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## I. INTRODUCTION

The telecommunications regulatory process in the European Union (EU) should be seen as part of the wider process of the political and economic integration of Europe embodied in the Treaty of Rome<sup>1</sup>. This process was accelerated through the European Community's internal market programme<sup>2</sup> which since the mid-eighties has provided a firm basis for European telecommunications development up to 1992. This role has now been taken over by the broader political framework of the Maastricht Treaty, the Treaty on European Union which entered into force in November 1993.

The European telecommunications sector has historically been characterised by a strong public service monopoly tradition together with an industrial policy of creating 'national champions'. This environment has created a strong national orientation for the sector, and consequently the loss of the potential opportunities of a European-wide market.

Within this context, a first phase of European Union policy was initiated in 1984 with the aim to move the sector forward to establish common development lines. The most important aspects of this early phase were:

- Standards development, to cope with the problem of national fragmentation created by different national specifications;
- Common research, under the form of shared programmes between operators and industry at the European level. The preparatory phase of the RACE<sup>3</sup> programme was started. Between 1987 and 1995, the main RACE programme was operational, under the second and third R&D framework programmes. The ACTS<sup>4</sup> programme took over from RACE in 1994 under the fourth framework programme;
- Special development programmes for the least developed regions of the European Union, in the context of structural funds. The STAR<sup>5</sup> programme was adopted in 1986. The Telematics programme ran between 1992 and 1993;
- Initial tentative steps towards common European positions in the international telecommunications arena.

A second phase of European Union policy was initiated in 1987 with the publication by the Commission of the Green Paper on the development of the common market for

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<sup>1</sup> Original Treaty on the European Economic Community, signed in 1957

<sup>2</sup> Set up by the Single European Act, the first important reform of the Treaty of Rome, which entered into force on 01.07.1987

<sup>3</sup> R&D in Advanced Communications Technologies in Europe

<sup>4</sup> Advanced Communications Technology and Services

<sup>5</sup> Special Telecommunications Action of Regional Development

telecommunications services and equipment<sup>6</sup>. By issuing this Green Paper, the Commission originated a Europe-wide debate on the telecommunications regulatory environment, with the basic aim to adapt it to the requirements of a single European Community market.

The main direction of EU telecommunications policy has been set by the consultative process initiated by the Commission on the basis of the 1987 Green Paper and its successors, by key Resolutions adopted by the Council and European Parliament, and by the European Court of Justice.

The main steps since the 1987 Green Paper have been:

- the Green Paper on Satellite Communications, published by the Commission in 1990<sup>7</sup>;
- the Telecommunications Review of 1992<sup>8</sup>;
- the Green Paper on Mobile and Personal Communications, published by the Commission in April 1994<sup>9</sup>;
- the Green Paper on Infrastructure Liberalisation, published by the Commission in October 1994 and January 1995<sup>10</sup>;
- the Council Resolutions of June 1988, December 1991, July 1993, December 1994, June 1995 and September 1995<sup>11</sup>, which adopted the results of the consultative process carried out at each of the major steps;

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<sup>6</sup> Towards a dynamic European economy: Green Paper on the development of the common market for telecommunications services and equipment, COM(87) 290 final, 30.07.1987

<sup>7</sup> Towards Europe-wide systems and services: Green Paper on a common approach in the field of satellite communications in the European Community, COM(90) 490, 20.11.1990

<sup>8</sup> 1992 Review of the situation in the telecommunications services sector: Communication by the Commission, SEC(92) 1048, 21.10.1992; and Communication to the Council and the European Parliament on the consultation on the review of the situation in the telecommunications services sector, COM(93) 159, 28.04.1993

<sup>9</sup> Towards a personal communications environment : Green Paper on a common approach to mobile and personal communications in the European Union, COM(94) 145, 27.04.1994

<sup>10</sup> Green Paper on the liberalisation of telecommunications infrastructure and cable TV networks - Part I : Principle and Timetable, COM(94) 440, 25.10.1994; and Green Paper on the liberalisation of telecommunications infrastructure and cable TV networks - Part II : A common approach to the provision of infrastructure in the European Union, COM(94) 682, 25.01.1995

<sup>11</sup> Council Resolution of 30 June 1988 on the development of the common market for telecommunications services and equipment up to 1992 (88/C 257/01; OJ C 257/1, 04.10.1988); Council Resolution of 19 December 1991 on the development of the common market for satellite communications services and equipment (92/C 8/01; OJ C 8/1, 14.01.92); Council Resolution of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market (93/C 213/01; OJ C 213/1, 06.08.1993); Council Resolution of 22 December 1994 on the principles and timetable for the liberalisation of telecommunications infrastructures (94/C 379/03; OJ C 379/4, 31.12.1994); Council Resolution of 29 June 1995 on the further development of the mobile and personal communications sector in the European Union (95/C

- the European Parliament Resolutions of April 1993, January 1993, April 1995 and May 1995<sup>12</sup>, which gave Parliamentary support to the directions taken;
- the landmark rulings of the European Court of Justice in the British Telecom Case and on the Commission's use of Article 90 of the EC Treaty in the sector<sup>13</sup>.

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188/02; OJ C 188/3, 22.07.1995); Council Resolution of 18 September 1995 on the implementation of the future regulatory framework for telecommunications, (95/C 258/01, OJ C 258/1, 3.10.1995)

- <sup>12</sup> European Parliament Resolution of 20 April 1993 on the Commission's 1992 review of the situation in the telecommunications services sector (A3-0113/93; OJ C 150/39, 31.05.1993); European Parliament Resolution of 19 January 1993 on a common approach in the field of satellite communications in the European Community (A3-0424/92; OJ C 42/30, 15.02.1993); European Parliament Resolution of 7 April 1995 on the Green Paper on the liberalisation of telecommunications infrastructure and cable television networks (first part - principle and timetable) (A4-0063/95; OJ C 109/310, 01.05.1995); European Parliament Resolution of 19 May 1995 on the Green Paper on the liberalisation of telecommunications infrastructure and cable television networks (A4-0111/95; OJ C 151/479, 19.06.1995); and European Parliament Resolution of 19 May 1995 on the further development of mobile and personal communications in the European Union (A4-0097/95; OJ C 151/473, 19.06.1995)
- <sup>13</sup> Case 41/83 *Italy v. Commission* - where the Italian Government challenged a Commission decision under the competition rules taken against British Telecom. This case confirmed the full application of Treaty competition rules to the telecommunications sector; Case 202/88 *France v. Commission* - this upheld the Commission's Art. 90 Directive on competition in the markets for telecommunications terminal equipment in all essential points; Case 271/90 and 281/90 *Spain, Belgium and Italy v. Commission* - upheld the Commission's Art. 90 Directive on competition in the markets for telecommunications services in all essential points

## II. POLICY PAPERS

### II.A. General telecommunications policy

In the 1987 Green Paper on the development of the common market for telecommunications services and equipment<sup>14</sup>, the Commission proposed the introduction of more competition in the telecommunications market combined with a higher degree of harmonisation in order to enjoy to a maximum extent of the opportunities offered by a single EC market, in particular in terms of economies of scale.

The Green Paper proposals received a broad general support from the market actors - operators, users, manufacturers and service providers. On the basis of this favourable reaction, the Commission prepared a programme of action which was supported by Council<sup>15</sup> and the European Parliament, as well as by the Economic and Social Committee. This programme included the following actions:

- Rapid full opening of the terminal equipment market to competition (section III.A.1);
- Full mutual recognition of type-approval for terminal equipment (section III.G);
- Progressive opening of the telecommunications services market to competition (section III.A.2);
- Clear separation of regulatory and operational activities in the Member States to conform with the EC Treaty competition rules (section III.A.2);
- Establishment of open access conditions to networks and services through the Open Network Provision (ONP) programme (section III.B.1);
- Establishment of the European Telecommunications Standards Institute (ETSI), in order to stimulate European standardisation (which happened in 1988);
- Full application of Community's competition rules to the sector (section II.C).

These actions have subsequently been implemented to a large extent through the adoption of a series of legislative measures.

The common theme of the policy mix which has emerged in the progressive removal of barriers to pan-European operation, service provision and equipment supply across the EU's telecommunications market (stimulated by the Green Paper) is the evolving balance to be struck between liberalisation and harmonisation, competition and public service. This balance has resulted from the commonly called 1989 'compromise' reached between the EC institutions, and was firstly reflected by the joint adoption in 1990 of two Directives introducing competition in the telecommunications services market (notably for

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<sup>14</sup> Towards a dynamic European economy: Green Paper on the development of the common market for telecommunications services and equipment, COM(87) 290 final, 30.06.1987

<sup>15</sup> Council Resolution of 30 June 1988 on the development of the common market for telecommunications services and equipment up to 1992 (88/C 257/01; OJ C 257/1, 04.10.1988)

value-added services and data networks)<sup>16</sup> and establishing a framework for harmonisation at Community level<sup>17</sup> (see sections III.A.2 and III.B.1 below).

## **II.B. Satellite communications**

Satellite communications was one of the areas identified by the 1987 Green Paper as needing specific attention with a view to define a common policy in the Union. As a result, the Commission published in November 1990 the Green Paper on satellite communications<sup>18</sup> setting out such policy orientations.

This Green Paper basically proposed the extension of the principles of European Union's telecommunications policy to the satellite area, namely concerning the liberalisation of the earth segment, access to the space segment and commercial freedom for space segment providers.

The goals set out in that Green Paper were endorsed by Council in December 1991<sup>19</sup> and by the European Parliament in February 1993<sup>20</sup>.

In line with this, the following measures have been adopted up to now:

- a Council Directive introducing mutual recognition for type approval for satellite earth-station equipment, adopted in 1993<sup>21</sup> (see section III.G),
- a Commission Directive abolishing special and exclusive rights for the provision of satellite services and equipment, adopted in 1994<sup>22</sup> (see section III.A.3);
- a Council Resolution on provision of, and access to, space segment capacity, also adopted in 1994<sup>23</sup> (see section III.D.2).

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<sup>16</sup> Commission Directive of 16 May 1988 on competition in the markets in telecommunications equipment (88/301/EEC; OJ L131/73, 27.05.88)

<sup>17</sup> Council Directive of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision (90/387/EEC; OJ L192/1, 24.07.1990)

<sup>18</sup> Towards Europe-wide systems and services: Green Paper on a common approach in the field of satellite communications in the European Community, COM(90) 490, 20.11.1990

<sup>19</sup> Council Resolution of 19 December 1991 on the development of the common market for satellite communications services and equipment (92/C 8/01; OJ C 8/1, 14.01.1992)

<sup>20</sup> European Parliament Resolution of 19 January 1993 on a common approach in the field of satellite communications in the European Community (A3-0424/92; OJ C 42/30, 15.02.1993)

<sup>21</sup> Council Directive of 29 October 1993 supplementing Directive 91/263/EEC in respect of satellite earth station equipment (93/97/EEC; OJ L 290/01, 24.11.1993)

<sup>22</sup> Commission Directive of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications (94/46/EEC; OJ L 268/15, 19.10.1994)



## II.C. Competition policy in the telecommunications sector

The Commission has taken an active role in ensuring the application in the telecommunications sector of the competition rules of the EC Treaty. The two directives removing monopolies in the telecommunications services and equipment markets were based on the Treaty competition rules, whilst individual action has been taken under the competition rules against certain Member States who had retained monopoly provision of the new digital GSM mobile system. As a result of such action all Member States have either licensed or announced their intention to licence a competing GSM operator.

On a case-by-case basis, the Commission has also sought to prevent the implementation of anti-competitive agreements and the abuse of dominant market positions by the operators or service providers themselves, as well as being called upon to assess new and innovative competitive ventures under its merger control rules.

In September 1991 general guidelines were published on the application of the Treaty's competition rules in the telecommunications sector<sup>24</sup>, which provide information on the Commission's approach to evaluation of common competition issues.

The Commission's Communication on the consultation on the Infrastructure Green Paper<sup>25</sup> (see section II.H) has shown big support for a strong role for these rules. The Commission will take account of this support by ensuring the full application of the competition rules, in particular as regards:

- the examination of interconnection agreements;
- the conditions for access of competing infrastructure providers and for service provision;
- schemes established for financing universal service;
- access to rights of way;
- cross-ownership of different networks and joint provision of network and services; and
- the emergence of global and regional partnerships and alliances.

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<sup>23</sup> Council Resolution of 22 December 1994 on further development of the Community's satellite communications policy, especially with regard to the provision of, and access to, space segment capacity (94/C 379/04; OJ C 379/5, 31.12.1994).

<sup>24</sup> Guidelines on the application of EEC competition rules in the telecommunications sector (92/C233/02; OJ C233/2, 06.09.1991)

<sup>25</sup> Communication to the Council and European Parliament on the consultation on the Green Paper on the liberalisation of telecommunications infrastructure and cable television networks, COM(95) 158 final, 03.05.1995

## II.D. Basic services

At the time of adoption of the Services and ONP Framework Directives in 1990 (see sections III.A.2 and III. B.1), it was recognised that further opening to competition beyond value-added and data services would be necessary and the situation in the sector should be reviewed in 1992.

That review and the subsequent broad public consultation<sup>26</sup> took place during 1992 and early 1993, and resulted in a Commission Communication<sup>27</sup> drawing conclusions from the consultation and proposing a concrete timetable for the full development of the telecommunications sector. These proposals were endorsed by the Council on 22 July 1993<sup>28</sup>. The Council Resolution confirmed that:

- the provision of public voice telephony service should be liberalised throughout the Union by 1 January 1998, while maintaining universal service (see section III.A.6).

Additional transitional periods of up to five years could be granted to Spain, Ireland, Greece and Portugal, to allow for necessary structural adjustments, particularly of tariffs, and a possible additional period of two years could apply to countries with very small networks (Luxembourg) if justified;

- the ONP principles should form the basis for the future regulatory framework in the Union, but could be adapted as necessary in the light of further liberalisation in respect of entities covered and issues such as universal service, interconnection and access charges (see section III.B);
- a policy on mobile and personal communications should be set out in a Green Paper (see section II.G);
- a policy on provision of infrastructure should be worked out, based on preparation of a Green Paper by the end of 1994 (see section II.H).

These actions were also supported by the European Parliament in its Resolution of 31 May 1993<sup>29</sup>.

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<sup>26</sup> 1992 review of the situation in the telecommunications services sector: Communication by the Commission, SEC(92)1048 final, 21.10.1992

<sup>27</sup> Communication to the Council and European Parliament on the consultation on the review of the situation in the telecommunications services sector, COM(93)159 final, 28.4.1993

<sup>28</sup> Council Resolution of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market (93/C213/01; OJ C213/1, 06.08.1993)

<sup>29</sup> European Parliament Resolution of 20 April 1993 on the Commission's 1992 review of the situation in the telecommunications services sector (A3-0113/93; OJ C 150/39, 31.05.1993)

## II.E. Tariffs

The opening of telecommunications service markets to competition, regulatory requirements on pricing and availability of new technologies call for European telecommunications operators to undertake major tariff reforms to correct historic imbalances and open the way for development of new services. Such tariff rebalancing is a crucial element of the preparation for a liberalised telecommunications environment in 1998.

In its Communication on tariffs published in July 1992<sup>30</sup>, the Commission sets out guidelines for cost orientation and adjustment of pricing structures. This builds on the principles set in ONP Directives that tariffs should be cost-oriented and that National Regulatory Authorities should ensure that cost accounting systems are put in place by Telecommunications Organisations to provide information on the cost basis for pricing. The European Parliament adopted in April 1993 a Resolution on this Commission's Communication<sup>31</sup>.

Following agreement on full liberalisation of the telecommunications sector, most Member States have already launched or have announced programmes to rebalance national tariffs structures in order to meet the 1998 deadline. This tariff rebalancing involves lower prices for international and long-distance calls, and consequently higher charges for local calls and the basic connection, and as such is closely linked to the issue of universal service (see section II.F).

In its Resolution of 18 September 1995 on the implementation of the future regulatory framework for telecommunications (see section II.H), the Council "*invites the Member States to foster the establishment of dynamic competition by promoting the necessary rebalancing of tariffs in order to establish efficient economic conditions for all players and users, while ensuring the development of universal service*", recognising the importance of such tariff rebalancing for the achievement of a fully competitive environment.

In the recently adopted Directive on full competition<sup>32</sup>, the Commission requests Member States to "*allow their telecommunications organisations to rebalance tariffs taking account of specific market conditions and of the need to ensure the affordability of a universal service, and, in particular, Member States shall allow them to adapt current rates which are not in line with costs and which increase the burden of universal service provision, in order to achieve tariffs based on real costs. Where such rebalancing cannot be completed before 1 January 1998 the Member States concerned shall report to the Commission on the future phasing out of the remaining tariff imbalances. This shall include a detailed timetable for implementation.*"

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<sup>30</sup> Towards cost orientation and the adjustment of pricing structures - Telecommunications tariffs in the Community: Communication from the Commission, SEC(92)1050 final, 15.07.1992

<sup>31</sup> European Parliament Resolution of 20 April 1993 on the Commission Communication "Towards cost orientation and the adjustment of pricing structures - Telecommunications tariffs in the Community" (A3-0117/93; OJ C 150/37, 31.05.1993)

<sup>32</sup> Commission Directive of 28 February 1996 amending Commission Directive 90/388/EEC regarding the implementation of full competition in telecommunications markets (96/ / ; OJ )

## II.F. Universal service

As a first step to implementing the new policy orientations for the liberalisation of the telecommunications sector, set out following the 1992 Review of the telecommunications sector (section II.D), the Commission adopted in November 1993 a Communication on developing universal service in a competitive environment<sup>33</sup>. This initiative was endorsed by Council<sup>34</sup> and European Parliament<sup>35</sup> Resolutions, which recognised the importance of maintaining and developing universal service in a liberalised market.

Building on this work, the consultation on Parts I and II of the Infrastructure Green Paper (section II.H) established a clear consensus on key elements of the universal service policy for telecommunications, namely, with regard to the *scope of universal service* (i.e. a basic voice telephony service and a network access supporting that voice service, as well as Group III fax and low speed data access), the *methodology to be followed for costing* universal service (i.e. a "net cost" approach), and the *possible funding mechanisms* to share any identifiable burden associated with the provision of universal service (i.e. Member States may determine that the burden is minimal, so that compensation mechanisms are not required / a national universal service fund may be established / a system of supplementary charges may be requested from market players by the incumbent operator). At the same time, there was recognition, on the one hand that competition and market forces would make an important contribution to improving service quality, bringing down prices and extending penetration, and on the other hand, that affordability was essential to ensure that service was genuinely universal. Flexible and targeted tariffs would play an important role in ensuring that services would remain affordable to all users.

The Commission has been able to build on this consensus with the adoption of the ONP Voice Telephony Directive in December 1995<sup>36</sup> (section III.B.3), which identifies the scope of universal service at a European level. That measure, together with the proposed European level framework for interconnection, set out in the ONP Interconnection proposal (section III.B.6) and the Commission Directive on the implementation of full competition (section III.A.6), define the maximum set of services whose cost may be taken into account in calculating any burden associated with universal service obligations and identify the operators who can be made to contribute to that burden. Additionally, principles on costing and financing are also incorporated into the proposed European level

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<sup>33</sup> Developing universal service for telecommunications in a competitive environment: Communication to the Council and European Parliament, COM (93) 543, 15.11.1993

<sup>34</sup> Council Resolution of 7 February 1994 on universal service principles in the telecommunications sector (94/C48/01; OJ C 48/1, 16.02.94), and Commission Statement concerning Council Resolution on universal service in the telecommunications sector (94/C 48/06; OJ C 48/8, 16.02.1994)

<sup>35</sup> European Parliament Resolution of 6 May 1994 on the communication from the Commission accompanied by the proposal for a Council resolution on universal service principles in the telecommunications sector (A3-0317/94; OJ C 205/551, 25.07.1994)

<sup>36</sup> European Parliament and Council Directive on the application of open network provision (ONP) to voice telephony (95/62/EC; OJ L 321/6, 30.12.1995)

framework for interconnection. At the same time, there is recognition that the concept of universal service could evolve in response to user demand.

In March 1996, the Commission published a further Communication<sup>37</sup> on specific issues linked to the scope of universal service and affordability, as well as considering the broader political issue of promoting public access to new information society services. In that Communication, the Commission announces:

- amendments to the ONP Voice Telephony Directive, inter alia, to: create an obligation of affordability, strengthen consumer rights, and provide better service for disabled users;
- a Communication in Autumn 1996 on practical issues associated with costing and funding universal service; and
- a monitoring report for 1998 to assess the scope, level, quality and affordability of universal service;

Studies are also expected to be completed by the end of 1996 which will address in greater detail the issues linked to the funding and costing of universal service and the evolution of its scope.

## **II.G. Mobile and personal communications**

As called for by Council and the European Parliament in their Resolutions on the 1992 Review (section II.D), the Commission adopted in April 1994 a Green Paper setting out Union policy for the development of mobile and personal communications<sup>38</sup>. This Green Paper builds on the current European successes in the field of digital mobile communications and extends the basic principles of Union telecommunications policy to an already vibrant sector.

Mobile communications initially developed within the Union on purely national lines. With the introduction of GSM providing the possibility of pan-European roaming, Member States have, however, introduced the service on the basis of licensing competing national operators. Nevertheless, licences for mobile services remain technology and nationally-oriented. A key focus in the Green Paper is thus the removal of unnecessary restrictions, for example on infrastructure of direct interconnection, to allow such national systems to operate effectively. At the same time, a framework for innovative service provision is created to facilitate Europe-wide services and move the Union towards the personal communications environment in line with the overall schedule for liberalisation of the basic voice telephony service.

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<sup>37</sup> Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: Universal service for telecommunications in the perspective of a fully liberalised environment - an essential element of the information society, COM(96) 73 final, 13.03.1996

<sup>38</sup> Towards the Personal Communications Environment: Green Paper on a common approach to mobile and personal communications in the European Union, COM(94) 145 final, 27.04.1994

The consultation on the Green Paper was a clear reflection of the broad interest in the further development of this sector, with over 250 organisations participating from inside and outside Europe. On the basis of this consultation, the Commission considered that general positions on the future development of the sector could be set out and an action plan defined<sup>39</sup>. This included actions to pursue the full application of the Treaty competition rules to the sector, the development of a Code of Conduct for service providers, agreeing on procedures for licensing of satellite-based personal communications, allowing service offerings as a combination of fixed and mobile networks to facilitate the full-scale development of personal communications, the lifting of constraints on alternative telecommunications infrastructures and constraints on direct interconnection with other operators, extending the scope of the Terminal Directive, adoption and implementation of Decisions of the European Radio communications Committee on frequency bands supporting DCS-1800 and TETRA, the opening up of a Europe-wide Numbering Space for pan-European services including personal communications services, and continuing support for work towards the Universal Mobile Telecommunications System (UMTS).

Following the Communication from the Commission, the European Parliament adopted in May 1995 a Resolution<sup>40</sup> in which it takes a very liberal and forward looking view on the further development of the mobile sector and reinforces the positions of the Commission. Progress also was made in the Council through adoption of a Resolution in June 1995<sup>41</sup>, which agrees in particular on the abolition of special and exclusive rights for the mobile sector; and on the introduction of the mechanism of services provision, allowing service offerings as a combination of fixed and mobile networks and services. But the issues of early liberalisation of infrastructures and the right to directly interconnect remained undecided.

In response to those developments, the Commission adopted in January 1996 a Directive amending the Services Directive to include mobile communications<sup>42</sup> (see section III.A.5).

Another pro-active measure, which is supported in the Council and the European Parliament Resolutions on the Mobile Green Paper, is the launch of a comprehensive action programme for research into the possible health hazards related to the use of mobile telephony. In October 1995 the Commission decided to task a multi-disciplinary

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<sup>39</sup> Communication from the Commission to the European Parliament and Council on the consultation on the Green Paper on mobile and personal communications, COM(94)492 final, 23.11.1994

<sup>40</sup> European Parliament Resolution of 19 May 1995 on the Commission communication to the European Parliament and the Council 'Towards the personal communications environment: Green Paper on a common approach in the field of mobile and personal communications in the European Union' (COM(94)0145 - C4-0061/94) and on the Commission communications to the European Parliament and the Council on the consultation on the Green Paper on mobile and personal communications (COM(94)0492 - C4-0046/95) [further development of mobile and personal communications in the European Union] (A4-0097/95; OJ C 151/473, 19.06.95)

<sup>41</sup> Council Resolution of 29 June 1995 on the further development of the mobile and personal communications sector in the European Union (95/C 188/02; OJ C 188/3, 22.07.1995)

<sup>42</sup> Commission Directive of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications (96/2/EC; OJ L 20/59, 26.01.1996)

group of experts to prepare the agenda for such an action programme. Such agenda should be completed by July 1996.

## II.H. Infrastructure

As called for by the Council and the European Parliament in their Resolutions on the 1992 Review (section II.D), the Commission has issued in January 1995 its Infrastructure Green Paper<sup>43</sup>.

Part I of the Green Paper was considered at the Telecommunications Council of November 1994, leading to a Council Resolution<sup>44</sup>. The Council recognised the general principle according to which the provision of telecommunications infrastructure should be liberalised by 1st January 1998, including the additional transition periods for certain Member States in line with the Council Resolution on the 1992 Review.

The consultation on this Green Paper has necessarily extended beyond the pure issue of infrastructure liberalisation to encompass the overall regulatory environment to achieve the full liberalisation of telecommunications services and networks by 1 January 1998. On the basis of the comments and the consensus achieved, the Commission identified in its respective Communication published in May 1995<sup>45</sup> the priorities in preparing the measures to ensure liberalisation of telecommunications infrastructure and services.

This regulatory agenda for telecommunications complements the broader initiatives required to meet the employment, social and societal challenges and the preparation of other aspects of the regulatory environment (in areas such as data protection, intellectual property rights and audio-visual policy) for the Information Society.

In its Resolution adopted on 18 September 1995<sup>46</sup>, the Council supports the priorities identified by the Commission in its Communication on the consultation of the Infrastructure Green Paper. In particular, the Council agreed on the need for adoption, according to the procedures laid down in the Treaty, of legislative measures centring on:

- liberalisation of all telecommunications services and infrastructures (see section III.A.6), in accordance with the procedures and transitional periods identified in the Resolutions adopted on 22 July 1993 and 22 December 1994;

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<sup>43</sup> Green Paper on the liberalisation of telecommunications infrastructure and cable TV networks - Part I : Principle and Timetable, COM(94)440, 25.10.1994; and Green Paper on the liberalisation of telecommunications infrastructure and cable TV networks - Part II : A common approach to the provision of infrastructure in the European Union, COM(94)682, 25.01.1995

<sup>44</sup> Council Resolution of 22 December 1994 on the principle and timetable for the liberalisation of telecommunications infrastructures (93/C213/01; OJ C379/4, 31.12.1994)

<sup>45</sup> Communication to the Council and European Parliament on the consultation on the Green Paper on the liberalisation of telecommunications infrastructure and cable television networks, COM(95) 158 final, 03.05.1995

<sup>46</sup> Council Resolution of 18 September 1995 on the implementation of the future regulatory framework for telecommunications (95/C 258/01; OJ C 258/1, 3.10.1995)

- adaptation to the future competitive environment of ONP measures (see section III.B);
- the maintenance and development of a minimum supply of services throughout the Union and the definition of common principles for financing the universal service (see section II.F);
- the establishment of a common framework for the interconnection of networks and services (see section III.B.6);
- the approximation of general authorisation and individual licensing regimes in the Member States (see section III.C).

In its Resolution, the Council has further requested the Commission to present to the European Parliament and the Council before 1 January 1996 all legislative provisions intended to establish the European regulatory framework for telecommunications accompanying the full liberalisation of this sector.

The Commission has now fully fulfilled that request.

Meanwhile, the Commission has taken advanced action on lifting restrictions on the use of cable TV networks throughout the Union for the carriage of already liberalised telecommunications services (all telecommunications services except public voice telephony) through the adoption in October 1995 of a Directive<sup>47</sup> (see section III.A.4).

## II.I. Directories

In October 1995 the Commission submitted a Communication to the Council and the European Parliament setting out the guidelines for the further development of directory services<sup>48</sup>.

The Communication identified that the comprehensive set of instruments which will be in place by 1998 (Commission Directive on full liberalisation of the telecommunications sector; ONP Voice telephony Directive, Licensing Directive, Directive on legal protection of data bases, Directive on the protection of personal data) will provide a framework for the development of directory services in a competitive environment, while simultaneously offering safeguards regarding 'universality', protection of privacy and of intellectual property rights.

The Communication does not announce any new legislative action, but the Commission will closely monitor whether the principles as set out in the Communication will be put in practice through the implementation by Member States of the proposed legislation.

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<sup>47</sup> Commission Directive of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalised telecommunications services (95/51/EC, OJ L 256/49, 26.10.1995)

<sup>48</sup> Communication on the future development of the market of directories and other telecommunications information services in a competitive environment, COM(95) 431 final, 10.10.1995



Moreover, the Commission will actively stimulate standardisation and technological progress with regard to directory services in order to promote the development of these services on a European scale.

At the recent Telecommunications Council of 21 March 1996 the Communication was briefly addressed. The conclusions drawn by the Presidency underlined the importance of directory services for universal service and stated that Member States should ensure that subscribers have access to at least one telephone information service with a complete directory of national subscribers. Moreover, they stressed the need to apply ONP principles for access to public directory information. Finally, they confirmed that the protection of privacy on the one hand and intellectual property on the other as well as the promotion of standardisation were important for the development of directory services.

The European Parliament is preparing a resolution on directories which is expected to be adopted during the April plenary session.

### III. LEGISLATIVE MEASURES

#### III.A. Opening up of the markets

##### III.A.1 Terminal equipment

In accordance with the 1987 Green Paper (section II.A), the market for terminal equipment was the first to be open to competition.

This was done through a Directive adopted by the Commission in 1988 (under Article 90 of the Treaty)<sup>49</sup> removing the special and exclusive rights to import, market, connect, bring into service and maintain terminal equipment existing at that time in the Member States.

##### III.A.2 Services other than public voice telephony

The opening to competition of the telecommunications services market was initiated by the so-called Services Directive adopted by the Commission in 1990 (also under Article 90 of the Treaty)<sup>50</sup>. This provided for the removal of special and exclusive rights granted by Member States to Telecommunications Organisations (TOs) for the supply of value-added services (by the end of 1990) and data services (by 1 January 1993)<sup>51</sup>.

The Directive permitted on a temporary basis the maintenance of exclusive rights over the supply of public voice telephony service, considering that immediate liberalisation of this service could damage the financial stability of the incumbent TOs and thus preventing them from ensuring the provision of a universal network. As mandated by the Directive, it was this continuing monopoly which was the principal subject of the policy review during 1992 (see section II.D).

In view of the introduction of competition, this Directive also required the separation of operational and regulatory functions, which were at the time accumulated by the TOs. This has now been implemented in almost all Member States, through, for example, the creation of government departments and/or independent agencies to handle regulatory matters, with day to day operation of the business firmly in the hands of the TO. This separation is often supported by the conclusion of management contracts between the State and the TO.

The 1995 Commission Communication on the Status and Implementation of Directive 90/388/EEC<sup>52</sup> stated, however, that "the degree of separation between these [i.e. the

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<sup>49</sup> Commission Directive of 16 May 1988 on competition in the markets in telecommunications equipment (88/301/EEC; OJ L131/73, 27.05.88)

<sup>50</sup> Commission Directive of 28 June 1990 on competition in the markets for telecommunications services (90/388/EEC; OJ L192/10, 24.07.1990)

<sup>51</sup> The Directive, by defining very narrowly the scope of the monopoly over "voice telephony", has also liberalised voice telephony services other than those provided for the general public (e.g. voice service for corporate communications or so-called closed user groups)

<sup>52</sup> OJ C 275/2, 20.10.1995

national regulatory authorities] and those of operator functions is still not sufficiently clear in at least 5 Member States"<sup>53</sup>. For this reason, the Commission has proposed further measures in the ONP context to deal with this issue (see section III.B.7).

### III.A.3 Satellite communications

Building on the large consensus achieved on the basis of the Satellite Green Paper (section II.B), the Commission adopted in October 1994 a Directive abolishing special and exclusive rights for the provision of satellite services and equipment<sup>54</sup>.

According to this Directive, licensing and declaration procedures may only be justified by the compliance with essential requirements, including avoidance of harmful interference and effective use of frequency spectrum. Licences must be granted pursuant to objective, proportional and non-discriminatory criteria.

### III.A.4 Cable television networks

The Commission has adopted in October 1995 a Directive lifting restrictions on the use of cable TV networks throughout the Union for the carriage of already liberalised telecommunications services (all telecommunications services except public voice telephony)<sup>55</sup>.

This Directive aims, in particular, to allow new multi-media telecommunications services to be carried out on cable TV networks throughout the European Union by 1 January 1996.

In many of the Member States, existing national regulation still restricts use of cable TV networks to simple, one-way television broadcasting services. These regulatory restrictions thus effectively prevent cable TV operators from offering carriage or provision of any of the new interactive multimedia services. The main goal of the Directive is to lift those restrictions in order to encourage investment and foster pilot projects and new initiatives in this field. Examples of such new services include: tele-shopping and tele-transaction packages, interactive games and education services, on-line databases including detailed/moving images.

Lifting restrictions on cable TV network usage should also introduce means for all telecommunications service providers to gain access to end costumers (instead of relying

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<sup>53</sup> The need for independence between regulatory and operational functions has been recently emphasised by the judgement of 9 November 1995 of the Court of Justice on the case 91/94 (legal proceeding against Thierry Tranchant and Telephone Store SARL)

<sup>54</sup> Commission Directive of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications (94/46/EEC; OJ L 268/15, 19.10.1994)

<sup>55</sup> Commission Directive of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalised telecommunications services (95/51/EC; OJ L 256/49, 26.10.1995)

exclusively on the monopoly telecommunications operator), permitting a lowering of costs.

### III.A.5 Mobile communications

Building on the large consensus achieved on the basis of the Mobile Green Paper (section II.G), and in particular the support of Council and the European Parliament to abolition of special and exclusive rights in the mobile sector, the Commission adopted in January 1996 a Directive amending the Services Directive to include mobile communications<sup>56</sup> which had so far been specifically excluded from its scope.

Besides the abolishment of special and exclusive rights, the Commission's Directive provides for an early liberalisation of infrastructures and the right for mobile operators to directly interconnect<sup>57</sup>. The Commission considered that the lack of progress on these issues would effectively slow down the development of the mobile and personal communications to the detriment of Europe and its industry.

### III.A.6 Public voice telephony and infrastructure

Following the political agreement among Member States to liberalise all telecommunications services (including voice telephony) and telecommunications infrastructure by 1st January 1998, with transition periods for certain Member States (see sections II.D and II.H above), the Commission has adopted in February 1996 a Directive amending the Services Directive (90/388/EEC)<sup>58</sup>.

This Directive calls on Member States to take the necessary steps before 1998 in order to ensure that markets are fully open by the agreed deadline<sup>59</sup>. In addition, it specifies that restrictions on use of alternative infrastructure for services already liberalised should be lifted by 1 July 1996<sup>60</sup>, and that licensing conditions and interconnection rules should be set down by 1997. In particular, the Directive fixes the basic principles for licensing new entrants to both voice telephony and telecommunications infrastructure markets by 1998. The principles not only safeguard the introduction of competition into these areas, but also allow for the required measures for safeguarding universal service in the Member States.

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<sup>56</sup> Commission Directive of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications (96/2/EC; OJ L 20/59, 26.01.1996)

<sup>57</sup> With the possibility of up to five years transition periods for Member States with less developed networks

<sup>58</sup> Commission Directive of 28 February 1996 amending Commission Directive 90/388/EEC regarding the implementation of full competition in telecommunications markets (96/19/EC, OJ L 74/13, 22.03.1996)

<sup>59</sup> With the possibility of transition periods of up to five years for Member States with less developed networks and up to two years for Member States with very small networks

<sup>60</sup> With the possibility of the same transition periods

The purpose of this Directive is to create early certainty with regard to national legislation and the rights and obligations of market players in the liberalised telecommunications environment. Its provisions aim to give full effect to the commitment to the 1998 date for full liberalisation.

### **III.B. Open Network Provision: The framework for Europe-wide regulatory principles**

#### **III.B.1 ONP Framework**

An essential complement to service liberalisation was seen in the 1987 Green Paper as the establishment of a framework for harmonisation which would serve to ensure open access to the network resources and services still provided under restrictive arrangements or subject to monopoly provision, whilst at the same time harmonising the methods and conditions of access to remove barriers to pan-European supply of services and equipment.

The so-called Open Network Provision (ONP) Framework Directive<sup>61</sup> sets out this framework. It establishes the need for harmonised conditions of access to public networks and services, concerning technical interfaces, usage conditions and tariffing principles, according to defined principles of objectivity, transparency and non-discrimination.

It further set a timetable for action, identifying the need for the specific ONP Directives and Recommendations which have now been adopted:

- a Directive on application of ONP to leased lines (see section III.B.2 below);
- a Directive on the application of ONP to voice telephony (see section III.B.3 below);
- Recommendations on application of ONP to public switched data services and ISDN (integrated services digital network) (see sections III.B.4 and III.B.5 below).

Under the current ONP Framework Directive, European standards drawn up as a basis for harmonised technical interfaces and/or service features suitable for open network provision are published in the Official Journal of the European Communities. The fourth issue of the ONP list of standards, covering the areas of leased lines, packet-switched data services, ISDN and candidate technical interfaces for switched broadband networks, was published in October 1995<sup>62</sup>.

A range of studies have been carried out for the Commission in a number of areas identified by the ONP Framework Directive as potential candidates for further application of ONP. These have addressed, in particular, the areas of intelligent networks; network

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<sup>61</sup> Council Directive of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision (90/387/EEC; OJ L192/1, 24.07.1990)

<sup>62</sup> Telecommunications: open network provision ONP list of standards (fourth issue) (95/C 266/02; OJ C 266/2, 13.10.1995)

management; the local loop; metropolitan area networks, frame relay and advanced transmission networks and services; mobile telephony, mobile data networks and paging services; audible tones in the voice telephony service; and new ISDN interfaces. The results of these studies have been made subject by the Commission to a public consultation which took place during the period from August to October 1994. The outcome of this public consultation has been taken into account by the Commission in further work in the ONP context.

More recently, studies in the context of ONP have addressed the issues of interconnection and cost accounting methodologies, providing input to the proposed Interconnection Directive (see section III.B.6 below).

The Commission has proposed in November 1995 the adaptation of the ONP Framework Directive and the ONP Leased Lines Directive to the future full liberalisation of telecommunications<sup>63</sup> (see also next section).

The proposed future ONP environment continues to address the harmonisation of conditions for access to and use of public telecommunications networks and services. It provides for a voluntary approach by the market players in a competitive context, whilst recognising the key importance of maintaining and developing universal service and the need for mandatory requirements in those areas where market forces alone may not be enough to meet European policy goals.

It will aim at effective structural separation between national regulatory authorities and activities associated with ownership or control of telecommunications networks, equipment or services, in the case where Member States decide to retain ownership or a significant degree of control of organisations providing telecommunications networks and/or services (see also section III.A.2).

It will further ensure that the principle of cost orientation continues to provide an objective basis for the rebalancing of telecommunications tariffs, whilst acknowledging that the need to apply the requirement for cost orientation in a competitive market diminishes.

ONP measures will apply to organisations providing public telecommunications networks and/or services in a way that reflects an organisation's position in the relevant market. The entities covered are set in the specific ONP Directives (Leased Lines, Voice Telephony and Interconnection).

This proposal is currently being discussed with the Council and the European Parliament, and its adoption is expected in the course of this year, with a view to be implemented in Member States in good time before full liberalisation in 1 January 1998.

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<sup>63</sup> Proposal for a European Parliament and Council Directive amending Council Directives 90/387/EEC and 92/44/EEC for the purpose of adaptation to a competitive environment in telecommunications, COM (95) 543 final, 14.11.1995

### III.B.2 Leased lines

The Directive on the application of ONP to leased lines<sup>64</sup>, adopted by Council in June 1992 aims to ensure the availability throughout the Union of a minimum set of analogue and digital leased lines up to 2 Mbit/s with harmonised technical characteristics, with the intention to consider higher-rate leased lines as the market develops. It also aims at eliminating technical restrictions for the interconnection between leased lines and public telecommunications networks.

Additional relevant provisions concern:

- availability of information on technical characteristics, tariffs, supply and usage conditions, licensing and declaration requirements, and conditions for the attachment of terminal equipment;
- establishment of common ordering and billing procedures throughout the Union;
- implementation of cost accounting systems by TOs in order to assess compliance with the basic principle of cost orientation of tariffs;
- setting up of a conciliation procedure involving the Commission to deal with disputes related with the implementation of the Directive to be used when requested by users.

This Directive will be adapted to the future competitive environment through a proposed amending Directive currently under discussion (see previous section).

### III.B.3 Voice telephony

The Directive on the application of ONP to voice telephony services<sup>65</sup>, adopted by the European Parliament and Council in December 1995, aims to establish the rights of users, to improve access to the public telephone network infrastructure for all users (including service providers), and to enhance Community-wide provision of voice telephony services.

The scope of this Directive goes further than the ONP Directive on leased lines, including additional provisions, mostly arising from the bigger social nature of the voice telephony service. These consist in:

- definition at national level of targets for supply time and quality of service;
- provision of advanced facilities;
- discounts, low-usage schemes and other specific tariff provisions;
- availability of itemised billing;

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<sup>64</sup> Council Directive of 5 June 1992 on the application of open network provision to leased lines (92/44/EEC; OJ L165/27, 19.06.92)

<sup>65</sup> European Parliament and Council Directive of 13 December 1995 on the application of open network provision (ONP) to voice telephony (95/62/EC; OJ L 321/6, 30.12.1995)

- access to and use of directory services;
- provision of public pay-telephones;
- harmonisation of telephone pre-payment cards;
- specific conditions for disabled users and people with special needs;
- numbering issues.

A proposal for adaptation of the ONP Voice Telephony Directive to a competitive environment will be made by the Commission in the Summer of 1996, as for the ONP Framework and Leased Lines Directives (see section III.B.1 above).

#### **III.B.4 Packet-switched data services**

The Council Recommendation on the application of ONP to public packet-switched data services (PSDS)<sup>66</sup>, adopted in June 1992, calls upon Member States to ensure that on their territory a minimum set of packet-switched data services with harmonised technical characteristics is provided, taking into account market demand. This Recommendation also deals with transparency of information, harmonised tariff principles and quality of service issues.

#### **III.B.5 ISDN**

The Council Recommendation on the application of ONP to ISDN<sup>67</sup>, adopted in June 1992, calls upon Member States to ensure that on their territory an ISDN with harmonised access arrangements and a minimum set of ISDN offerings according to ETSI standards is provided, together with adequate and efficient interoperability between ISDNs in order to allow for Community-wide operation. As for PSDS, this Recommendation also deals with transparency of information, harmonised tariff principles, quality of service issues and, in addition, numbering.

#### **III.B.6 Interconnection**

Interconnection is seen as a key element in the future competitive environment, allowing new market entrants access to existing end-users, on a basis which will encourage increased investment and market growth in the telecommunications services sector, within a predictable and stable regulatory environment.

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<sup>66</sup> Council Recommendation of 5 June 1992 on the harmonised provision of a minimum set of packet-switched data services (PSDS) in accordance with open network provision (ONP) principles (92/382/EEC; OJ L200/1, 18.07.92)

<sup>67</sup> Council Recommendation of 5 June 1992 on the provision of harmonised integrated services digital network (ISDN) access arrangements and a minimum set of ISDN offerings in accordance with open network provision (ONP) principles (92/383/EEC; OJ L200/10, 18.07.92)



The Commission's Communication on the present status and future approach for open access to telecommunications networks and services (ONP) of November 1994<sup>68</sup> has favoured an effective interconnection framework based primarily on commercial negotiation, supported by a common regulatory framework at a European level and effective mechanisms to resolve disputes. The Commission's report on the consultation on the Infrastructure Green Paper and the Council and European Parliament Resolutions on the implementation of the future regulatory framework for telecommunications (section II.H) revealed strong support for such an approach.

On these grounds, the Commission has put forward a proposal for a Directive on interconnection<sup>69</sup> reflecting these concepts.

The objectives of this proposal are to ensure open access to networks and services, and to guarantee the rights of market players to obtain interconnection with the networks and services of others where this is reasonably justified.

The proposed harmonised framework for interconnection will be characterised by:

- application of the open network provision principles of transparency, objectivity, and non-discrimination, in accordance with the principle of proportionality;
- priority given to commercial negotiations between interconnecting parties while reserving some conditions to be set a priori by national telecommunications regulatory authorities;
- clear responsibilities for national regulatory authorities, in accordance with the principle of subsidiarity, including effective mechanisms for dispute resolution.

The proposed Directive aims to strike an appropriate balance between the rights and obligations of players in accordance with their relative positions in the market. For this reason, the Directive provides for public telecommunications networks operators and public telecommunications services providers which are in a position to control the customer's access to other service providers (and by extension, other service providers' access to customers) to have an obligation to interconnect with other organisations in the same category, on a non-discriminatory basis, in order to ensure national and European-wide services. Such organisations generally have rights of access to national resources, such as rights to lay cables on public highways, rights to the use of radio frequencies, or rights to use numbers or numbering ranges from the national numbering plan.

In addition, organisations who also have significant market power would be assigned certain obligations, in particular, those aimed at compensating for an imbalance in negotiating power with much smaller new market entrants. Significant market power may be defined in terms of a number of factors which may be considered separately or

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<sup>68</sup> COM(94) 513 final, 29.11.1994

<sup>69</sup> Proposal for a European Parliament and Council Directive on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP) (OJ C 313/7, 24.11.1995)

in combination, such as size, market share, degree of vertical integration, ability to act independently of their competitors, control of scarce resources, any privileges with respect to other market players, etc. Obligations for these types of organisations would include requirements for published interconnect price lists, for cost-oriented interconnection tariffs supported by transparent cost-accounting systems, and for accounting separation in certain cases.

The proposed Directive also describes the conditions governing mechanisms Member States may implement for the sharing of any burden associated with the provision of universal service (see section II.F). A burden associated with universal service obligations may be shared, either by assuming directly a share of those obligations, or by making appropriate financial contributions, a choice sometimes referred to as 'pay-or-play'. The proposed Directive stresses the need for transparency in the calculation of the net cost associated with universal service in cases where market players are required to make financial contributions.

A common position on this proposal was reached in the Telecommunications Council of 21 March 1996. Final adoption of this Directive is expected in the course of this year, with a view to be implemented in Member States in good time before full liberalisation in 1 January 1998.

### III.C. Licensing

The Commission adopted on 14 November 1995 a proposal for a Directive on a common framework for general authorisations and individual licences in the field of telecommunications services<sup>70</sup>. This proposal replaces two previous proposals, one on the mutual recognition of licences and other national authorisations for telecommunications services, such as amended in 1994<sup>71</sup>, the other on a policy for the mutual recognition of licences and other national authorisations for the provision of satellite network services and/or satellite communications services (see section III.D.2).

The proposal goes beyond the objectives of ensuring full, Union-wide competition and harmonising national legislation; it also reflects the role of authorisation regimes in imposing rights and obligations and in monitoring markets and defers to the need to contribute to the establishment of trans-European telecommunications networks.

In an open environment, telecommunications operators have to comply with a number of requirements relating both to predominantly technical issues (essential requirements) as well as to public interest objectives. Authorisation regimes provide an appropriate means to supervise access to the market and to monitor compliance with the requirements which are imposed on operators. At the same time it has become clear that the development of competition will be served best by authorisation regimes which do not impose undue burdens on operators, whether through conditions or through procedures.

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<sup>70</sup> COM (95) 545 final, 27.11.1995

<sup>71</sup> COM (92) 254 final and COM (94) 41 final

The key elements of the proposal are:

- No requirement to have authorisation regimes

Member States who wish to authorise services or networks without any conditions or formalities can do so, or apply registration rather than authorisation procedures.

- No *a priori* limitation of the number of licences

In line with the Commission's Article 90 Directive leading to full competition for telecommunications services and infrastructure (section III.A.6), the number of authorisations granted in a Member State should only be limited in relation to physical infrastructure, as opposed to service provision, on the basis of the efficient use of radio spectrum, and should be subject to review at reasonable intervals.

- Light regimes; wide scope for general authorisations as opposed to individual licences

The proposal requires the *lightest possible* authorisation regimes, in order to ensure the efficient development of the sector. The proposal sets out an exhaustive list of conditions which can be included in authorisations. It includes a procedure which allows the Commission to examine the justification and proportionality of licensing conditions and procedures.

Where possible, preference must be given to the establishment of a priori rules (*general authorisations*) to give effect to public interest requirements. These rules will include all conditions linked to e.g. compliance with essential requirements, consumer protection, provision of emergency services and services to the disabled, financial contributions to the provision of universal service, interconnection. The effect of these general authorisations is to allow operators to obtain market access without having to apply for an individual permit; since the conditions will be defined a priori, they can more easily plan operations in several Member States.

*Individual licences* are envisaged as an addition to the general authorisation, for issues which cannot be dealt with by general rules. That is the case for

- access to scarce resources (frequencies, rights of way);
- infrastructure to third countries;
- obligations relating to the mandatory provision of telecoms services or to the control of significant market power.

- Reconciling continued licensing by Member States and the establishment of a single market

In line with the principle of subsidiarity, the granting of authorisations will be the responsibility of Member States. As set out above, the emphasis on general authorisations will facilitate the extension of operations across the Community.

Yet the obligations set out in authorisations could differ significantly between Member States. Operators could be faced with a situation in which they have to adapt their services or networks to different regulatory obligations in order to provide a service or infrastructure in several Member States. The proposal therefore provides for the

*harmonisation* of general authorisations and individual licensing conditions, building on the possibility of involving relevant organisations in which Member States cooperate under the CEPT umbrella<sup>72</sup> in the technical preparation of harmonised conditions. The provision of a *one-stop shopping procedure* is useful to facilitate simultaneous applications for and granting of individual Member State licences.

Operators intending to provide trans-European telecommunications systems will benefit from a mechanism requiring Member States to *coordinate* procedures for cross-border networks and services, allowing operators to obtain authorisations on substantially the same conditions in the Member States concerned.

Reflect the international dimension of telecommunications

The Community market will be open to operators from third countries. Where there is a significant imbalance in market access opportunities, the proposal provides for negotiations with the third country concerned to correct that imbalance and, where necessary, for the Council to exempt Member States from obligations laid down by the directive in relation to operators from the third country concerned. This provision is without prejudice to the commitments which may be agreed in the context of the World Trade Organisation [WTO] (negotiations to end in April 1996). A specific review of access opportunities to third country markets is provided by 1999.

### III.D. Mobile and Satellite communications

#### III.D.1 Mobile communications

In response to the imperatives of the internal market, specific measures were taken as early as 1987 to promote the Union-wide introduction of GSM (Global System for Mobile communications, the European digital cellular communication system), DECT (European digital cordless communications) and ERMES (European digital radio-messaging system). Council Directives were adopted to set out common frequency bands to be allocated in each Member State to ensure pan-European operation<sup>73</sup>, together with Council

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<sup>72</sup> The Commission has concluded a Memorandum of Understanding with the European Committee for Telecommunications Regulatory Affairs [ECTRA], an intergovernmental organisation comprising EU Member States as well as other European states, including from Central and Eastern Europe. Under that Memorandum the Commission entrusts certain work orders, in particular in relation to the harmonisation of licensing conditions, to ECTRA's European Telecommunications Office [ETO]. That organisation has also set up a one-stop shopping procedure to which reference is made below.

<sup>73</sup> Council Directive of 25 June 1987 on the frequency bands to be reserved for the co-ordinated introduction of public pan-European cellular digital land-based mobile communications in the European Community (87/372/EEC; OJ L 196/85, 17.07.1987) (GSM); Council Directive of 9 October 1990 on the frequency bands designated for the co-ordinated introduction of pan-European land-based public radio paging in the Community (90/544/EEC; OJ L 310/28, 09.11.1990) (ERMES); and Council Directive of 3 June 1991 on the frequency bands designated for the co-ordinated introduction of digital European cordless telecommunications (DECT) into the Community (91/287/EEC; OJ L 144/45, 08.06.1991)

Recommendations promoting the co-ordinated introduction of services based on these systems<sup>74</sup>.

Following the results of the consultation on the Mobile Green Paper (see section II.G), the Commission adopted in January 1996 a Directive amending the Services Directive to include mobile communications<sup>75</sup> (see section III.A.5).

### III.D.2 Satellite communications

As a consequence of the Satellite Green Paper (section II.B), a Directive introducing mutual recognition for type approval of satellite earth-station equipment was adopted by Council in October 1993<sup>76</sup> (see section III.G).

Another consequence of the Satellite Green Paper was the adoption by the Commission in October 1994 of a Directive abolishing special and exclusive rights for the provision of satellite services and equipment<sup>77</sup> (see section III.A.3).

Also as a result of the Satellite Green Paper, the Council adopted in December 1994 a Resolution on provision of, and access to, space segment capacity<sup>78</sup>, following a Communication of the Commission on the subject<sup>79</sup>. The Commission is presently seeking the implementation of appropriate solutions to ensure multiple signatory and direct access arrangements with the intergovernmental satellite organisations, in particular EUTELSAT, INTELSAT and INMARSAT.

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<sup>74</sup> Council Recommendation of 25 June 1987 on the co-ordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (87/371/EEC; OJ L 196/81, 17.07.1987), and Council Resolution of 14 December 1990 on the final stage of the co-ordinated introduction of pan-European land-based public digital mobile cellular communications in the Community (GSM) (90/C329/09; OJ C 329/25, 31.12.1990); Council Recommendation of 9 October 1990 on the co-ordinated introduction of pan-European land-based public radio paging in the Community (90/543/EEC; OJ L 310/23, 09.11.1990) (ERMES); and Council Recommendation of 3 June 1991 on the co-ordinated introduction of digital European cordless telecommunications (DECT) into the Community (91/288/EEC; OJ L 144/47, 08.06.1991)

<sup>75</sup> Commission Directive of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications (96/2/EC; OJ L 20/59, 26.01.1996)

<sup>76</sup> Council Directive of 29 October 1993 supplementing Directive 91/263/EEC in respect of satellite earth station equipment (93/97/EEC; OJ L 290/01, 24.11.1993)

<sup>77</sup> Commission Directive of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications (94/46/EEC; OJ L 268/15, 19.10.1994)

<sup>78</sup> Council Resolution of 22 December 1994 on further development of the Community's satellite communications policy, especially with regard to the provision of, and access to, space segment capacity (94/C 379/04; OJ C 379/5, 31.12.1994)

<sup>79</sup> Communication from the Commission to the Council and the European Parliament on satellite communications: the provision of - and access to - space segment capacity, COM (94) 210 final, 10.06.1994

In the light of the growing importance of satellite personal communications, in particular through systems comprising low-earth orbiting satellites (LEOs), the Commission produced in April 1993 a Communication on this subject<sup>80</sup>. On the basis of this Communication, the Council adopted in December 1993 a Resolution<sup>81</sup> emphasising the importance of developing a Community policy in this area and inviting the Commission, among other things, to investigate the significance of satellite personal communications in the formulation of Union policies for telecommunications, space, trade, industry and regional development, and, where necessary, to propose appropriate measures and/or actions.

On 8 November 1995, the Commission adopted a proposal for a Decision on an action in the field of satellite personal communications services (PCS)<sup>82</sup> with the aim of the common selection by the end of 1996 of satellite systems for such services and the adoption of harmonised conditions for services, equipment, interconnection, numbering and gateway access.

The Commission considers in that proposal that it is urgent and timely to agree to a common approach to selection and authorisation of satellite PCS in the Union, fully responding to the goals and objectives set out by Council and Parliament in Resolutions, and allowing the Member States to issue relevant authorisations for the provision of satellite personal communications services on the basis of co-ordinated national regulatory conditions and criteria, taking due account of the interests of European industry and users.

This proposal is currently being discussed with the Council and the European Parliament, and its adoption is expected in the course of this year.

The previous proposal for a Directive on the mutual recognition of satellite services licences<sup>83</sup> was replaced by the proposed Directive on a common framework for general authorisations and individual licenses in the field of telecommunications services (see section III.C).

### III.D.3 The evolution towards UMTS

Mobile and personal communications is set to become an essential building block of the Information Society and of emerging Global Information Infrastructures. Major programmes are underway and further initiatives have been announced, with the US and Japan getting increasingly involved in this market segment in an attempt to regain some of the ground lost with the successful development of GSM on the world market.

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<sup>80</sup> Communication from the Commission on satellite personal communications, COM(93) 171 final, 27.04.1993

<sup>81</sup> Council Resolution of 7 December 1993 on the introduction of satellite personal communications services in the Community (93/C 339/01; OJ C 339/01, 16.12.1993)

<sup>82</sup> Proposal for a European Parliament and Council Decision on an action in the field of satellite personal communications services in the European Union, COM(95)529 final, 07.11.1995

<sup>83</sup> Proposal for a European Parliament and Council Directive on a policy for the mutual recognition of licences and other national authorisations for the provision of satellite network services and/or satellite communications services, COM(93) 653 final, 04.01.1994

The further development of the sector is of vital importance for Europe and its industry and for its ability to compete on the world market. Mobile and personal communications are growth sectors which do not only offer a great innovation potential but also allow new entrants to quickly establish themselves a position in the market.

The Mobile Green Paper (see section II.G) already identified the continued support for the evolution towards personal communications and the need to ensure a smooth transition towards UMTS<sup>84</sup> as important pre-requisites for providing Europe with a long-term perspective. The propositions made were broadly endorsed in the consultation on that Green Paper and supported by the European Parliament and the Council.

Today, there is a broad consensus among the main industry players that Europe needs a common high level strategy on the further development of mobile and personal communications in view of their pivotal role in building Global Information Infrastructures. Like with GSM, important licensing and frequency matters will need to be addressed at an early stage to create the favourable conditions necessary for mobilising the private capital required for innovation and development and for allowing the necessary partnerships to emerge.

In accordance with the political mandate given by the European Parliament and the Council in their Resolutions on this subject, the Commission has initiated the set up of a UMTS Forum<sup>85</sup>. The main objective of the Forum is to contribute to the elaboration of a European policy for mobile and personal communications based on an industry wide consensus view. At the same time, a standardisation road map for UMTS is set out by an Expert Group under the auspices of the ETSI Programme Advisory Committee.

### III.E. Co-ordination of frequencies

As a high priority in relation to the aims of the internal market and the stimulation of new services, in particular, mobile services, within the Union, specific policy goals have been established in relation to the vital spectrum resource. One aspect of this included the adoption of Council Directives on the establishment of common frequency bands to be allocated in each Member State to ensure pan-European operation<sup>86</sup> (section III.D.1).

In June 1990, the Council set the ground for establishment of a coherent Europe-wide framework for frequency co-ordination, calling for the strengthening of co-operation

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<sup>84</sup> The Universal Mobile Telecommunications System

<sup>85</sup> Its set up was supported by the UMTS Task Force in their report "The road to UMTS", Brussels 1 March 1996. The first meeting of the UMTS Forum took place on 29 February 1996.

<sup>86</sup> Council Directive of 25 June 1987 on the frequency bands to be reserved for the co-ordinated introduction of public pan-European cellular digital land-based mobile communications in the European Community (87/372/EEC; OJ L 196/85, 17.07.1987) (GSM); Council Directive of 9 October 1990 on the frequency bands designated for the co-ordinated introduction of pan-European land-based public radio paging in the Community (90/544/EEC; OJ L 310/28, 09.11.1990) (ERMES); and Council Directive of 3 June 1991 on the frequency bands designated for the co-ordinated introduction of digital European cordless telecommunications (DECT) into the Community (91/287/EEC; OJ L 144/45, 08.06.1991)

procedures based on CEPT<sup>87</sup> mechanisms and the establishment of procedures for consultation of all interested parties<sup>88</sup>. Close co-ordination with the CEPT fora supports the emergence of truly pan-European solutions in fields such as frequencies and numbering (see the following section) allowing a coverage of now 43 European States.

Responding to this initiative, a number of important steps have been taken by the CEPT European Radiocommunications Committee (ERC) in the area of frequency co-ordination. These include the setting up, under the ERC, of a European Radiocommunications Office (ERO) in Copenhagen, and the adoption, in October 1992, of a mechanism under which commitments would be secured from CEPT members to implement ERC 'Decisions' concerning radiofrequencies.

The Council affirmed its support for the CEPT method of co-operation as the primary means of Europe-wide frequency co-ordination in November 1992<sup>89</sup>, requesting that the Commission give its full consideration to this mechanism.

By way of response the Commission adopted in September 1993 a Communication on a new approach to the coordination of radio frequencies in the Community and a proposal for a Council Decision on the implementation by the Member States of measures concerning radio frequencies<sup>90</sup>, setting out the principles governing Union action and Commission proposals on radio frequencies. These are linked to meeting communications needs in the single market, achieving community-wide markets for radio equipment and services, and ensuring common Community positions at global coordination conferences. Applying the subsidiarity principle to the coordination of radio frequencies, the Communication stipulates that the Community may decide to abstain from regulation on the basis of the internal market in favour of an international agreement either at the European (CEPT) or global (ITU) level, but the Commission nevertheless reserves the right to propose Community legislative measures in case national binding measures are not implemented by the Member States. The Council has not adopted the proposal for a Decision which, at this point in time, is officially still pending.

In the meantime, the relationship of the Commission with the CEPT institutions has been formalised - a MoU with the ERC and a framework contract under which the Commission can entrust technical work to the ERO were signed in April 1994. As a result of this agreement, a number of Work Requirements have now be given to ERC/ERO, concentrating in particular on the designation of harmonised European frequency bands for DCS 1800 services, the TETRA system, Terrestrial Digital Audio Broadcasting and UMTS.

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<sup>87</sup> The European Conference of Postal and Telecommunications Administrations

<sup>88</sup> Council Resolution of 28 June 1990 on the strengthening of the European-wide co-operation on radio frequencies, in particular with regard to services with a pan-European dimension (90/C 166/02; OJ C 166/4, 07.07.1990)

<sup>89</sup> Council Resolution of 19 November 1992 on the implementation in the Community of European Radiocommunications Committee decisions (92/C 318/01; OJ C 318/1, 04.12.1992)

<sup>90</sup> COM(93) 382 final, 10.09.93



While reaffirming its position that ERC Decisions are the primary method for the provision of frequencies in Europe, the Council, in its conclusions of 7 December 1993, invited the Commission to submit a report on the evaluation of the 'ERC Decision mechanism'. In April 1995, the Commission adopted a Communication<sup>91</sup> on this subject in which it is concluded that, pending the completion of the Work Requirements submitted by the Commission to the ERO on, in particular, DCS-1800 and TETRA, the development and adoption of related ERC Decisions for the required frequency bands for these systems, and the results of the World Radiocommunications Conference 1995, the Commission will produce a follow-up Communication towards the end of 1995.

The Communication on the CEPT/ERC Decision mechanism has not yet been discussed by the Council. However, the Commission will continue to closely scrutinise and report on the CEPT/ERC framework for the coordination of radio frequencies in Europe in order to secure the further development of the mobile, personal, and satellite communications services sector in the European Union.

### III.F. Co-ordination of numbering

As for frequencies, specific legislation was adopted regarding the introduction of certain Europe-wide numbers, such as the 1991 Council Decision on a common emergency call number (112)<sup>92</sup> and the 1992 Council Decision on a common international telephony access code (00)<sup>93</sup>.

The Council has, in a Resolution adopted in November 1992<sup>94</sup>, expressed the view that the overall future development of numbering schemes in a competitive pan-European environment is best co-ordinated, as for frequencies, in a Europe-wide context. The goals set out by the Council call for the development of a co-operation framework based on CEPT co-ordination mechanisms similar to that for radio-frequencies (see previous section).

In September 1994, a MoU and framework contract were signed with the CEPT European Committee for Telecommunications Regulatory Affairs (ECTRA) and the European Telecommunications Office (ETO) which has been set up under ECTRA. Under the framework contract, the Commission can entrust funded work to ETO in the area of numbering. In parallel, the European Numbering Forum (ENF) was established as an open forum for discussion and coordination on numbering matters in Europe between all industry players.

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<sup>91</sup> Communication from the Commission to the Council and the European Parliament on the evaluation of the CEPT/ERC Decision mechanism, COM(95) 85 final, 26.04.1995.

<sup>92</sup> Council Decision of 29 July 1991 on the introduction of a single European emergency call number (91/396/EEC; OJ L 217/31, 06.08.1991)

<sup>93</sup> Council Decision of 11 May 1992 on the introduction of a standard international telephone access code in the Community (92/264/EEC; OJ L 137/21, 20.05.1992)

<sup>94</sup> Council Resolution of 19 November 1992 on the promotion of Europe-wide co-operation on numbering of telecommunications services (92/C 318/02; OJ C 318/2, 04.12.1992)

The numbering work has progressed significantly over the last years with a favourable climate and a clear future agenda in ECTRA and ENF. But despite efforts, we lack clear decisions on for example the establishment of a European Telephony Numbering Space (ETNS). A major effort will be the preparation of numbering conventions for use by national Administrations when adapting national numbering schemes. These issues become increasingly urgent as numbering is a key enabler of the future liberal environment and the single market for pan-European services.

The regulatory basis for the framework stems from the requirement in a competitive environment for control of national numbering schemes to be the responsibility of national regulatory authorities. Regulatory numbering responsibilities are set out in the ONP Voice Telephony Directive (section III.B.3), the proposed Interconnection Directive (section III.B.6), and the Commission Directive on full liberalisation (section III.A.6).

### **III.G. Protection of data and privacy**

Commission proposals for a general Directive and a specific telecoms-related Directive on privacy and data protection were originally tabled in 1990. A revised proposal for the specific telecoms Directive was submitted by the Commission in June 1994<sup>95</sup>, but discussions within the Council on this draft were postponed until after the adoption of the general Directive. The latter has been formally adopted by the Council and the European Parliament in October 1995<sup>96</sup> and the debate on the specific Directive was resumed in July 1995. Within the current perspective, this Directive, aimed at specifying and elaborating for the telecommunications sector the general principles as established by the general Directive, should be adopted during 1996.

### **III.H. Mutual recognition of type approvals**

As a further measure to support an open Union-wide market for telecommunications terminals, the Council adopted in 1991 a Directive establishing procedures for Europe-wide type approval based on mutual recognition of national type approvals conformant with agreed European standards<sup>97</sup>. This allows terminal equipment which has been approved against European Common Technical Regulations (CTRs) based on harmonised European standards to be sold and used freely throughout the Union.

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<sup>95</sup> Amended proposal for a European Parliament and Council Directive concerning the protection of personal data and privacy in the context of digital telecommunications networks, in particular the Integrated Services Digital Network (ISDN) and digital mobile networks (OJ C 200/4, 22.07.1994)

<sup>96</sup> European Parliament and Council Directive of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (95/46/EC; OJ L 281/31, 23.11.1995)

<sup>97</sup> Council Directive of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity (91/263/EEC; OJ L128/1, 23.05.1991). Directive as amended by Council Directive 93/68/EEC, OJ L 220/1, 30.08.1993

The first CTRs were adopted on 28 September 1993 under this Directive. There are 12 CTRs which have been published in the Official Journal, with another 6 CTRs in the course of being published. Many more are being approved under the ETSI procedures or are being developed in the Technical Committees of ETSI.

The success of the type approval regime is heavily dependent on the development of CTRs and the success of the work by industry within ETSI. Support will continue to be given, pending adoption of full CTRs, to market-driven initiatives, such as the development of interim CTRs as a means of rapidly deploying new technologies and services on the market.

This Directive has been supplemented with respect to satellite earth-station equipment by another Directive adopted by Council in October 1993<sup>98</sup>. The first common technical regulations should soon be available for the full application of this Directive.

Work has begun on the preparation of a European Parliament and Council Directive which will further simplify the procedures used for terminal equipment type approval, and which will supersede the existing mutual recognition Directives.

### III.I. Procurement

Procedures for procurement of telecommunications equipment and services by entities operating under special and exclusive rights in the telecommunications sector are laid down according to the provisions of a Directive<sup>99</sup> covering the water, energy, transport and telecommunications sectors which came into force on 1 January 1993. This Directive has been superseded by a new procurement Directive<sup>100</sup> in July 1994, which extends the scope of procurement procedures to include also award of service contracts.

It provides that in respect of product supply and services contracts above 600,000 ECU, sufficient publicity should be given through publication of a tender notice in the Official Journal of the EC and that contracts should be attributed according to transparent criteria. It aims particularly at avoiding discrimination in favour of "national champions".

Provisions to ensure effective application of the procurement legislation are contained in the so-called Remedies Directive<sup>101</sup>.

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<sup>98</sup> Council Directive of 29 October 1993 supplementing Directive 91/263/EEC in respect of satellite earth station equipment (93/97/EEC; OJ L 290/01, 24.11.1993)

<sup>99</sup> Council Directive of 17 September 1990 on procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (90/531/EEC; OJ L 297/1, 29.10.1990)

<sup>100</sup> Council Directive of 14 June 1993 co-ordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (93/38/EEC; OJ L 199/84, 09.08.1993)

<sup>101</sup> Council Directive of 25 February 1992 co-ordinating the laws, regulations and administrative provisions relating to application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (92/13/EEC; OJ L 76/14, 23.03.1992)

### III.J. Taxation issues

Differences in taxation arrangements concerning telecommunications services, in particular exemptions from payment and collection of VAT on telecommunications services offered by Telecommunications Organisations, may lead to major distortions to competition both within and between Member States. By the end of 1995 only in three Member (Germany, The Netherlands and Austria) these exemptions persisted. Meanwhile, Germany and the Netherlands have decided to withdraw such exemptions from 1 January 1996. Austria will have the legal obligation to also abolish such exemptions, on the basis of its accession treaty to the Community.

A Commission proposal for a Directive on harmonisation of taxation regimes in Member States<sup>102</sup> has been produced in July 1992. This is currently being discussed by the Council and the Parliament. The proposal aims at the removal of existing exemptions from VAT payments on certain products and services, including telecommunications services.

Under the current tax regime in the Community, most information and communication services are taxed by reference to the place of establishment of the service provider. Accordingly, companies which do not have their principal place of business or a permanent establishment in the EU are able to provide services to users in the Union without VAT being imposed on those services. This issue is currently being studied, and the Commission will, if necessary, be proposing the appropriate solutions to remove any obstacles to the competitiveness of the EU information and communication sector which the current VAT regime may impose.

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<sup>102</sup> COM(92) 215 final, 02.07.1992

## IV. PROMOTION ACTIVITIES

### IV.A. Trans-European Networks

The Treaty on European Union, in force since 1 November 1993, has added the establishment of Trans-European Networks as an important objective of the Union.

Title XII, Article 129b, of the Treaty on European Union provides that "*within the framework of a system of open and competitive markets, action by the Community shall aim at promoting the interconnection and interoperability of national networks as well as access to such networks*" and, in Article 129c, that "*the Community shall establish a series of guide-lines covering the objectives, priorities, and broad lines of measures envisaged in the sphere of trans-European networks. These guide-lines shall identify projects of common interest. The Community's activities shall take into account potential economic viability of the projects.*"

The Commission has stepped up the preparation of programmes for major trans-European network and service applications. In March 1993, the Commission proposed a multi-annual programme for Trans-European Networks between Administrations<sup>103</sup>. Proposals were also presented on the development of trans-European ISDN, the provision of digital service via the fixed network; and of broadband networks, the future basis of multi-media applications<sup>104</sup>.

As a result, a European Parliament and Council Decision on a set of guidelines for the development of the EURO-ISDN as a trans-European network<sup>105</sup> and a Council Decision on a Community contribution for telematic interchange of data between administrations in the Community (IDA)<sup>106</sup> were adopted in November 1995.

Telecommunications as a market with an extremely high rate of innovation requires an open market environment - as demonstrated in the discussion in the United States on its National Information Infrastructure initiative. Europe is also increasingly focusing at both a European and a national level on the need for an effective infrastructure base from which trans-European networks can be constructed and over which pan-European services can

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<sup>103</sup> Communication on Trans-European Data Communications Networks between Administrations and Proposal for a Council Decision on a series of guidelines for the development of Trans-European Data Communications Networks between Administration and Proposal for a Council Decision adopting a multi-annual Community programme to support the implementation of Trans-European Networks for the interchange of data between Administrations (IDA), COM(93), 12.03.1993

<sup>104</sup> Communication on preparatory actions in the field of TENs: Integrated Broadband Communications (TEN-IBC), COM(93) 372 final, 27.07.1993 and Commission Communication related to the development of the ISDN as a trans-European Network and Proposal for a Council Decision on a series of guidelines for the development of ISDN as a trans-European network and Proposal for a Council Decision adopting a multi-annual Community action concerning the development of ISDN as a trans-European network, COM(93) 347 final, 01.09.1993

<sup>105</sup> European Parliament and Council Decision of 9 November 1995 on a set of guidelines for the development of the EURO-ISDN as a trans-European network (2717/95/EC; OJ L 282/16, 24.11.1995)

<sup>106</sup> Council Decision of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA) (95/468/EC; OJ L 269/23, 11.11.1995)

be offered. This political priority was recognised in the Commission's White Paper on Growth, Competitiveness and Employment and has been given new impetus as a result of the Bangemann Group Report on the Information Society.

As a consequence of this, the Commission adopted in May 1995 a Communication on a methodology for the implementation of information society applications. This sets out a list of Community financial instruments to support trans-European networks:

- *Trans-European networks support mechanism.* This is intended to support the development of networks, as provided for in Title XII, Article 129c of the Union Treaty. For the period 1995-99 the Commission has earmarked an indicative sum of ECU 450 million for trans-European telecommunications networks;
- *Fourth Framework Programme of RTD (1994-98).* (See next section);
- *Structural Funds.* These represent a significant amount of funding: ECU 141 billion for the period 1994-99, i.e. one third of the Community budget. They do not contain any lines specifically designed to support the information society, but the Commission is currently drawing up a support framework to encompass likely future measures;
- *Cohesion Fund.* Four Member States are eligible for funding from this instrument, in addition to what they receive through the Structural Funds. There is a possibility of drawing on it, particularly for certain telematics applications;
- *European Investment Bank (EIB).* The EIB already finances telecommunications networks (15% of its loans portfolio) and will also be lending assistance to projects which help strengthen the internal market and economic and social cohesion.

Taken together, these Community initiatives are intended to create a virtuous circle of market supply and demand; the development of competition alone would not be enough to produce the necessary critical mass of investment in new networks and services.

#### **IV.B. Research programmes**

The concepts of liberalisation and research are complementary. Liberalisation is breaking down barriers for development and is creating the framework for re-deployment of capital of both public and private investors, as well as adjustment of pricing structures which will be indispensable for the fulfilment of the new demand patterns needed by the sector. Community programmes in research and network and service development can give a head-start for Europe in leading technologies, as Europe's successful bid for the digital mobile world market has shown.

The Fourth Framework Programme for research and development was adopted by the European Parliament and Council<sup>107</sup> and will run between 1995 and 1998. ECU 3,620 million has been set aside for information technologies, divided into three areas: telematic

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<sup>107</sup> Council Decision of 26 August 1994 adopting a specific research and technological development programme in the field of communication technologies (1995 to 1998) (94/572/EEC; OJ L 222/35, 26.08.1994)

applications (TELEMATICS programme - ECU 902 million), advanced communications technologies (ACTS programme - ECU 674 million) and information technologies (ESPRIT programme - ECU 2,044 million)

Following the successful implementation of the first three Framework Programmes for research and development, which were chiefly intended to establish a sound scientific and technological base, the fourth Framework Programme will focus on technological development and innovation, with the aim of making an effective contribution to competitiveness and sustainable industrial development and improving the quality of life.

The White Paper on growth, competitiveness and employment defines the aims of the Fourth Framework Programme as being to stimulate dissemination of the results of R&D and technological know-how throughout European industry, to provide training for highly skilled staff and set standards. Another important objective of the Fourth Framework Programme is to support small business development by facilitating access to and use of high technology, taking into account that small and medium-sized enterprises (SMEs) working in high technology sectors or applying advanced technologies are a significant source of creativity, growth and employment, and also that they may be too small to invest sufficiently in R&D.

Under the umbrella of the Fourth Framework Programme, the Commission in 1995 selected 500 actions and projects for funding under the ACTS (119 proposals for ECU 424 million EU funding) and Telematics Applications (381 proposals for ECU 478,5 million EU funding) programmes, covering: the development of advanced communications systems and infrastructures, and trials of the new services these make possible (ACTS); and applications of information and communications technologies in specific areas such as education and training, healthcare, the environment and transport, telematics, language and information engineering (Telematics Applications).

#### **IV.C. Promotion of content**

A number of actions are already being undertaken at EU level to create a favourable environment for the European content industry. These include the liberalisation of telecoms infrastructures and services, and the creation of a clear and stable legal framework in the area of intellectual property rights and privacy protection. In addition, initiatives to stimulate the development and implementation of new information and communication technologies are being carried out in the Fourth Framework Programme.

Europe needs to act quickly to ensure favourable conditions for the development of its content industry and to increase its global competitiveness. Likewise, the various actors involved in the content industry need to act quickly to exploit the opportunities that have started to emerge.

To complement the actions already taken, and specifically addressing the issue of content, on 30 June 1995 the Commission approved the proposal for a multi-annual Community programme, INFO2000. The new programme aims at encouraging Europe's information providers to develop new multimedia products and services and at stimulating user demand for these products and services. It will focus on the transition from print to electronic publishing and on the interactive multimedia services that are currently

emerging. The programme will run for a period of four years (1996-1999) with a proposed budget of 100 million ECU.

INFO2000 has three long-term strategic objectives:

- to facilitate the development of the European content industry.
- to optimise the contribution of new information services to growth, competitiveness and employment in Europe.
- to maximise the contribution of advanced information services to the professional, social and cultural development of the citizens of Europe.

In working towards those objectives, the needs of both users and producers will be addressed. The programme's activities will be implemented under three action lines:

- stimulating demand and raising awareness;
- exploiting Europe's public sector information;
- triggering European multimedia potential.

INFO2000 actions will target, in particular, small and new enterprises for whom the developing multimedia market creates a wealth of opportunities in terms of jobs and added value.

The range of potential participants in the programme will be wide, covering the diverse sectors that comprise the electronic information value chain. These include, on the supplier side, enterprises which create, develop, package and distribute information (in the form of data, text, sound and images) and those involved in end-user access. End-user participation will include large and small businesses, public sector administrations, professionals and individuals.

#### **IV.D. Advanced television**

In July 1993 the Council adopted an Action Plan setting forth future actions and development lines for the promotion of wide-screen television in the 16:9 format<sup>108</sup>. The Action Plan is an important positive outcome from the earlier HDTV policy, and concrete proposals thereon were set out in a Communication during the Autumn of 1993<sup>109</sup>.

The Plan seeks to kick-start the market by offering a Community contribution towards the extra costs of broadcasters and programme producers. The objective is to contribute to market penetration of receiver equipment by accelerating the development of services in

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<sup>108</sup> Council Decision of 22 July 1993 on an action plan for the introduction of advanced television services in Europe (93/424/EEC; OJ L196/48. 05.08.1993)

<sup>109</sup> Communication on Digital Audio Broadcasting: a Framework for Community Policy, COM(93) 557, 17.11.1993



16:9. It is a four-year programme running from June 1993 to June 1997, with an overall budget of 228 MECU.

So far, the response from broadcasters has been encouraging, with 35 services now funded in ten Member States and a total of 50,000 hours of wide-screen television broadcast at the end of 1995. The Action Plan shows signs of meeting its indicative target of "a critical mass of services" in EU markets. The important markets of France and Germany are well served, and sales of receivers are developing as broadcasting builds up.

The Directive of the European Parliament and the Council on the use of standards for transmission of television signals, adopted on 24 October 1995<sup>110</sup>, aims to set a light regulatory environment for digital television. The Directive requires that digital TV service use standardised transmission systems, without dictating the details of the particular standards. The Directive also sets some requirements on conditional access systems for digital television following intensive industry consultation with the DVB.

Now that this Directive is adopted, the necessary market clarity is in place to allow broadcasters and others to invest with confidence in services and equipment.

For some years Europe has been convinced that the best way to ensure that the transition from existing television systems to new advanced systems is achieved in a harmonious way was by fundamentally involving all parties relevant to the planning in the decision making process. For this reason, the Commission promoted the creation of the European Digital Video Broadcasting Project (DVB). The project has a membership of about 150 organisations active in the European market (broadcasters, manufacturers, satellite and cable operators, regulators) and interested in the launch of digital television service.

The DVB objective is to facilitate the market-led introduction of digital television service through agreement on standards and on other necessary elements. It develops technical specifications aimed at meeting the requirements of professional users, forwarding these to ETSI or CENELEC as appropriate for formal standardisation. Achievements to date include unanimous agreement on user requirements and technical specifications for satellite and cable digital television systems, for which ETSI standards have been adopted. A provisional set of user requirements and a provisional technical specification has also been agreed for digital terrestrial television systems, and certain aspects of interactive television are being investigated.

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<sup>110</sup> European Parliament and Council Directive of 24 October 1995 on the use of standards for the transmission of television signals (95/47/EC; OJ L 281/51, 23.11.1995)

## V. CONCLUSION

Since its inception in the mid-eighties, European Union telecommunications policy has been focused on the achievement of two main objectives: economic efficiency and general interest (e.g. guarantee of universal service). The achievement of these aims has been pursued through the application of a set of complementary principles: market liberalisation, harmonisation of conditions for a common regulatory framework, and promotion of European players in the World telecommunications market.

The development of this policy has involved a broad participation, including users, telecommunications operators, service providers, industry, trade unions and consumer organisations.

The Commission's White Paper on 'Growth, Competitiveness and Employment', with the full political support of Council, has placed the Union's telecommunications policy at the heart of the Union's general policy.

In its condition of White Paper's follow-up, the Bangemann Group Report on 'Europe and the global information society' has confirmed the Union's telecommunications regulatory agenda. The Report pleads for a break with the past, ending monopolies and making rapid progress towards a fully liberalised environment.

The conclusions of the Brussels G7 Summit on the Information Society noted in that respect that: *"the regulatory framework should put the user first and meet a variety of complementary societal objectives. It must be designed to allow choice, high quality services and affordable prices. It will therefore have to be based on an environment that encourages dynamic competition, ensures the separation of operating and regulatory functions as well as promotes interconnectivity and interoperability"*.

The regulatory framework promoted by the European Commission is intended to achieve those aims, in order to have a fully competitive telecommunications market on 1 January 1998. Beyond this date, the major challenge of the European policy will be to propose appropriate regulatory changes to take account of the convergence between the telecommunications, information technology and audiovisual sectors.

## ANNEX

### **Chronological list of EC Directives, Decisions, Resolutions and Recommendations in the field of telecommunications since 1984**

The documents listed hereafter have been officially adopted, which means that they are stable and will not be amended, although they may of course be superseded by later documents on the same subject :

COUNCIL RECOMMENDATION of 12 November 1984 concerning the implementation of harmonization in the field of telecommunications (84/549/EEC; OJ L298/49, 16.11.84)

COUNCIL RECOMMENDATION of 12 November 1984 concerning the first phase of opening up access to public telecommunications contracts (84/550/EEC; OJ L298/51, 16.11.84)

COUNCIL DECISION of 25 July 1985 on a definition phase for a Community action in the field of telecommunications technologies - R & D programme in advanced communication technologies for Europe (RACE) (85/372/EEC; OJ L210/24, 07.08.85)

COUNCIL RESOLUTION of 9 June 1986 on the use of videoconference and videophone techniques for intergovernmental applications (86/C 160/01; OJ C160/01, 27.06.86)

COUNCIL DIRECTIVE of 24 July 1986 on the initial stage of the mutual recognition of type approval for telecommunications terminal equipment (86/361/EEC; OJ L217/21, 05.08.86)

COUNCIL REGULATION of 27 October 1986 instituting a Community programme for the development of certain less-favoured regions of the Community by improving access to advanced telecommunications services (STAR programme) (3300/86/EEC; OJ L305/1, 31.10.86)

COUNCIL DIRECTIVE of 3 November 1986 on the adoption of common technical specifications of the MAC/packet family of standards for direct satellite television broadcasting (86/529/EEC; OJ L311/28, 06.11.86)

COUNCIL DECISION of 22 December 1986 on standardisation in the field of information technology and telecommunications (87/95/EEC; OJ L36/31, 07.02.87)

COUNCIL RECOMMENDATION of 22 December 1986 on the coordinated introduction of the Integrated Services Digital Network (ISDN) in the European Community (86/659/EEC; OJ L382/36, 31.12.86)

COUNCIL RECOMMENDATION of 25 June 1987 on the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (87/371/EEC; OJ L196/81, 17.07.87)

COUNCIL DIRECTIVE OF 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the European Community (87/372/EEC; OJ L196/85, 17.07.87)

COUNCIL DECISION of 5 October 1987 introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (87/499/EEC; OJ L285/35, 08.10.87)

COUNCIL DECISION of 14 December 1987 on a Community programme in the field of telecommunications technologies - research and development (R&D) in advanced communications technologies in Europe (RACE programme) (88/28/EEC; OJ L16/35, 21.01.88)

COMMISSION DIRECTIVE of 16 May 1988 on competition in the markets in telecommunications terminal equipment (88/301/EEC; OJ L131/73, 27.05.88)

COUNCIL RESOLUTION of 30 June 1988 on the development of the common market for telecommunications services and equipment up to 1992 (88/C 257/01; OJ C257/1, 04.10.88)

COUNCIL DECISION of 5 April 1989 amending Decision 87/499/EEC introducing a communications network Community programme on trade electronic data interchange systems (Tedis) (89/241/EEC; OJ L 97/46, 11.04.89)

COUNCIL RESOLUTION of 27 April 1989 concerning standardisation in the fields of information technology and telecommunications (89/C 117/01; OJ C117/1, 11.05.89)

COUNCIL DECISION of 27 April 1989 on high-definition television (89/337/EEC; OJ L142/1, 25.05.89)

COUNCIL DIRECTIVE of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (89/336/EEC; OJ L139/19, 23.05.89)

COUNCIL RESOLUTION of 18 July 1989 on the strengthening of the coordination for the introduction of the Integrated Service Digital Network (ISDN) in the European Community up to 1992 (89/C 196/04; OJ C196/4, 01.08.89)

COUNCIL DECISION of 7 December 1989 on the common action to be taken by the Member States with respect to the adoption of a single world-wide high-definition television production standard by the Plenary Assembly of the International Radio Consultative Committee (CCIR) in 1990 (89/630/EEC; OJ L363/30, 13.12.89)

COUNCIL RESOLUTION of 22 January 1990 concerning trans-European networks (90/C 27/05; OJ C27/8, 06.02.90)

COUNCIL RESOLUTION of 28 June 1990 on the strengthening of the European-wide cooperation on radio frequencies, in particular with regard to services with a pan-European dimension (90/C 166/02; OJ C 166/4, 07.07.90)

COUNCIL DIRECTIVE of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision (90/387/EEC; OJ L192/1, 24.07.90)

COMMISSION DIRECTIVE of 28 June 1990 on competition in the markets for telecommunications services (90/388/EEC; OJ L192/10, 24.07.90)

COMMISSION DECISION of 30 July 1990 setting up a Joint Committee on Telecommunications Services (90/450/EEC; OJ L230/25, 24.08.90)

COUNCIL DIRECTIVE of 17 September 1990 on procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (90/531/EEC; OJ L297/1, 29.10.90)

COUNCIL RECOMMENDATION of 9 October 1990 on the coordinated introduction of pan-European land-based public radio paging in the Community (90/543/EEC; OJ L310/23, 09.11.90)

COUNCIL DIRECTIVE of 9 October 1990 on the frequency bands designated for the coordinated introduction of pan-European land-based public radio paging in the Community (90/544/EEC; OJ L310/28, 09.11.90)

COUNCIL RESOLUTION of 14 December 1990 on the final stage of the coordinated introduction of pan-European land based public digital mobile cellular communications in the Community (GSM) (90/C/ 329/09; OJ C329/25, 31.12.90)

JUDGEMENT OF THE COURT OF 19 March 1991 in Case C-202/88: French Republic v. Commission of the European Communities (Competition in the markets in telecommunications terminal equipment) (91/C 96/04; OJ C 96/06, 12.04.91)

COUNCIL DIRECTIVE of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity (91/263/EEC; OJ L128/1, 23.05.91)

COUNCIL DIRECTIVE of 3 June 1991 on the frequency band to be designated for the coordinated introduction of digital European cordless telecommunications (DECT) into the Community (91/287/EEC; OJ L 144/45, 08.06.91)

COUNCIL RECOMMENDATION of 3 June 1991 on the coordinated introduction of digital European cordless telecommunications (DECT) into the Community (91/288/EEC; OJ L144/47, 08.06.91)

COUNCIL DECISION of 7 June 1991 adopting a specific research and technological development programme in the field of communication technologies (1990 to 1994) (91/352/EEC; OJ L192/8, 16.07.91)

COUNCIL DECISION of 7 June 1991 adopting a specific programme of research and technological development in the field of telematic systems in areas of general interest (1990 to 1994) (91/353/EEC; OJ L192/18, 16.07.91)

COUNCIL DECISION OF 22 July 1991 establishing the second phase of the Tedis programme (Trade electronic data interchange systems) (91/385/EEC; OJ L208/66, 30.07.91)

COUNCIL DECISION of 29 July 1991 on the introduction of a single European emergency call number (91/396/EEC; OJ L217/31, 06.08.91)

GUIDELINES ON THE APPLICATION OF EEC COMPETITION RULES IN THE TELECOMMUNICATIONS SECTOR (92/C 233/02; OJ C233/2, 06.09.91)

COUNCIL RESOLUTION of 18 November 1991 concerning electronics, information and communication technologies (91/C 325/02; OJ C325/2, 14.12.91)

COUNCIL RESOLUTION of 19 December 1991 on the development of the common market for satellite communications services and equipment (92/C 8/01; OJ C8/1, 14.01.92)

COUNCIL DIRECTIVE of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (92/13/EEC; OJ L76/14, 23.03.92)

COUNCIL DECISION of 31 March 1992 in the field of security of information systems (92/242/EEC; OJ L123/19, 08.05.92)

COUNCIL DIRECTIVE of 28 April 1992 amending Directive 89/336/EEC on the approximation of the laws of the member states relating to electromagnetic compatibility (92/31/EEC; OJ L126/11, 12.05.92)

COUNCIL DIRECTIVE of 11 May 1992 on the adoption of standards for satellite broadcasting of television signals (92/38/EEC; OJ L137/17, 20.05.92)

COUNCIL DECISION of 11 May 1992 on the introduction of a standard international telephone access code in the Community (92/264/EEC; OJ L137/21, 20.05.92)

COUNCIL DIRECTIVE of 5 June 1992 on the application of open network provision to leased lines (92/44/EEC; OJ L165/27, 19.06.92)

COUNCIL RESOLUTION of 5 June 1992 on the development of the integrated services digital network (ISDN) in the Community as a European-wide telecommunications infrastructure for 1993 and beyond (92/C158/1; OJ C158/1, 25.06.92)

COUNCIL RECOMMENDATION of 5 June 1992 on the harmonized provision of a minimum set of packet-switched data services (PSDS) in accordance with open network provision (ONP) principles (92/382/EEC; OJ L200/1, 18.07.92)

COUNCIL RECOMMENDATION of 5 June 1992 on the provision of harmonized integrated services digital network (ISDN) access arrangements and a minimum set of ISDN offerings in accordance with open network provision (ONP) principles (92/383/EEC; OJ L200/10, 18.07.92)

COMMISSION DECISION of 15 July 1992 amending the lists of standards institutions annexed to Council Directive 83/189/EEC (92/400/EEC; OJ L221/55, 06.08.92)

JUDGEMENT OF THE COURT of 17 November 1992 in Joined Cases C-271, C-281 and C-289/90: Kingdom of Spain and Others v. Commission of the European Communities (Competition in the markets for telecommunications services) (92/C 326/07; OJ C326/8, 11.12.92)

COUNCIL RESOLUTION of 19 November 1992 on the implementation in the Community of the European Radiocommunications Committee Decisions (92/C 318/01; OJ C318/1, 04.12.92)

COUNCIL RESOLUTION of 19 November 1992 on the promotion of Europe-wide cooperation on numbering of telecommunications services (92/C 318/02; OJ C318/2, 04.12.92)

COUNCIL RESOLUTION of 17 December 1992 on the assessment of the situation in the telecommunications sector (93/C 2/05; OJ C 2/5, 06.01.93)

EUROPEAN PARLIAMENT RESOLUTION of 19 January 1993 on a common approach in the field of satellite communications in the European Community (A3-0344/92; OJ C 42/30, 15.02.93)

EUROPEAN PARLIAMENT RESOLUTION of 20 April 1993 on the Commission Communication "Towards cost orientation and the adjustment of pricing structures - Telecommunications tariffs in the Community" (A3-0117/93; OJ C 150/37, 31.05.93)

EUROPEAN PARLIAMENT RESOLUTION of 20 April 1993 on the Commission's 1992 review of the situation in the telecommunications services sector (A3-0113/93; OJ C 150/39, 31.05.93)

COUNCIL DIRECTIVE 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities of entities operating in the water, energy, transport and telecommunications sectors(93/38/EEC; OJ L 199/84, 09.08.93)

COUNCIL RESOLUTION of 22 July 1993 on the development of technology and standards in the field of advanced television services (93/C 209/01; OJ C 209/1, 03.08.93)

COUNCIL DECISION of 22 July 1993 on an action plan for the introduction of advanced television services in Europe (93/424/EEC; OJ L196/48, 05.08.93)

COUNCIL RESOLUTION of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market (93/C 213/01; OJ C213/1, 06.08.93)

Telecommunications: open network provision for leased lines. Publication of information in respect of leased lines (93/C 277/04; OJ C 277/9, 15.10.93)

COUNCIL DIRECTIVE 93/97/EEC of 29 October 1993 supplementing Directive 91/263/EEC in respect of satellite earth station equipment (93/97/EEC; OJ L290/1, 24.11.93)

COUNCIL RESOLUTION OF 7 December 1993 on the introduction of satellite personal communication services in the Community (93/C 339/01; OJ C399/1, 16.12.93)

COMMISSION DECISION of 21 December 1993 on a common technical regulation for the general attachment requirements for public pan-European cellular digital land-based mobile communications (94/11/EC; OJ L 8/20, 12.01.94)

COMMISSION DECISION of 21 December 1993 on a common technical regulation for the telephony application requirements for public pan-European cellular digital land-based mobile communications (94/12/EC; OJ L 8/23, 12.01.94)

COUNCIL RESOLUTION of 7 February 1994 on universal service principles in the telecommunications sector (94/C 48/01; OJ C 48/1, 16.02.94)

COMMISSION STATEMENT concerning Council Resolution on universal service in the telecommunications sector (94/C 48/06; OJ C 48/8, 16.02.94)

EUROPEAN PARLIAMENT RESOLUTION of 6 May 1994 on the communication from the Commission accompanied by the proposal for a Council resolution on universal service principles in the telecommunications sector (A3-0317/94; OJ C 205/551, 25.07.94)

COMMISSION DECISION of 15 June 1994 on amendment of Annex II of Council Directive 92/44/EEC (94/439/EC; OJ L181/40, 15.07.94)

COUNCIL RESOLUTION of 27 June 1994 on a framework for Community policy on digital video broadcasting (94/C 181/02; OJ C181/3, 02.07.94)

COMMISSION DECISION of 18 July 1994 on a common technical regulation for attachment requirements for terminal equipment interface for ONP 2 048 kbit/s digital unstructured leased line (94/470/EC OJ L194/87, 29.07.94)

COMMISSION DECISION of 18 July 1994 on a common technical regulation for general terminal attachment requirements for Digital European Cordless Telecommunications (DECT) (94/471/EC; OJ L194/89, 29.07.94)

COMMISSION DECISION of 18 July 1994 on a common technical regulation for telephony application requirements for Digital European Cordless Telecommunications (DECT) (94/472/EC; OJ L194/91, 29.07.94)

Telecommunications: Open network provision (ONP) for leased lines-Conciliation procedure (94/C 214/04; OJ C214/4, 04.08.94)

COUNCIL DECISION of 27 July 1994 adopting a specific programme for research and technological development, including demonstration, in the field of advanced communication technologies and services (1994 to 1998) (94/572/EEC; OJ L 222/35, 26.08.94)

COMMISSION DIRECTIVE of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications (94/46/EC; OJ L268/15, 19.10.94)

COMMISSION DECISION of 18 November 1994 on a common technical regulation for the pan-European integrated services digital network (ISDN) primary rate access (94/796/EC; OJ L 329/1, 20.12.94)

COMMISSION DECISION of 18 November 1994 on a common technical regulation for the pan-European integrated services digital network (ISDN) basic access (94/797/EC; OJ L 329/14, 20.12.94)



COUNCIL RESOLUTION of 22 December 1994 on the principle and timetable for the liberalisation of telecommunications infrastructures (94/C379/03; OJ C379/4, 31.12.94)

COUNCIL RESOLUTION of 22 December 1994 on further development of the Community's satellite communications policy, especially with regard to the provision of, and access to, space segment capacity (94/C 379/04; OJ C 379/5, 31.12.94)

EUROPEAN PARLIAMENT RESOLUTION of 7 April 1995 on the Communication from the Commission 'Green Paper on the liberalisation of telecommunications infrastructure and cable television networks' (part one- principle and timetable) (A4-0063/95; OJ C 109/310, 01.05.95)

EUROPEAN PARLIAMENT RESOLUTION of 19 May 1995 on the Commission communication to the European Parliament and the Council 'Towards the personal communications environment: Green Paper on a common approach in the field of mobile and personal communications in the European Union' (COM(94)0145 - C4-0061/94) and on the Commission communications to the European Parliament and the Council on the consultation on the Green Paper on mobile and personal communications (COM(94)0492 - C4-0046/95) [further development of mobile and personal communications in the European Union] (A4-0097/95; OJ C 151/473, 19.06.95)

EUROPEAN PARLIAMENT RESOLUTION of 19 May 1995 on the Green Paper on the liberalisation of telecommunications infrastructure and cable television networks Part II: A common approach to the provision of infrastructure for telecommunications in the European Union (A4-0111/95; OJ C 151/479, 19.06.95)

COUNCIL RESOLUTION of 29 June 1995 on the further development of mobile and personal communications sector in the European Union (95/C 188/02; OJ C 188/3, 22.07.95)

COMMISSION DECISION of 17 July 1995 on a common technical regulation for public land-based European radio message system (ERMES) receiver requirements (95/290/EC; OJ L 182/21, 2.08.95)

COUNCIL RESOLUTION of 18 September 1995 on the implementation of the future regulatory framework for telecommunications (95/C258/01; OJ C 258/1, 3.10.95)

Telecommunications: open network provision ONP list of standards (fourth issue) (95/C 266/02; OJ C266/2, 13.10.95)

COMMISSION DIRECTIVE 95/51/EC of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalised telecommunications services (95/51/EC; OJ L 256/49, 26.10.95)

DIRECTIVE 95/46/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (95/46EC; OJ L 281/31, 23.11.95)

DIRECTIVE 95/47/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 October 1995 on the use of standards for the transmission of television signals (95/47/EC; OJ L 281/51, 23.11.95)

COUNCIL DECISION of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA) (95/468/EC; OJ L 269/23, 11.11.95)

EUROPEAN PARLIAMENT AND COUNCIL DECISION of 9 November 1995 on a set of guidelines for the development of the EURO-ISDN as a trans-European network (2717/95/EC; OJ L 282/16, 24.11.95)

COUNCIL RESOLUTION of 27 November 1995 on the industrial aspects for the European Union in the development of the information society (95/C 341/03; OJ C 341/3; 19.12.95)

COMMISSION DECISION of 28 November 1995 on a common technical regulation for attachment requirements for terminal equipment for digital european cordless telecommunications (DECT), public access profile (PAP) applications (95/525/EC; OJ L 300/35, 13.12.95)

COMMISSION DECISION of 28 November 1995 on a common technical regulation for Integrated Services Digital Network (ISDN); Telephony 3,1 kHz teleservice, attachment requirements for handset terminals (95/526/EC; OJ L 300/38, 13.12.95)

COUNCIL DIRECTIVE of 13 December 1995 on the application of open network provision (ONP) to voice telephony (95/62/EC; OJ L 321/6, 30.12.95)

COMMISSION DIRECTIVE of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications (96/2/EC; OJ L 20/59, 26.01.96)

COMMISSION DIRECTIVE of 28 February 1996 amending Commission Directive 90/388/EEC regarding the implementation of full competition in telecommunications markets (96/19/EC, OJ L 74/13, 22.03.96)

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This list does not include the basic policy documents published by the Commission in this field:

- Green Paper on the development of the common market for telecommunications services and equipment (COM(87) 290, 30.06.87)
- Green Paper on a common approach in the field of satellite communications in the European Community (COM(90) 490, 20.11.90)
- 1992 review of the situation in the telecommunications services sector: Communication by the Commission (SEC(92) 1048, 21.10.92) and Communication to the Council and European Parliament on the consultation on the review of the situation in the telecommunications sector (COM(93) 159, 28.04.93)
- Towards cost orientation and the adjustment of pricing structures - Telecommunications tariffs in the Community: Communication from the Commission (SEC(92) 1050, 15.07.92)
- Developing universal service for telecommunications in a competitive environment: Communication to the Council and European Parliament (COM(93) 543, 15.11.93)
- Green Paper on a common approach to mobile and personal communications in the European Union (COM(94) 145 final, 27.04.94)
- Communication on the consultation on the Green Paper on mobile and personal communications in the European Union (COM(94) 492 final, 23.11.94)
- Green Paper on the liberalisation of telecommunications infrastructure and cable TV networks - Part I : Principle and timetable (COM(94) 440, 25.10.94) and Green Paper on the liberalisation of telecommunications infrastructure and cable TV networks - Part II : A common approach to the provision of infrastructure in the European Union (COM(94) 682, 25.01.95)
- Communication on the consultation on the Green Paper on the liberalisation of telecommunications infrastructure and cable television networks (COM(95) 158 final, 3.05.95)
- Communication on the future development of the market of directories and other telecommunications information services in a competitive environment (COM(95) 431 final, 10.10.95)

Reference should be made to the White Paper on Growth, Competitiveness and Employment (COM (93) 700, 5.12.93), the Bangemann Group Report on Europe and the global information society - Recommendations to the European Council (26.05.1994), and the Commission's Communication on Europe's way to the Information Society (COM (94)

347 final, 17.07.94), which form inter alia a comprehensive framework for the development of trans-European networks and which will substantially influence Community telecommunications policy in this area in the future.

The full text of the documents listed is published in the Official Journal of the European Community. A special edition of a compilation of all texts with the title "Official Documents Community Telecommunications Policy, XIII (96) 19" can be obtained in English, French and German from:

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