

**COUNCIL OF THE EUROPEAN UNION
GENERAL SECRETARIAT**

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

10891/93 (Presse 224)

1717th Council meeting

- TELECOMMUNICATIONS -

Brussels, 7 December 1993

President: Mr Guy COËME

**Deputy Prime Minister, Minister for Transport,
Public Undertakings and Public Buildings of
the Kingdom of Belgium**

The Governments of the Member States and the Commission of the European Communities were represented as follows:

<u>Belgium:</u>	
Mr Guy COËME	Deputy Prime Minister and Minister for Transport, Public Undertakings and Public Buildings
<u>Denmark:</u>	
Mr Arne MELCHIOR	Minister for Communications
Mr Helge ISRAELSEN	State Secretary for Communications
<u>Germany:</u>	
Mr Wolfgang BÖTSCH	Federal Minister of Posts and Communications
<u>Greece:</u>	
Mr Athanasios TSOURAS	State Secretary for Transport and Communications
<u>Spain:</u>	
Mr José BORRELL FONTELLES	Minister for Public Works, the Environment and Transport
<u>France:</u>	
Mr Pierre SELLAL	Deputy Permanent Representative
<u>Ireland:</u>	
Mr Noel TREACY	Minister of State for Communications
<u>Italy:</u>	
Mr Maurizio PAGANI	Minister for Posts and Telecommunications
<u>Luxembourg:</u>	
Mr Alex BODRY	Minister for Telecommunications
<u>Netherlands:</u>	
Mr A. OOSTRA	Deputy Permanent Representative
<u>Portugal:</u>	
Mr Carlos COSTA	State Secretary for Housing
<u>United Kingdom:</u>	
Mr Patrick McLOUGHLIN	Parliamentary Under-Secretary of State, Department of Trade and Industry
	*
	* *
<u>Commission:</u>	
Mr Martin BANGEMANN	Member
Mr Karel VAN MIERT	Member

DEVELOPMENT OF COMMUNITY POSTAL SERVICES

The Council agreed on the following Resolution, which will be formally approved at a forthcoming Council meeting after the finalization of the text.

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Green Paper on the development of the single market for postal services, published on 11 June 1992;

Having regard to the communication from the Commission on guidelines for the development of Community postal services;

Whereas the development of postal services is an important feature of the development of the single market for the promotion of the economic and social development of the Community and its Member States;

Whereas the provisions of the Treaty on the freedom to provide services cover the postal sector;

Whereas the Green Paper and the abovementioned communication identify the aspects of postal services which are of Community interest;

Whereas in view of these aspects it appears that efforts should be made at Community level to improve the efficiency and quality of postal services;

Whereas the Commission has undertaken broad public consultation and has received contributions from interested parties in the postal sector;

Whereas it is necessary to fix the main objectives of the development of postal services in the Community, in accordance with the Treaty;

1. GIVES ITS SUPPORT:

to the general approach contained in the Commission's Green Paper on the development of the single market for postal services;

2. TAKES NOTE OF:

the consultation which took place between the interested parties and the resulting Commission communication on the guidelines for developing Community postal services, certain aspects of which nevertheless remain to be considered in detail with a view to reaching an overall agreement;

3. REAFFIRMS:

that a political agreement with the full participation of both the European Parliament and the Council is the best way of encouraging the implementation of the future Community policy in the postal sector;

4. DECLARES THE FOLLOWING POINTS TO BE MAJOR POLICY GOALS IN THE DEVELOPMENT OF POSTAL SERVICES IN THE COMMUNITY:

- 4.1. defining at Community level a universal service that will be the minimum set of quality services which must be provided in each Member State at reasonable prices for all users and with non-discriminatory access to the universal service;
- 4.2. ensuring the economic and financial viability of the provision of the services constituting the universal service at a reasonable price for all, by defining a sector of appropriate dimensions which may be reserved for universal service providers according to the principle of proportionality;
- 4.3. furthering the gradual, controlled liberalization of the postal market in accordance with the objectives set out above, the rules of the Treaty and users' interests and a durable guarantee of the provision of the universal service and reconciling the two;

- 4.4. working out quality standards for the services constituting the universal service, monitoring independently the quality of the services and publishing the results. The standards will have to be laid down at national level by the national regulatory authorities and will have to be compatible with the standards laid down by the Council at Community level for intra-Community services within the universal service, on the understanding that such standards, taking account of national characteristics, must reflect a certain quality level the improvement of which should be actively sought; as regards international traffic, a similar approach should be followed in collaboration with third countries;
- 4.5. establishing tariff principles for the universal service related to real costs and ensuring that they are applied and that any subsidies considered necessary are transparent in relation to their objective, size and scope and ensuring that they are compatible with Community law;
- 4.6. introducing a terminal dues system based on real costs and quality that takes account of national characteristics while granting the universal service providers appropriate protection against deflections of trade based on abuse of that system and making provision for appropriate transitional arrangements;
- 4.7. furthering harmonization of technical standards, taking users' interests into account;
- 4.8. ensuring that fair conditions of competition outside the reserved sector exist mutually between universal service providers and between them and other operators;
- 4.9. separating regulatory and operational functions in the Member States;
- 4.10. ensuring that the needs of users, including consumers, the interests of postal sector employees as well as the contribution of the postal sector to economic, cultural and social development in the Community are taken into account, when regulating this sector;

4.11. taking account of the objectives of cohesion in the Community and in particular specific difficulties encountered by peripheral regions when measures in this area are taken.

5. INVITES THE COMMISSION:

5.1. to propose to the Council, before 1 July 1994, the measures necessary for the realization of the policy goals set out under 4.1 to 4.11 above with a view to implementing without delay a Community policy on postal services, particularly measures

- containing the definition of the universal service, describing the obligations of the providers of the universal service and defining the services which could be reserved;
- relating to the quality of the universal intra-Community service;
- relating to technical standardization;

5.2. to base its proposals for future regulation of the postal services on measures which are transparent, simple and easy to manage, to ensure the best possible conditions of monitoring and enforcement;

5.3. to contribute actively, on the basis of current proceedings and in co-operation with the Member States, to the definition of a clear framework for a new terminal dues system, bearing in mind the need to ensure satisfactory protection against deflections of trade based on abuse and to forward to the Council before 1 March 1994 any further action which could prove necessary in this area;

6. INVITES THE MEMBER STATES:

6.1. to support the above major policy goals;

6.2. to work in association with the Commission, particularly within the SOGP and a high-level committee of the authorities, in the implementation of a Community postal services policy in conformity with the above major policy goals;

- 6.3. to conduct, in association with their universal service providers, appropriate discussions in order to agree on a new terminal dues system, including steps to ensure compatibility with other systems."

**THE DEVELOPMENT OF UNIVERSAL SERVICE IN THE TELECOMMUNICATIONS SECTOR -
COUNCIL RESOLUTION**

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Whereas the Council Resolution of 22 July 1993 on the review of the situation of the telecommunications sector and the need for further development in that market ⁽¹⁾ established as a major goal for Community telecommunications policy the liberalization of all public voice telephony services, whilst maintaining universal service;

Whereas the importance of universal service was recognized in the Resolution of the European Parliament on the Commission communication of 21 October 1992 entitled "1992 review of the situation in the telecommunications services sector" and the Resolution of the European Parliament on the Commission communication entitled "Towards cost orientation and the adjustment of pricing structures - Telecommunications tariffs in the Community" and by the Opinion of the Economic and Social Committee on the 1992 telecommunications services review;

Whereas this Resolution provides assistance in achieving the goal of universal service in a competitive environment and to the progressive rebalancing of tariff structures, by setting out the major elements constituting universal service at Community level and by providing guidance as to the principles to be applied to the financing of universal service;

(1) OJ C 213, 6.8.1993, p. 1.

Whereas, in determining how to ensure the provision of universal service, national regulatory authorities must take due account of the fact that in numerous cases market forces would be expected to lead to such provision being made on a commercial basis, without further intervention;

Whereas however in numerous cases market operators could be obliged to provide a basic service to customers whom they would otherwise have insufficient economic incentive to serve; whereas in this particular case it is mainly a matter of the provision of a basic voice telephony service at an affordable price to all customers reasonably requesting it;

Whereas where under universal service obligations a basic voice telephony service can only be provided at a loss or provided under cost conditions falling outside normal commercial standards, that service may, where justified and subject to the approval of the national regulatory authority, be financed through internal transfers, access fees or other mechanisms which take due account of the principles of transparency, non-discrimination and proportionality, while ensuring compliance with competition rules in order to make a fair contribution to the burden which the provision of universal service represents;

Whereas national regulatory authorities may impose, within the limits laid down by Community law, other obligations with a view to adapting universal service to specific national circumstances, including town and country planning and the requirements of networks with a limited operating area, provided that it is possible to fulfil such obligations at a reasonable cost;

Whereas the concept of universal service must evolve in particular to keep pace with technical and economic progress,

NOTES:

that, in the framework of open network provision, the following Community acts have identified some elements to serve as a basis for a definition of universal service without altering either the legal nature of such acts or the obligations of the Member States in respect thereof:

- Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision ⁽²⁾,
- Council Directive 92/44/EEC of 5 June 1992 on the application of open network provision to leased lines ⁽³⁾,
- the common position adopted by the Council on 30 June 1993 on the proposal for a Council Directive on the application of open network provision to voice telephony,
- Council Recommendation 92/382/EEC 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 ⁽⁴⁾,
- Council Recommendation 92/383/EEC 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 ⁽⁵⁾,

and that these elements have still to be examined in greater detail and, where necessary, adapted to take account of the future competitive environment and of practical experience.

(2) OJ L 192, 24.7.1990, p. 1.

(3) OJ L 165, 19.6.1992, p. 27.

(4) OJ L 200, 18.7.1992, p. 1.

(5) OJ L 200, 18.7.1992, p. 10.

RECOGNIZES:

- (a) that the maintenance and development of a universal telecommunications service, ensured through adequate financing, are a key factor for the future development of telecommunications in the Community;**
- (b) that the principles of universality, equality and continuity are the basis for such a service to permit access to a defined minimum service of specified quality to all users everywhere and, in the light of specific national conditions, at an affordable price**
- (c) that common principles for the provision of universal service would be necessary in order to achieve a balanced and fair regulatory environment throughout the Community, while taking account of specific national conditions regarding regulatory and market aspects;**
- (d) that special and targeted provision of universal service for social reasons should be possible;**
- (e) that in order to promote Community-wide telecommunications services there is a need to ensure interconnection of public networks and, in the future competitive environment, interconnection between different national and Community operators;**
- (f) that where under universal service obligations a basic voice telephony service can only be provided at a loss or provided under cost conditions falling outside normal commercial standards, that service may, where justified and subject to the approval of the national regulatory authority, be financed through internal transfers, access fees or other mechanisms which take due account of the principles of transparency, non-discrimination and proportionality, while ensuring compliance with competition rules in order to make a fair contribution to the burden which the provision of universal service represents;**

- (g) that in pursuing the objective of maintaining and developing a universal telecommunications service account will be taken of the specific circumstances of the peripheral regions with less-developed networks and of very small networks and the role which the appropriate Community support framework may play having regard to national priorities;
- (h) that the concept of universal service must evolve to keep pace with advances in technology, market development and changes in user demand;

WELCOMES:

the intention of the Commission to take full account of the requirement for universal service in preparing the future adjustment of the regulatory framework for the telecommunications sector, in particular by applying and adapting the open network provision principles;

CALLS UPON the Member States

to establish and maintain an appropriate regulatory framework and set appropriate targets, in accordance with the objectives and principles set out in this Resolution and with Community law, in particular competition rules, in order to ensure, in the light of specific national circumstances, including town and country planning and the requirements of networks with a limited operating area, universal service throughout their territory;

INVITES the Commission:

- (a) to study and consult, in particular with national regulatory authorities, on the issues raised by the definition of universal service and its means of financing, taking specific account of the need for adjustment in peripheral regions with less-developed networks;
- (b) to study in consultation with the Member States tariff principles, accounting principles and transfers with a view to facilitating the preparation of their national adjustment programmes;
- (c) to draw up common access charge principles, in close consultation with the high-level committees of the national regulatory authorities;
- (d) to submit a report to the European Parliament and the Council on this issue by 1 January 1996."

TRANS-EUROPEAN NETWORKS FOR TELECOMMUNICATIONS

On the basis of a Presidency document the Council held a policy debate on the definition of trans-European networks for telecommunications as intended in the Treaty on Union.

From that debate it emerged that a large majority of delegations felt that in view of the objectives pursued, namely the free movement of goods, capital, persons and services and, on the other hand, the stress laid in the Treaty on the interconnection and interoperability of trans-European networks the telecommunications infrastructure and the networks of which it consists include all the physical and non-physical components required to make possible the circulation of information in all its different forms (vocal, written and visual), namely:

- the medium for the transmission of data, consisting of the physical network (cables and radio connections) with which the non-physical functions are connected (transmission, switching and signalling);
- generic services, which constitute the general-purpose vehicles for the data transmitted (electronic mail and access to data bases);
- applications services, which adapt generic services to users' specific requirements (e.g. inter-administration networks and networks associated with transport, health care and distance teaching).

After the policy debate the Council noted the Commission's presentation of its strategy on advanced trans-European communications, in which field the Commission submitted

- a communication on integrated broad-band communications (TEN-IBS) describing the preparatory measures which the Commission had adopted in that area and
- two proposals for Decisions on:
 - = a series of guidelines for the development of the ISDN as a trans-European network;
 - = the adoption of a multi-annual Community project on the development of the ISDN (TEN-ISDN).

It also noted that those proposals were to be considered in conjunction with the Commission's White Paper on growth, competitiveness and employment.

TRANS-EUROPEAN DATA-COMMUNICATIONS NETWORKS BETWEEN ADMINISTRATIONS

The Council discussed certain key questions concerning the trans-European data-communications networks between administrations. More specifically the discussion was based on a Commission communication on trans-European data-communications networks between administrations together with two proposals for Decisions on:

- a series of guidelines on trans-European data-communications networks between administrations and
- a multi-annual Community programme supporting the setting up of trans-European data-communications networks intended for exchanges of data between administrations (IDA).

In the Commission's view, these proposals constitute the first series of large-scale applications contemplated at Community level on trans-European data-communications networks. They constitute a body of measures intended to enable national administrations and Community institutions and bodies to process and exchange, through the implementation and use of trans-European data-communications networks, the data necessary for the operation of the Internal Market and the implementation of common policies.

On the conclusion of the debate the Council instructed the Permanent Representatives Committee to resume the examination of these proposals in the light of the Council's discussions with a view, in particular, to

- analysing in greater detail requirements and achievements in this area;
- preparing indicative figures for projects of common interest;
- identifying projects of common interest.

The Council agreed to resume the examination of this dossier at its next meeting, under Greece's Presidency.

INTER-ADMINISTRATION TELEMATIC NETWORKS FOR STATISTICS RELATING TO THE TRADING OF GOODS BETWEEN MEMBER STATES (COMEDI)

The Council discussed a proposal for a Decision on inter-administration telematic networks for statistics relating to the trading of goods between Member States (COMEDI).

With a view to adopting a common position at the Council meeting on the Internal Market on 16 December 1993 the Council instructed the Permanent Representatives Committee to continue proceedings at the earliest opportunity.

MEASURES CONCERNING RADIO FREQUENCIES - THE COUNCIL'S CONCLUSIONS

"THE COUNCIL OF THE EUROPEAN UNION,

1. **CONSIDERS** that the availability and allocation of radio frequencies is an important condition for the establishment of an internal market in radiocommunications equipment and services;
2. **RECALLS** its Resolution of 19 November 1992 on the implementation in the Community of European Radiocommunications Committee Decisions which *inter alia* invited the Commission to give full consideration in future to the mechanism of ERC decisions as the primary method of ensuring the provision of frequencies;
3. **CONSIDERS** it necessary to ensure that the mechanism of ERC decisions is implemented and invites the Commission to sign to that end the memorandum of understanding and the framework agreement with the ERC/ERO;
4. **INVITES** the Commission to submit before the end of 1994 a report evaluating the implementation of the mechanism of ERC decisions."

ADVANCED TELEVISION SERVICES IN EUROPE

The Council noted the Commission's oral presentation of

- a proposal for a Directive on the use of standards for television broadcasting;
- a communication on the framework for a Community policy concerning digital television.

The Council adopted the following conclusions:

"The Council welcomed the Commission's communication following the Council Resolution of 22 July 1993, and proceeded to an initial debate on the basis of Vice-President Bangemann's presentation.

The Council supports the initiative of the Digital Video Broadcasting Group to co-ordinate European activities, in conjunction with the Commission. The Council stressed that common standards are an essential basis for the orderly market-led development of digital video broadcasting. It also stressed the importance of conditional access systems based on standards that ensure fair and open competition, in the interests of service providers and viewers.

The Council invited the Commission to take forward its work programme, but with particular early attention being paid to the issues of achieving satisfactory common standards and of ensuring appropriate conditional access arrangements which ensure fair and open competition, and invited Coreper to give urgent consideration to the communication and the draft Directive".

MISCELLANEOUS**Satellite communications**

The Commissioner, Mr VAN MIERT, gave the Council an oral presentation of the draft Directive that the Commission had just approved provisionally with a view to extending to the field of satellite communications the liberalization measures adopted for telecommunications services and terminals.

Mr VAN MIERT said that the Commission intended to adopt this Directive definitively in 1994 once it had heard any views which the Council, the European Parliament and the Economic and Social Committee might wish to express.

Telecommunications services and the deaf

The Danish delegation told the Council and the Commission that systems that enabled the deaf to use voice telephones varied from one State to another, which prevented such people from communicating across Europe by telephone. It accordingly wanted this problem to be taken into account in European standardization work.

The Danish delegation again drew attention to the fact that the GSM pan-European cellular mobile system caused interference on deaf aids and wanted the problem to be taken in hand rapidly in the standardization work being done at Community level.

The Commission undertook to take action on those requests.



OTHER DECISIONS IN THE TELECOMMUNICATIONS FIELD**Satellite personal communication services**

The Council adopted a Resolution on the introduction of satellite personal communication services in the European Community.

The text of the Resolution is set out below.

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Green Paper of 30 June 1987 on the development of the common market for telecommunications services and equipment,

Having regard to the Green Paper of 29 November 1990 on a common approach in the field of satellite communications in the European Community,

Whereas the Green Paper on a common approach proposed a future-oriented structure for the development of satellite communications in the European Community by outlining a framework of Community legal measures and actions; whereas, the Council Resolution of 19 December 1991 on the development of the common market for satellite communications services and equipment ⁽¹⁾ gave support to the general goals set out in the Commission's Green Paper;

Whereas, based on further Commission proposals, the Council has adopted Directive 93/97/EC of 29 October 1993 supplementing Directive 91/269/EEC concerning satellite earth station equipment ⁽²⁾;

(1) OJ C 8, 14.1.1992, p. 1.

(2) OJ L

Whereas the Commission communication of 23 September 1992 on the European Community and Space underlines the importance of a Community contribution to the European space effort by helping to establish the appropriate conditions for the development of space applications markets and a competitive European space industry; whereas that communication emphasizes the need for appropriate regulatory conditions allowing the development of new markets for satellite communications services and the need to encourage a competitive European space industry and promote its interests at international level;

Whereas the planned introduction of satellite personal communications networks and services on a global scale will play a role in the development of telecommunications services in the Community in general and in that of satellite and mobile services in particular, as well as in the development of the Community's space and telecommunications equipment and services industries;

Whereas it is becoming increasingly evident that the types of service which are envisaged give rise to a range of policy issues relating to the Community's telecommunications, trade, regional development and space policies; whereas, therefore, the introduction of these services merits early consideration;

Whereas the Community's telecommunications policy in general and the satellite communications policy in particular underline the need for competitive provision of services, in line with the rules on competition laid down in the Treaty; whereas the dichotomy of competitive service provision and limited availability of frequency resources will need careful consideration in any proposed introduction scenario;

Whereas the global dimension of these systems and their role in providing personal mobile telecommunications services as well as the related global regulatory structure under which they are provided should play an important part in the political considerations for the establishment of a Community policy; whereas the global regulatory framework under which these systems will have to operate is strategically and politically one of the most crucial aspects to be considered,

RECOGNIZES:

- (1) the importance of the planned use of satellites for personal communications, and of the opportunities this may offer for European industry, service providers, and users;
- (2) the global characteristics of satellite personal communications services, in particular if provided through non-geostationary satellite systems, and the need to clarify their particular characteristics as they affect the European and international regulatory regimes;
- (3) the challenge for the Community to develop a forward-looking regulatory framework which allows the introduction of satellite personal communications services, taking full account of the global nature of these systems, and the desirability of co-ordinated action;

NOTING:

- that the advantages of satellite personal communications may be extended to a vast range of potential users, in particular to those who do not have access to established services, including users in regions with a less-developed telecommunications infrastructure;
- noting also that any policy in this area may concern all the European Conference of Postal and Telecommunications Administrations (CEPT) authorities, including those of Central and Eastern Europe;

THEREFORE STRESSES:

the importance of developing a Community policy with regard to satellite personal communications that will build on existing policies regarding telecommunications, in particular satellite communications, and on future policy on mobile communications based on the Green Paper on the subject and, if necessary, on regional development and trade policies in general;

INVITES THE MEMBER STATES

to make efforts towards developing as soon as possible a Community policy concerning satellite personal communications, and a co-ordinated position, in particular within the context of international organizations, such as the International Telecommunications Union (ITU), and in relation to third countries;

AND INVITES THE COMMISSION:

- (1) to investigate the significance of satellite personal communications in the formulation of Community policies for telecommunications, space, trade, industry and regional development;
- (2) to define, in collaboration with Member States, an effective joint policy on those systems, with the co-operation, where appropriate, of the European Space Agency (ESA) in order to improve the competitive position of the European space and related telecommunications industries so as to enable operators, service providers, industry and users to participate in a global, open market in satellite personal communications, in accordance with Community law and the general guidelines laid down in the said Council Resolution of 19 December 1991;
- (3) to continue to monitor closely international developments, particularly in this respect the regulatory proceedings outside the Community and to consult, where appropriate, with non-Community countries on the co-ordinated introduction of these systems at a global level;
- (4) to reinforce its co-operation with European Telecommunications Standards Institute (ETSI), European Radiocommunications Committee (ERC) and European Committee for Telecommunications Regulatory Matters (ECTRA) in examining the related standardization, radio frequency and licensing issues respectively;
- (5) to set up as part of the consultation process a platform for strategic discussions among all interested parties;

- (6) to report regularly on developments in this area, in particular the granting of licences and any other matters affecting trade in services, and, where necessary, propose appropriate measures and/or actions."

MISCELLANEOUS DECISIONS

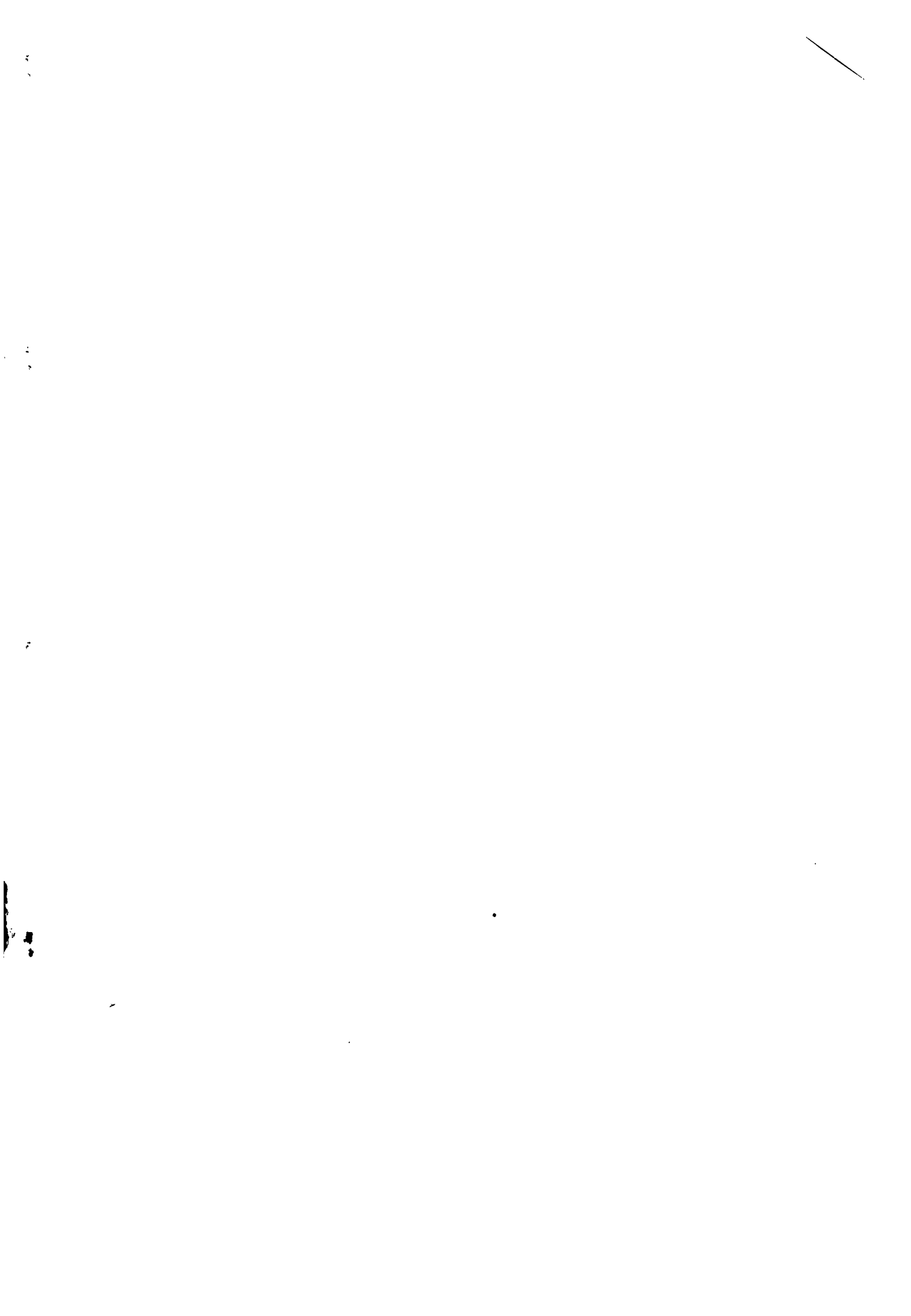
Customs tariff

The Council unanimously adopted a Regulation temporarily suspending - from 1 January to 31 December 1994 - the autonomous common customs tariff duties on a number of products for the construction, maintenance and repair of aircraft, subject to conditions to be laid down by the competent authorities.

Fisheries

The Council unanimously adopted a Regulation distributing to Member States for 1993 the increase in that part of the TAC of sprat allocated to the Community in the Baltic Sea and an additional quota of cod in the same waters (the third amendment of Regulation (EEC) No 3919/92).

The sprat quota in question has thus been increased to 48 020 tonnes for Denmark and 30 580 tonnes for Germany. The cod quotas have been increased to 9 800 tonnes for Denmark and 4 400 tonnes for Germany.



Ref: BIO/93/301

DATE DOCUMENT : 93/12/06

433

PREPARATION TELECOMMUNICATIONS COUNCIL OF 7 DECEMBER 1993

Le Conseil profitera de l'elan declenche par sa derniere reunion, le 16 juin 1993 (p.ex. liberalisation de la telephonie vocale, deblocage du dossier HDTV), afin de poursuivre les travaux engages (service universel) et d'aborder des travaux nouveaux (communication par satellite). Par ailleurs, le Conseil aura un debat sur les reseaux transeuropeens dont l'importance depassera le seul secteur des telecommunications.

Developpement des services postaux

Le Conseil est appele a adopter une resolution invitant la Commission a proposer, avant juillet 1994, des mesures communautaires definissant la notion des 'services reserves', les obligations des prestataires du 'service universel' et la qualite du service universel.

Certains Etats membres du Nord (emmenes par les Pays Bas) souhaitent un renforcement des aspects de liberalisation d'un haut niveau de qualite, alors que certains Etats membres 'de la cohesion' (emmenes par l'Espagne) souhaitent davantage tenir compte des differentes situations nationales et n'accepteront qu'une reference au minimum de la qualite des services.

Service universel dans le secteur des telecommunications

Le Conseil est appele a adopter une resolution presentee par la Commission. Des divergences subsistent sur les elements servant de base a la definition du service universel.

La Commission estime que ces elements devraient reprendre les 5 domaines sur lesquels le Conseil s'est deja prononces depuis 1990, a savoir

- directive cadre concernant la fourniture d'un reseau ouvert de telecommunications (ONP),
- directive concernant les lignes louees,
- position commune concernant la telephonie vocale,
- transmission de donnees par commutation de paquets (STDCP), et
- reseau numerique a integration de services (RNIS).

Seuls l'Espagne, la France et le Portugal acceptent l'ensemble des 5 points. Les autres Etats membres contestent l'inclusion des deux derniers points, craignant que celle-ci ne retarde la liberalisation, n'implique des charges d'accès elevees, ou n'oblige de fournir des services a des prix trop bas.

Reseaux transeuropeens

Bien que le Conseil soit saisi de plusieurs dossiers specifiques (IDA, COMEDI, TEN-IBS, RNIS), il n'aura qu'un debat d'orientation concernant notamment l'interpretation des nouveaux articles 129 B a D du traite CE.

En effet, l'Allemagne et le Royaume-Uni estiment que la notion de réseau se limite aux éléments matériels (cables, liaisons hertziennes), tandis que la Commission estime que le terme d'interopérabilité des réseaux inclut des éléments immatériels (services génériques et d'application).

Radiofréquences

L'on se souvient que la Commission, dans le cadre de la subsidiarité, avait renoncé à deux propositions (aviation et trafic routier) estimant que ces questions pourraient être traitées plus efficacement par des conventions internationales que par des actes internes de l'Union. Mais lorsque la Commission proposa d'être autorisée à prendre les initiatives appropriées au niveau international, elle se heurta à l'opposition des États membres qui préfèrent de mener ces négociations internationales individuellement.

La Présidence est en train d'élaborer un projet de conclusions sur la base duquel elle souhaite réunir l'unanimité des États membres et de la Commission.

Television avancée

La Commission présentera oralement une communication concernant le cadre d'une politique communautaire pour la télévision numérique ainsi qu'une proposition de directive destinée à remplacer la directive 92/38/CEE ('directive MAC'). Elle fait ainsi suite aux orientations du Conseil du 16 juin.

Communications par satellite

La Commission expliquera son projet de directive qui vise à étendre ses directives de 1988 et 1990 relatives aux terminaux et services de télécommunications. La directive étant basée sur l'article 90 (3) du traité CE, elle sera adoptée par la Commission à la lumière des débats au Conseil et au Parlement.

* * *

Ref: BIO/93/301/1

DATE DOCUMENT : 93/12/07

TELECOMMUNICATIONS COUNCIL OF 7 DECEMBER 1993

Après des discussions parfois laborieuses, le Conseil a adopté quatre textes de résolutions et conclusions. Bien que ce ne soient pas des actes législatifs et obligatoires, ces textes constituent des étapes importantes sur la voie amiable de changer les habitudes nationales par le consensus et l'ouverture grandissant des esprits.

Developpement des services postaux

Le Conseil s'est mis d'accord sur une résolution invitant la Commission à proposer, avant juillet 1994, des mesures communautaires définissant la notion des 'services réservés', les obligations des prestataires du 'service universel' et la qualité du service universel. La résolution sera adoptée, après toilettage juridique, par un prochain Conseil comme point A.

Les différences subsistent toujours entre, d'une part, les Etats membres qui préfèrent un renforcement des aspects de libéralisation et d'un haut niveau de qualité et, d'autre part, les Etats membres qui souhaitent davantage tenir compte des différentes situations nationales et limiter le droit communautaire au minimum de la qualité des services. Des formules de compromis ont été trouvées après de longues discussions sémantiques.

Service universel dans le secteur des télécommunications

La aussi, le Conseil s'est mis d'accord sur le texte - longuement discuté - d'une résolution. Sur la base des actes communautaires que le Conseil a déjà adoptés depuis 1990, la résolution reconnaît la nécessité de développer des principes communs pour la définition du service universel assurant l'égalité et la continuité d'un service de qualité, à un prix abordable, indépendamment de la localisation géographique. La résolution admet la possibilité de financements spéciaux, p. ex. aux moyens de transferts internes de l'opérateur, lorsque la fourniture d'un service de base de téléphonie vocale devait être faite à perte ou seulement 'under cost conditions falling outside normal commercial standards'.

Reseaux transeuropeens

Bien que la nécessité de ces réseaux soit reconnue par le traité de Maastricht et que les travaux préparatoires au niveau des experts aient bien progressé, les ministres des télécommunications ont soudainement commencé à retarder les travaux en soulevant des questions de principe concernant la nécessité des projets et l'interprétation juridique (est-ce que la notion de réseau se limite aux câbles ou comprend-elle

les services d'application?). M. Bangemann s'est vu amené à souligner que la Commission a entamé ces travaux pour répondre aux besoins exprimés par les Etats membres et qu'elle cessera ses efforts si ces besoins sont niés

par les Etats.

Le Conseil a fini par renvoyer les dossiers, IDA, TEN-IBS et RNIS au Coreper afin qu'il identifie les besoins en vue du prochain Conseil sous présidence hellénique. Toutefois, il a accepté de prévoir 30 mio d'écus (3 ans à 10 mio) pour le projet COMEDI concernant les statistiques du commerce intracommunautaire; ce texte sera adopté par le Conseil Marché intérieur du 16 décembre.

Radiofréquences

Le Conseil a adopté des conclusions invitant la Commission à signer un memorandum d'accord avec le Comité européen des radiocommunications (ERC). Il suit ainsi les orientations proposées par la Commission qui estime que l'attribution des fréquences peut mieux être réglée au niveau international qu'au niveau communautaire. En effet, l'ERC regroupe les Etats membres de l'Union, les pays de l'AELE et la plupart des pays d'Europe centrale et orientale.

Television avancée

Le Conseil a adopté des conclusions donnant un accueil favorable à la communication de la Commission, présentée oralement par M. Bangemann. Il a notamment souligné la nécessité d'élaborer des normes communes pour la télévision numérique.

Communications par satellite

M. Van Miert a expliqué le projet de directive qui vise à étendre les directives de 1988 et 1990 concernant les terminaux et services de télécommunications. Exception faite d'une remarque linguistique, aucune délégation n'a pris la parole. Il n'y a donc pas d'objections du Conseil à ce que la Commission, seule compétente en vertu de l'article 90 (3), adopte cette directive définitivement.

* * *

