



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.07.1998
COM(1998) 432 final

97/0250 (COD)

OPINION OF THE COMMISSION

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

proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

amending Directive 97/33/EC with

regard to operator number portability and carrier preselection

AMENDING THE PROPOSAL OF THE COMMISSION

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

EXPLANATORY MEMORANDUM

Article 189b(2)(d) of the EC Treaty provides that the Commission shall deliver its opinion on the amendments proposed by the European Parliament on second reading.

This document contains the Commission's opinion on the amendments to the common position of the Council on the proposal for a Directive of the European Parliament and the Council amending Directive 97/33/EC with regard to operator number portability and carrier preselection.

The amended proposal takes account of the amendments proposed by Parliament on second reading, which the Commission has accepted.

1. Introduction

(a) **Background**

On 1 October 1997 the Commission presented a proposal for a Council Directive amending Directive 97/33/EC with regard to operator number portability and carrier preselection (COM(97)480 final).

In the framework of the co-decision procedure, the European Parliament delivered its opinion on first reading on 20 November 1997 including a proposal for an amendment.

In view of this amendment, the Commission submitted by letter of 28 November 1997 an amended proposal for a European Parliament and Council Directive (COM(97)674 final).

The Economic and Social Committee adopted its opinion on the proposal on 10 December 1997.

The Council adopted its common position on 12 February 1998.

The Commission declared that it accepted the Council's common position by its communication to the European Parliament SEC(98) 252 final of 13 February 1998.

On 14 May 1998 Parliament adopted, on second reading, a decision proposing an amendment to the Council's common position.

(b) **Purpose of the proposal**

The objective of the Commission proposal is to strengthen the existing provisions on equal qualitative and quantitative access to numbering resources for all market players in the Community's current legal framework for telecommunications. The availability of operator number portability and carrier pre-selection will make it easier for consumers to

choose alternative service and network providers. This will enable them to benefit directly from competition in the telecommunications market. By offering consumers a non-discriminatory and user friendly way of choosing between different providers of telecommunications services, consumer choice can act as a catalyst in the process of achieving better quality telecommunications services at more competitive prices.

2. EP amendments accepted by the Commission

The sole amendment proposed by the European Parliament on second reading concerns the responsibility placed on the national regulatory authorities to ensure that the interconnection prices demanded by operators, and possibly charged to consumers, are cost-oriented and do not act as a disincentive for use of the facility.

3. Amendments rejected by the Commission

4. Conclusions

The Commission has accepted, in full, the sole amendment proposed by the European Parliament on second reading.

In accordance with Article 189a(2) of the EC Treaty, this amendment has been incorporated in the amended proposal from the Commission.

**Amended proposal for a Directive of the European Parliament and the Council
amending Directive 97/33/EC with regard to operator number portability and
carrier preselection**

Common position

Amended text

**Article 1(3), second indent
(after sole EP amendment)**

In order to ensure that charges to consumers are reasonable, national regulatory authorities shall ensure that pricing for interconnection related to the provision of this facility is reasonable.

National regulatory authorities shall ensure that pricing for interconnection related to the provision of this facility is cost oriented and that direct charges to consumers, if any, do not act as a disincentive for the use of this facility.

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DOCUMENTS

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