

Basic information	
1996/0226(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Telecommunications: open network provision (ONP) to voice telephony, and universal service Repealing Directive 95/62/EC 1995/0020(COD) Subject 2.40.02 Public services, of general interest, universal service 3.30.03.04 Telecommunication networks	

Key players			
European Parliament	Former committee responsible		Former rapporteur
			Appointed
	ECON	Economic and Monetary Affairs, Industrial Policy	READ Imelda Mary (PSE)
			24/09/1996
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			24/09/1996
	Former committee for opinion		Former rapporteur for opinion
			Appointed
	ENER	Research, Technological Development and Energy	VAN VELZEN W.G. (PPE)
			19/11/1996
	JURI	Legal Affairs, Citizens' Rights	THORS Astrid (ELDR)
Council of the European Union	Council configuration		Meetings
			Date
	Economic and Financial Affairs ECOFIN		2014
			1997-06-09
	Energy		2035
			1997-10-27
	Research		2067
			1998-02-12
	Telecommunications		1991
			1997-03-06
	Telecommunications		1949
			1996-09-27

Key events			
Date	Event	Reference	Summary
27/09/1996	Debate in Council		

04/11/1996	Legislative proposal published	COM(1996)0419 	Summary
12/11/1996	Committee referral announced in Parliament, 1st reading		
17/02/1997	Vote in committee, 1st reading		
17/02/1997	Committee report tabled for plenary, 1st reading	A4-0049/1997	
20/02/1997	Debate in Parliament		Summary
04/06/1997	Modified legislative proposal published	COM(1997)0287 	Summary
09/06/1997	Council position published	06981/1/1997	Summary
13/06/1997	Committee referral announced in Parliament, 2nd reading		
03/09/1997	Vote in committee, 2nd reading		Summary
03/09/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0263/1997	
17/09/1997	Debate in Parliament		
27/10/1997	Parliament's amendments rejected by Council		
10/12/1997	Formal meeting of Conciliation Committee		
10/12/1997	Final decision by Conciliation Committee		Summary
14/01/1998	Joint text approved by Conciliation Committee co-chairs	3635/1997	
15/01/1998	Report tabled for plenary, 3rd reading	A4-0013/1998	
28/01/1998	Debate in Parliament		Summary
12/02/1998	Decision by Council, 3rd reading		
26/02/1998	Final act signed		
26/02/1998	End of procedure in Parliament		
01/04/1998	Final act published in Official Journal		

Technical information

Procedure reference	1996/0226(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 95/62/EC 1995/0020(COD)
Legal basis	EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/09456

Documentation gateway

European Parliament

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Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0049/1997 OJ C 085 17.03.1997, p. 0014	17/02/1997	
Text adopted by Parliament, 1st reading/single reading		T4-0054/1997 OJ C 085 17.03.1997, p. 0099-0117	20/02/1997	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0263/1997 OJ C 304 06.10.1997, p. 0007	03/09/1997	
Text adopted by Parliament, 2nd reading		T4-0441/1997 OJ C 304 06.10.1997, p. 0075-0082	17/09/1997	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0013/1998 OJ C 056 23.02.1998, p. 0004	15/01/1998	
Text adopted by Parliament, 3rd reading		T4-0049/1998 OJ C 056 23.02.1998, p. 0012-0017	29/01/1998	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	06981/1/1997 OJ C 234 01.08.1997, p. 0087	09/06/1997	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1996)0419  OJ C 371 09.12.1996, p. 0022	04/11/1996	Summary
Modified legislative proposal	COM(1997)0287  OJ C 248 14.08.1997, p. 0013	04/06/1997	Summary
Commission communication on Council's position	SEC(1997)1108 	12/06/1997	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1997)0531 	20/10/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0238/1997 OJ C 133 28.04.1997, p. 0040	27/02/1997	Summary
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3635/1997	14/01/1998	

Additional information

Source	Document	Date
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European Commission	EUR-Lex	

Final act		
Directive 1998/0010 OJ L 101 01.04.1998, p. 0024		Summary

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 27/02/1997 - Economic and Social Committee: opinion, report

The Committee, which widely reiterates views previously expressed by it on the subject, is generally in favour of the proposal. It thinks, however, that mobile services should not be fully excluded from the scope of the proposal. A number of provisions - such as the rules governing subscribers' contracts and information services - should apply to mobile and fixed telephone services. While agreeing with the definition of universal service given in the proposal, the Committee thinks that universal service must not necessarily be mistaken for a minimum service, for that could lead people to believe that only minimum rights are guaranteed in Europe. Finally, the Committee: - underlines the need for consistency between the proposal, the future directive on interconnection and the Commission communication of 27 November 1996, - is pleased to see that the draft directive, in line with its previous recommendation, covers facilities additional to the universal service, - notes with satisfaction that directory services are to be subject to universal service obligations, and welcomes the requirement to provide general access to a single emergency call number (112).

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 12/06/1997 - Commission communication on Council's position

The European Commission supports the common position since the latter retains all the major elements of the proposal and offers a clear and precise presentation of the whole package of services to which Community users should have access within the scope of a universal service. However, it regrets that the Council has not maintained the integrality of all the measures relating to the rights of users, as contained in the Commission's proposal, and has not accepted all or part of certain amendments proposed by the European Parliament in this area. The Commission also regrets that the Council has chosen a type IIIa regulatory committee system for the technical alignment of annexes I, II et III.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 17/09/1997 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mrs Imelda READ (PSE, UK), Parliament amended the Council's common position. Parliament failed to secure the qualified majority requested to retable all the amendments from first reading that had not been taken over by the Council in its common position. Through its amendments, Parliament: - asked that the Member States specify an affordable price, on the basis of guidelines drawn up at European level in the light of specific national conditions, including town and country planning aspects; - highlighted the need for free access to directory enquiry services for handicapped people, especially the blind or partially-sighted and deaf or speech-impaired people; - underlined the need for users to have complete freedom when choosing suppliers of the various services they may wish to use; - noted that the Member States could impose additional universal service requirements. Such additional requirements should not, under any circumstances, affect the costing of universal service provision as laid down at EU level and could not be financed through a mandatory contribution from market players; - hoped that the Commission would examine the quality of the services offered through the Community in a half-yearly report for Parliament and the Council.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 09/06/1997 - Council position

The common position takes over in full or in part 12 of the European Parliament amendments out of the 19 approved by the Commission in its modified proposal. The main modifications made by the Council relate to the following points: - extension of the scope: a specific reference to the universal service has been introduced in order to clarify the aims of this Directive. In addition certain rights relating to telephone information services, operator

assistance and emergency services, contracts and access to information have been extended to mobile users; - definitions: a number of definitions have been modified or deleted with the aim of aligning them with other telecommunications directives in the context of the new regulatory framework (the terms concerned are 'fixed public telephone network' and 'publicly available telephone service', 'voice telephony service' and 'subscriber'); - directory services: this provision has been aligned with that of the draft data protection/ISDN directive, in particular by referring to directories of all subscribers who have not expressed opposition to being listed, rather than to subscribers who consent to be listed; - adjustment to a competitive market: in an endeavour to avoid over-regulation in the context of the new competitive situation in the telecommunications markets the Council has sought to: . ensure that where the market already adequately provides for certain facilities (public pay phones, itemized billing, tone dialling, selective call barring) certain requirements of the directive need not be applied; . avoid undue administrative burdens on all operators and in particular new market entrants; . avoid 'case-by-case' procedures when national regulatory authorities are required to intervene in the event of interruption, termination, significant variation or reduction in availability of services; . find a balance between an adequate level of consumer protection and the desire for a more market-oriented approach. - number portability: as a result of a compromise reached in the context of conciliation on the interconnection directive, the common position provides for the establishment of an interim service involving rerouting or indication of the new number until the number portability facility is available. The common position did not take over Parliament's amendments on the following points: - objective and non-discriminatory criteria with regard to the decision on which organizations provide the universal service; - reference to the ONP/framework and leased lines directives with regard to the definition of a national regulatory authority; - financing of the additional universal service; - specific measures for disabled users with regard to public text telephones and access to directory enquiry services; - access to operator assistance services and directory enquiry services free of charge or at a nominal cost; - modifications to contracts; - special access to the network.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 20/02/1997 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mrs Imelda READ (PSE, UK) Parliament amended the proposal for a directive on voice telephony and the establishment of a universal service for telecommunications. With its amendments Parliament asks that the Commission regularly examine to what extent further provisions of this Directive can be applied to mobile telephony given the continuing integration of fixed and mobile telecommunications technology. Other amendments also provide that: - Member States may to some extent impose additional universal service requirements; - subscribers have the right, free of charge, to have an entry in publicly available directories and have the possibility to receive compensation in the case of incorrect entry of details in the directories; - subscribers have the right to withhold their details from publicly available directories and to restrict the use of that information for commercial purposes without any charge; - the Commission will develop common rules for monitoring the tariffs and will determine the frequency of the monitoring by the Member States; - the Commission will consider in its report on universal service to be published before 1 January 1998 whether other beneficiaries of the liberalisation process in the telecommunications sector can contribute to the financing of universal service; Another series of amendments seeks to ensure that the most vulnerable consumers and the geographically less favoured areas can benefit from an adequate service in the context of liberalisation. In this connection Parliament demands that: - the Member States take the necessary measures to ensure the availability of social rates and flexible payment schemes for low income consumers and for the provision of public access to information society resources; - free access to services is assured for people with disabilities (blind or partially-sighted, deaf and speech-impaired people, etc.). Lastly, Parliament asks that where number portability is not yet in use, national regulatory authorities shall ensure that a telephone call to his old number can be rerouted to the user against a reasonable fee or that during a reasonable period callers are given an indication of the new number.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 29/01/1998 - Text adopted by Parliament, 3rd reading

The European Parliament approved the joint text which emerged from the conciliation procedure with the Council. During the conciliation, Parliament had obtained satisfaction on such points as the concept of affordable prices, services to users changing operator, special services for the disabled (equality of access to services, including directories, at affordable prices), the principle that rises in the price of universal service should be limited, consumer protection, the quality of services in contracts and commitment.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 26/02/1998 - Final act

OBJECTIVE: to harmonize conditions to ensure open and effective access to fixed public telephone networks, and the conditions for their use in an open and competitive market environment in accordance with the principles of open network provision (ONP). COMMUNITY MEASURE: European Parliament and Council Directive 98/10/EC on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment. SUBSTANCE: the Directive amends and replaces Directive 95/62/EC on the application of open network provision (ONP) to voice telephony. Taking account of the new regulatory framework (particularly Directives 97/33/EC and 97/13/EC concerning interconnection and licences respectively), the main purposes of the Directive are to: - adjust the ONP provisions in force in the light of the liberalized environment, with effect from 01/01/1998, of a market comprising more than one operator, in which special and exclusive rights no longer exist; - reinforce obligations to provide a universal service such that users throughout the European Union are guaranteed a defined minimum package of services of a specified quality at an affordable price, taking account of the differences which exist between national situations; - to establish minimum

requirements regarding service quality and consumer protection. More particularly, the provisions of the Directive cover the following fields: - availability of services; - methods of financing the universal service; - provision of network connections and access to telephone services; - directory services; - public pay-telephones; - specific measures for disabled users and users with special needs; - connection of terminal equipment and use of the network; - contracts; - publication of and access to information; - quality of service; - conditions of access and use and essential requirements; - itemized billing, tone dialling and selective call barring; - provision of additional facilities; - special network access; - tariff and cost accounting principles; - non-payment of bills; - conditions for the termination of offerings. Under the Directive, certain provisions relating to directory services, contracts, access to information services and emergency services and access to information by consumers, are extended to mobile telephone services. In accordance with the interconnection Directive, Member States may compel voice telephony service operators to contribute to the financing of universal service. ENTRY INTO FORCE: 21/04/1998. DEADLINE FOR TRANSPOSITION: 30/06/1998.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 04/11/1996 - Legislative proposal

OBJECTIVE: the purpose of the proposal for a Directive is to revise and replace Directive 95/62/EC on the application of open network provision (ONP) to voice telephony, currently in force, to take account of the liberalization of the telecommunications market, scheduled to come into effect on 1 January 1998, and to guarantee the provision of a universal service for telecommunications as laid down in the European Union. SUBSTANCE: the modified proposal for a Directive describes the scope of the universal service requirement in telecommunications, which must be accessible to all users in the European Union, and requires that the Member States should ensure, in the light of their national conditions, that such service is affordable. The Directive also lays down harmonized conditions for the provision of fixed public telephone networks and publicly available telephone services in the EU. More specifically, the revised Directive: - stipulates the telephone services and additional services which must be available to all users; it ensures that it is possible for all users on request to have access to the fixed public telephone network, at a fixed location, to make and receive calls, facsimile and/or data communications, as well as a range of basic additional services including itemized billing and tone dialling; - introduces a service quality control mechanism based on a common series of indicators and measurement methods. Where appropriate, performance targets may be set by the national regulatory authorities; the performance data may be published: - introduces an obligation that the Member States should ensure, in the light of their national conditions, that telephone services are affordable tariff; rebalancing should follow the pace of opening up to competition without causing sharp increases in prices for users. The proposal also encourages the use of targeted tariff schemes, rather than the application of uniformly low tariffs, to guarantee that services are affordable for all users. - calls on Member States to introduce mechanisms for consultation with users, consumers, service providers and manufacturers over matters relating to level, quality and affordability of universal service. The Commission may also introduce such mechanisms at Community level. In the case of Member States which under Community legislation are allowed a transitional period in which to liberalize public telecommunications networks and publicly available telephony services, the applicable provisions of Directive 95/62/EC are maintained in force by the revised Directive.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 20/10/1997 - Commission opinion on Parliament's position at 2nd reading

Of the 17 amendments adopted by the European Parliament in second reading, the Commission accepts 14 either in full, in part or in principle. The Commission accepts in their present form those amendments which: - strengthen consumer protection; - improve the clarity of the text relating to the rules governing the provision, costing and financing of the universal service; - are in keeping with the position of the Commission in respect of commitment; - specify special access to the network. In addition, the Commission has come to an agreement with the European Parliament on the principles which underlie the amendments relating to the following points: - operators likely to provide the universal service; - improved access by disabled users to telecommunications services; - the transitional measure to be applied until the number portability service becomes available; - the inclusion of the public text telephone in the definition of the public pay-telephone; - alternative formats for itemised billing for blind and partially-sighted people; - the option for Member States to request the provision of additional facilities, provided that these are not financed by a contribution from market operators. The Commission rejected those amendments relating to the following aspects: - the rights of users and consumers; - the rules governing the provision, costing and financing of the universal service (amendment of the current definition of the universal service); - European guidelines on the concept of affordable price.

Telecommunications: open network provision (ONP) to voice telephony, and universal service

1996/0226(COD) - 04/06/1997 - Modified legislative proposal

The Commission's amended proposal takes over in full or in part 19 of the 34 amendments adopted by the European Parliament at first reading. The main amendments accepted by the Commission seek: - to specify more clearly the scope of universal service and to improve consumer protection; - to bring the text in line with Community law, in particular the data protection directive and the interconnection directive; - to improve the clarity of the text. Other modification are based on amendments relating to the following points: - the establishment of tariff control systems or similar schemes, possibly based on geographic segmentation; - the publication by the Commission of regular reports on the evolution of tariffs in the Community; - number portability: when this facility is not yet available the national regulatory authorities shall ensure that for a reasonable period after a subscriber has changed supplier all telephone communications to his old number can be re-routed to his new number free of charge or that this new number is

indicated to callers; any fees for such re-routing must be reasonable; - the consultation of interested parties, and especially terminal equipment suppliers and the representatives of users and consumers, on the changes in existing network interface specifications; - for blind and partially sighted people, free access to directory enquiry services and to information contained in directories and to alternative formats for bills; - for deaf and hearing-impaired people, the need to provide publicly accessible text telephones.