as regards exposure to electromagnetic radiation and the role of regional and local authorities in issuing permits for the installation of aerials and for transmission equipment.

Mobile and personal communications

1995/2228(COS) - 21/06/1995 - Non-legislative basic document

OBJECTIVE: to liberalize the mobile telecommunications market (networks and services) in the European Union from 1 January 1996. CONTENT: the Commission's draft directive seeks to amend Directive 90/388/EEC on competition in the markets for telecommunications services and is based on Article 90 (3) of the EC Treaty. It calls on the Member States to: - abolish all exclusive or special rights in the area of mobile telecommunications; - introduce procedures for granting licences for new services such as those based on DCS 1800 and DECT standards (which may benefit current or future GSM operators in particular); - allocate frequencies on the basis of objective criteria and with minimum restrictions; - abolish all restrictions on the use of networks (own infrastructures and interconnection with existing networks) for mobile telecommunications operators. The draft directive also makes provisions for: - Spain, Greece, Ireland and Portugal to apply for derogations of up to 5 years (as of 1 January 1996); - Luxembourg to qualify for the same derogations for a period of 2 years.

Mobile and personal communications

1995/2228(COS) - 22/11/1995 - Economic and Social Committee: opinion, report

The ESC welcomed the Commission proposal as the liberalisation of mobile and personal communication services was one of the major outstanding activities of the Commission’s overall strategy to achieve full liberalisation of telecommunications services by 1 January 1998. The ESC expressed to the Commission its concern that competition in the market in telecommunications services be developed in an orderly manner and with regard to the social consequences. It was of the view that the benchmark date of 1 January 1996 should be kept and that those Member States that did have difficulty in meeting that date should be eligible for derogations. With regard to the licensing conditions, the ESC considered that to ensure effective competition in the provision of infrastructures and services, these conditions should be expanded to include: - accounting separation of the business of any operator; - access for mobile operators to the network of any operator on terms at least as favourable as those applicable to any mobile operator owned by it; - likewise with regard to the sale of airtime to any service provider; - prohibition of any unfair cross-subsidies or ‘linked’ sales or any other matter likely to have an anti-competitive effect. Finally, the ESC was pleased to see that subsequent to the publication of this draft Directive the Commission had launched a special investigation into the effects of radio frequency radiation on the health of mobile phone users.

Mobile and personal communications

1995/2228(COS) - 27/11/1995

‘The COUNCIL - NOTES that the Commission requested, on 3 August 1995, any comments from the Council on the draft Commission Directive amending Directive 90/388/EEC as regards mobile and personal communications; sent the President--in--Office of the Council, on 29 September 1995, the draft Commission Directive amending Directive 90/388/EEC as regards the implementation of full competition in telecommunications markets; - NOTES also the public consultation launched by the Commission following the publication of the two draft Directives in the Official Journal of the European Communities; - REAFFIRMS that it is important that the conditions governing the definition of the Community’s future policy on the liberalisation of telecommunications services and infrastructures should result from a political agreement based on the compromise of December 1989 and takes note of the Commission’s support for this approach; - RECALLS in this connection the political agreement reached at the Telecommunications Council meeting on 17 November 1994, which was given concrete form in the Council Resolution of 22 December 1994 and in the statements made on that occasion; RECALLS that this Resolution recognises in particular the principle of liberalisation of telecommunication infrastructures on 1 January 1998, on the understanding that an additional transitional period is granted to certain Member States; - POINTS OUT that the Commission must also take account in its approach: of the responsibilities of the European Parliament and the Council for the legislative provisions designed, on the basis of Commission proposals, to establish the European regulatory framework for telecommunications, particularly as regards interconnection rules, universal service provision, access to frequencies for terminal equipment and licensing; of the need for consistency and balance between the processes of harmonisation and liberalisation; of the time that may be required by the Member States for adopting national measures to implement the Directives proposed by the Commission; - EMPHASISES that these conclusions are without prejudice to the Member States’ respective positions on the form and content of the draft Directives submitted by the Commission; - NOTES in this connection that, when this text was examined by the Council’s subordinate bodies, many questions were put to the Commission by the Member States and that since then most of the Member States have also forwarded written comments on one of the Commission drafts; - CALLS ON the Commission to reply to the questions put to it and to take the utmost account of the positions expressed by the Council and the Member States before taking any further action that it deems appropriate in respect of these initiatives.’

Mobile and personal communications

1995/2228(COS) - 14/12/1995 - Text adopted by Parliament, single reading

The European Parliament approved this proposal for a Commission directive whilst pointing out that: - the Article 90(3) procedure, while warranted as a means of preventing regulatory barriers to competition, is not intended as a substitute for legislative instruments provided for by the Treaty, and in particular Article 100(a) thereof, in order to determine the rules by which an economic sector of the Union operates; - the provisions of this directive must apply, in particular, to interconnection and interoperability of telecommunications services, to the rules applicable to universal service, and to numbering and directory services; - any exceptions to the opening up of the telecommunications market must be rejected unless it is justified, in an explicit and transparent manner, by the need to carry out structural adjustments. The principal amendments to the proposal concern the following points: - Member States may limit the number of licences only on the basis of essential requirements in relation to the limitation of the frequency spectrum (and in accordance with Article 3(b) of the directive); - without prejudice to future harmonization of national interconnection systems, in the context of ONP, they shall ensure the right of interconnection between the mobile communications systems; similarly, they shall guarantee access to the points of interconnection to the public fixed network in the licences in accordance with rules and by means of interfaces which place no restriction on the full utilization of the potential functions of the interconnected systems; - they shall ensure that interconnection conditions are transparent, in particular in respect of book-keeping by operators running both fixed networks and mobile communications systems, and justified economically by the cost of providing the interconnection service; - where a Member State has already granted DCS 1800 licences at the time of entry into force of the present Directive, the granting of new licences for existing GSM or DCS 1800 operators may take place only in conditions of reciprocity; - with regard to derogations for Member States with less developed networks, requests must include a detailed description of the planned adjustments and a timetable for their implementation. The Commission will take a reasoned decision within a time period of three months on the principle, implications and duration of the additional period to be granted.