

Basic information	
<b>1996/0220(COD)</b>  COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules  Amending Directive 98/34/EC <a href="#">1996/0300(COD)</a>	
<b>Subject</b>  2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 2.80 Cooperation between administrations 3.30.25 International information networks and society, internet	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	HENDRICK Mark Phillip (PSE)	09/10/1996
	Former committee responsible	Former rapporteur	Appointed
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	HENDRICK Mark Phillip (PSE)	09/10/1996
	Former committee for opinion	Former rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights	FERRI Enrico (PPE)	22/01/1997
Council of the European Union	Council configuration	Meetings	Date
	General Affairs	2066	1998-01-26
	General Affairs	2111	1998-06-29
	Competitiveness (Internal Market, Industry, Research and Space)	1957	1996-10-25
	Competitiveness (Internal Market, Industry, Research and Space)	2051	1997-11-27
	Industry	1953	1996-10-08

Key events			
Date	Event	Reference	Summary

30/08/1996	Legislative proposal published	COM(1996)0392 	Summary
20/09/1996	Committee referral announced in Parliament, 1st reading		
08/10/1996	Debate in Council		
25/10/1996	Debate in Council		
17/04/1997	Vote in committee, 1st reading		Summary
16/05/1997	Debate in Parliament		Summary
17/11/1997	Modified legislative proposal published	COM(1997)0601	Summary
26/01/1998	Council position published	12944/1/1997	Summary
19/02/1998	Committee referral announced in Parliament, 2nd reading		
23/04/1998	Vote in committee, 2nd reading		Summary
23/04/1998	Committee recommendation tabled for plenary, 2nd reading	A4-0151/1998	
13/05/1998	Debate in Parliament		Summary
29/06/1998	Act approved by Council, 2nd reading		
20/07/1998	Final act signed		
20/07/1998	End of procedure in Parliament		
05/08/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1996/0220(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Directive 98/34/EC <a href="#">1996/0300(COD)</a>
Legal basis	Rules of Procedure EP 170 EC before Amsterdam E 100A EC before Amsterdam E 213
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/09727

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0151/1998</a> OJ C 167 01.06.1998, p. 0005	23/04/1998	
Council of the EU				

Document type	Reference	Date	Summary
Council position	12944/1/1997 OJ C 062 26.02.1998, p. 0038	26/01/1998	<a href="#">Summary</a>

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1996)0392 	30/08/1996	<a href="#">Summary</a>
Modified legislative proposal	COM(1997)0601 OJ C 065 28.02.1998, p. 0012	17/11/1997	<a href="#">Summary</a>
Commission communication on Council's position	SEC(1998)0158 	28/01/1998	<a href="#">Summary</a>
Commission opinion on Parliament's position at 2nd reading	COM(1998)0349 	29/05/1998	<a href="#">Summary</a>

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0320/1997 OJ C 158 26.05.1997, p. 0001	19/03/1997	<a href="#">Summary</a>

#### Additional information

Source	Document	Date
European Commission	EUR-Lex	

#### Final act

Directive 1998/0048  
OJ L 217 05.08.1998, p. 0018

[Summary](#)

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

1996/0220(COD) - 26/01/1998 - Council position

The Council common position incorporates, in full or in part, five amendments of the 12 included by the Commission in its amended proposal: - requirement to safeguard national measures preserving cultural identity and diversity, in accordance with Community law; - updating of the references to the recent directives in the audiovisual and telecommunications fields; - taking account of the social, societal and cultural objectives pursued by national draft rules; - proposal of both an evaluation report and a revision clause for this directive; - reference to the interpretation of the conception of free provision as developed in Court of Justice case law. The common position has included two significant changes to the substantive provisions of the proposal: (1) The first concerns the special arrangements introduced for notifying draft national rules relating specifically to on-line financial services: - the total exclusion from the scope of the present Directive of national rules on questions which are already the subject of Community regulations on financial services; - the partial exclusion of national rules on regulated markets (in particular stock exchanges) and other specific markets and bodies; - a special emergency procedure for draft national rules on the protection of the security and the integrity of the financial system; (2) The second important change made by the Council concerns the reduction of the total status quo period to four months (instead of the six months

proposed by the Commission) if a detailed opinion is delivered by the Commission or by one or more Member States on a notified draft. In addition, the common position has introduced further changes and clarifications. These comprise in particular: - the exclusion of national rules on questions which are already the subject of Community regulations on telecommunications services; - the non-application, with regard only to draft national rules on Information Society services, of the twelve-month status quo period, when the Commission announces that it merely 'intends' to propose a directive, regulation or decision in the same field as that covered by the national draft; - definition of the criteria for applying the Directive; - non-application of the Directive to broadcasting services (including pay-TV and pay-per-view) already covered by the Television without Frontiers Directive; - provision that the Committee currently operating in the context of Directive 83/189 should meet 'in a specific composition' to examine matters relating to Information Society services. The Council has also fixed a period of 12 months for the transposition of this directive and has provided for an evaluation report and a possible review of the directive two and three years respectively after the end of the transposition period.

## **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 20/07/1998 - Final act

OBJECTIVE: to ensure greater transparency in future rules applying to Information Society services. COMMUNITY MEASURE: Directive 98/48/EC of the European Parliament and of the Council amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations. SUBSTANCE: The system of transparency proposed by the Commission has the following aims: (a) to promote the smooth functioning of the internal market in the area of Information Society services by avoiding the creation of new obstacles; (b) to ensure an equivalent level of general interest protection between the Member States; (c) to reduce the need for new Community regulations and target them more precisely; (d) to facilitate cooperation between administrations; (e) to contribute to the stability of the regulatory framework, as a precondition to stimulate the development of the Information Society. Specifically, each Member State must notify the Commission and the other Member States of proposals for national rules concerning Information Society services: there must be a delay before they come into force to make it possible to verify their coherence and compatibility with existing Community law and in particular with internal market rules. A system is introduced concerning notification of proposals for national rules on on-line financial services. The procedure is to be managed by a committee.

## **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 16/05/1997 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Mark HENDRICK (PSE, UK), Parliament amended the proposal, calling in particular for the establishment of an advisory group comprising experts from industry and universities which would have the task of offering advice and guidance to the Standing Committee. In addition, Parliament calls on the Commission: - to monitor developments on the market in the new information society services, particularly as regards convergence between telecommunications, information technology and the media, with a view to adjusting the rules at the appropriate juncture; - to assess the implementation of the directive before 1 July 1999 with a view to revising it, if appropriate.

## **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 28/01/1998 - Commission communication on Council's position

The Commission would have preferred the Council to confirm all the proposed provisions on the field of application and operation of the directive. Nevertheless at this stage it welcomes the common position, in view of the need for final adoption and rapid implementation of the rules on an information system and administrative cooperation envisaged by the proposal.

## **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 17/11/1997 - Modified legislative proposal

The Commission's amended proposal takes over 12 of the 17 amendments adopted by Parliament at first reading. It takes over in particular the substance of the first part of Parliament's amendment 14: although it does not set up an ad hoc Standing Committee - which would involve specific financial cover - provision is made for the existing Committee and the national authorities to consult experts from industry and academia on regulatory issues relating to Information Society services. A further amendment provides that the report on the implementation of the directive which the Commission must present every two years should take account in particular of the societal and cultural aims of future draft rules on services. The deadline for bringing national rules into line with this Directive is set at 30 June 1998 (instead of 31 December 1997). Before 1 July 2000 the Commission will assess whether it is appropriate to submit proposals for the revision of the directive in the light of the technological development of the services.

# **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 19/03/1997 - Economic and Social Committee: opinion, report

The Committee can agree with: - the Commission's policy of developing appropriate legislation for information society services; - the proposed information, consultation and administrative co-operation procedure; and the proposed third amendment to Directive 83/189/EEC. The Committee thinks that: - the Commission must encourage national and regional authorities to be involved in the development of the information society; - interim reports should be issued, providing information on the development of information society services and of laws and regulations;

# **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 29/05/1998 - Commission opinion on Parliament's position at 2nd reading

In its opinion on Parliament's second reading the Commission supported all the amendments adopted by Parliament in plenary. These amendments dealt with: - the investigation by the Commission at regular intervals of developments in the market for new services in the field of the information society in order to take initiatives where necessary to adapt existing rules, - the possibility of consulting natural or legal persons from industry or academia on the rules on new services, - the reference to obstacles to the freedom of establishment of service operators, - with respect to rules on services, indication by the Member State concerned of the reasons why the detailed opinions cannot be taken into account.

# **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 30/08/1996 - Legislative proposal

**OBJECTIVE** : the proposal for a European Parliament and Council Directive is designed to set up a transparency mechanism introducing a procedure for the supply of information and administrative cooperation between national and Community authorities regarding rules and regulations on Information Society services. **SUBSTANCE** : the transparency mechanism proposed by the Commission pursues the following objectives: (a) ensuring the smooth functioning of the internal market for Information Society services by preventing the creation of new obstacles; (b) ensuring an equivalent level of protection of general-interest objectives between Member States; (c) establishing more clearly and reducing the need for new Community rules and regulations; (d) facilitating administrative cooperation; (e) contributing to the stability of the regulatory framework, a prerequisite for stimulating the development of the Information Society. In concrete terms, each Member State would have to communicate to the Commission and the other Member States any draft national rules and regulations on Information Society services: their entry into force would be conditional upon a minimum standstill period of three months for verification of the consistency and compatibility of the draft with existing Community law, including internal market rules. A committee would administer the procedure.

# **Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules**

1996/0220(COD) - 14/05/1998 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mr Mark Philip HENDRICK (PSE, UK) Parliament approved the Council's common position with amendments. In particular it called for the Commission and the committee to be able to consult natural or legal persons from industry or academia, and where possible representative bodies, capable of delivering an expert opinion on the social and societal aims and consequences of any draft rule on services. The Member State concerned should indicate where appropriate the reasons why the detailed opinion could not be taken into account. Parliament called for the Commission at regular intervals to investigate developments in the market for new services in the field of the information society, especially in the framework of the convergence between telecommunications, information technology and media and, where necessary, take initiatives in order to adapt rules promptly in order to encourage the European development of new services.