



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.09.1995
COM(95) 417 final - COD 495

OPINION OF THE COMMISSION

pursuant to Article 189 b (2) (d) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the

proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DECISION
on a series of guidelines for the development of ISDN as a
trans-European network

AMENDING THE PROPOSAL OF THE COMMISSION

pursuant to Article 189 a (2) of the EC Treaty

EXPLANATORY MEMORANDUM

The proposed Decision of the European Parliament and the Council comes under the co-decision procedure (Article 189b of the EC Treaty).

Article 189.b2(d) requires the Commission to express its Opinion on the amendments proposed by the European parliament in its second reading.

The Commission hereby presents its opinion on the eight amendments proposed by the European Parliament. In accordance with Article 189a (second paragraph) the Commission also presents a modified proposal incorporating the amendments which the Commission has accepted.

1. **BACKGROUND**

On 14 September 1993 the Commission presented to the European Parliament and to the Council two proposals for :

- a decision on a series of guidelines¹ for the development of ISDN² as a trans-European network, and
- a decision on the adoption of a multi-annual Community action concerning the development of ISDN as a trans-European network.

They seek to develop ISDN as a trans-European network.

Remark: the discussion on the second decision (Community action) has meanwhile been suspended in the light of the somewhat overlapping proposal for a Financial Regulation on TENs. Only the first decision (guidelines) was subject to the second reading of the European Parliament.

The Economic and Social Committee gave a favourable opinion³ on this proposal on 21 December 1993.

The Committee of the Regions gave a favourable opinion⁴ on this proposal on 17/18 May 1994.

On 17 November 1994 the Commission presented a Modified Proposal⁵ incorporating those European Parliament amendments accepted by the Commission.

On 21 December 1994 the Council, acting in accordance with Article 189b of the Treaty adopted a Common Position⁶ on the proposed Decision.

The European Parliament voted on the second reading on 13 June 1995, adopting a favourable resolution which included eight amendments⁷ to the Common Position.

¹ OJ C 0259, 23.09.93, p. 6;

² Integrated Services Digital Network;

³ CES 1313/93;

⁴ CdR 42/94;

⁵ OJ C 353, 13.12.94, p. 5;

2. PURPOSE OF THE DECISION

The proposal for a Decision on the development of ISDN as a transeuropean telecommunications network is an element of the Community's telecommunications policy, one major goal of which is to promote a telecommunications infrastructure based on interconnected networks integrating a number of interoperable services covering the whole of Europe.

Since 1984, ISDN is a key object of this policy.

Many efforts have already been undertaken by the public network operators and the Member States. However, not all aspects required for a successful Community-wide introduction of EURO-ISDN are yet in place. Additional efforts at the level of the Member States and at Community level to ensure network interconnectivity, the interoperability of a number of basic services throughout the Community, the stimulation of demand and the raising of the awareness of user, namely of SME's are necessary.

A successful penetration of EURO-ISDN based services will contribute to:

- the evolution towards the information society,
- the improving of the competitiveness European industry and strengthening the internal market
- the reinforcement of economic and social cohesion, and
- the creation of employment.

3. POSITION OF THE COMMISSION ON THE EP AMENDMENTS

In considering the amendments proposed by the European Parliament on second reading, the Commission can accept those amendments which :

- i) are consistent with the initial proposal and/or
- ii) are consistent with the Commission's Position on the first reading of the European Parliament and/or
- iii) clarify the text in a useful way.

3.1 Amendments accepted by the Commission

The European Parliament proposes eight amendments following intensive consultations with the involved parties. Since these amendments achieved a large majority and since they are consistent with the Commission's intentions expressed in its previous amended proposal, the Commission can accept **all eight** amendments. The rationale for this position is set out below in detail.

⁶ C4-033/95 - 00/0495(COD);

⁷ C34-33/95-A4-131/95);

3.1.1 To Amendment N° 1) on Article 3, introduction and first indent

The Commission can accept the reference to the universal service, for which ISDN is considered as part of the infrastructure. ISDN is evolved directly out of the existing telephone network, the current delivery platform for the universal service.

The wording of this amendment does not imply that ISDN forms or should form part of the definition of universal service. Such a definition is both for future decision and for consideration in the light of advances in technology, market development and changes in user demand as set out in Council Resolution 94/C 48/01 on universal service principles in the telecommunications sector.

The second element of this amendment adds a reference to broad band networks. This is a useful clarification and acceptable by the Commission.

3.1.2 To Amendment N° 2) on Article 5, third indent

The first part of this amendment concerns the explicit mention of public and private sector applications and is fully in line with the Commission's initial intentions. The second part concerns the promotion of the availability of EURO-ISDN terminals and application software. A similar amendment was already accepted by the Commission on first reading.

3.1.3 To Amendment N°5)⁸ on Article 5, third indent

The Commission has no problem in following the European Parliament's proposal, to express a high desirability for the cooperation with certain third countries regarding this measure.

3.1.4 To Amendment N° 6) on Annex I(3), introduction

A similar amendment to the one presented here, viz stating that the list of services is "non-exhaustive" was already accepted by the Commission on first reading.

3.1.5 To Amendment N° 7) on Annex II(1.3a) (new)

The addition of a further project of common interest addressing the specific needs of transborder regions is fully in line with the Commissions initial intentions and hence acceptable to the Commission.

3.1.6 To Amendment N° 8) on Annex II(2)

idem second part of 3.1.2

3.1.7 To Amendment N° 9) on Annex II(3)

idem first part of 3.1.2.

⁸ Amendments N°s 3 and 4 have been withdrawn by the rapporteur before the vote;

3.1.8 To Amendment N° 10) on Annex II(4.1) and (4.2)

The Commission can agree to both elements of this amendment concerning a pilot experience with the EuroInfoCentres and the training of staff on ISDN terminal matters. Both elements are in line with the Commission's intention.

4. CONCLUSION

In accordance with Article 189b, paragraph 2 of the EC Treaty, the Commission hereby gives its Opinion on the amendments adopted by the European Parliament on second reading. The Commission accepts all eight amendments proposed by the Parliament as they are fully compatible with the goals of this Decision. The modified proposal (annex) incorporates these amendments. In accordance with Article 189a (second paragraph) the Commission hereby modifies its proposal.

Amended proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DECISION

**on a series of guidelines for the development of ISDN as a trans-European
network**

**(presented by the Commission in accordance with Article 189a, second paragraph, of the
EC Treaty)**

EXPLANATORY MEMORANDUM

The proposed Decision of the European Parliament and the Council comes under the co-decision procedure (Article 189b of the EC Treaty).

Article 189.b2(d) requires the Commission to express its opinion on the amendments proposed by the European Parliament in its second reading.

The Commission hereby presents its opinion on the eight amendments proposed by the European Parliament. In accordance with Article 189a (second paragraph) the Commission also presents a modified proposal incorporating the amendments which the Commission has accepted.

Article 3

The objectives for the development of EURO-ISDN shall be as follows:

- access to EURO-ISDN facilities including basic Services;

The objectives as regards the development of the ISDN as a trans-European network and into a component of the infrastructure for the 'universal service' shall be as follows:

- the development of services based on the EURO-ISDN, with account taken of the future introduction of a European broadband integrated communications network;

Article 5

- analysis and promotion of migration of application to EURO-ISDN;

- analysis and promotion of migration of public and private sector applications to EURO-ISDN;

- promotion of the availability of EURO-ISDN terminals and application software

Article 9

Participation by third countries which are parties to the Agreement on the European Economic Area or which have Association Agreements with the Community may in individual cases be authorised by the Council, under the procedure in Article 228 of the Treaty, to enable them to assist in carrying out projects of common interest and to promote the interconnection and interoperability of their ISDN.

3. "Telematic services" in the context of the present Decision are:

Participation by third countries which are parties to the Agreement on the European Economic Area or which have Association Agreements with the Community is highly desirable, subject to the procedure in Article 228 of the Treaty, to enable them to assist in carrying out projects of common interest and to promote the interconnection and interoperability of their EURO-ISDN.

3. "Telematic services" in the context of the present Decision are (non exhaustive list)

3.1 a Development of cross-border applications

Objective: To meet the specific needs of border regions with regard to the public and private sector (particularly small and medium-sized undertakings).

2. Promotion of the end-to-end interoperability of telematic services
2. Promotion of the end-to-end interoperability of telematic services and the availability of EURO-ISDN terminals.
3. Analysis and promotion of migration of existing applications to EURO-ISDN and promotion of new applications.
3. Analysis and promotion of migration of existing public and private sector applications to EURO-ISDN and promotion of new applications.

4.1 Validation experiments with SMEs for telematic services

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Objective: To make users which could potentially benefit from EURO-ISDN based telecommunications aware of the advantages these systems could bring to the enhancement of their business processes and to contribute to the development of a critical mass of EURO-ISDN terminals in order to make them less expensive through widespread usage.

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4.2 Promotion of a common application programming interface

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Objective: To further the harmonisation of application programming interfaces throughout the Community, thus enabling application software to be made independent of the underlying hardware platform

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4.2a Training initiatives

Objective: To train staff for the distribution and installation of EURO-ISDN terminals, particularly in small and medium-sized undertakings.

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DOCUMENTS

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