

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	1996/0220(COD) Procedure completed
Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules Amending Directive 98/34/EC	<a href="#">1996/0300(COD)</a>
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 2.80 Cooperation between administrations 3.30.25 International information networks and society, internet	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	PSE <a href="#">HENDRICK Mark Phillip</a>	09/10/1996
	Former committee responsible		
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	PSE <a href="#">HENDRICK Mark Phillip</a>	09/10/1996
	Former committee for opinion		
	<b>JURI</b> Legal Affairs, Citizens' Rights	PPE <a href="#">FERRI Enrico</a>	22/01/1997
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2111</a>	29/06/1998
	<a href="#">General Affairs</a>	<a href="#">2066</a>	26/01/1998
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2051</a>	27/11/1997
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">1957</a>	25/10/1996
	Industry	<a href="#">1953</a>	08/10/1996

Key events			
29/08/1996	Legislative proposal published	COM(1996)0392	Summary
20/09/1996	Committee referral announced in Parliament, 1st reading		
08/10/1996	Debate in Council	<a href="#">1953</a>	
25/10/1996	Debate in Council	<a href="#">1957</a>	
17/04/1997	Vote in committee, 1st reading		Summary
16/04/1997	Committee report tabled for plenary, 1st reading	<a href="#">A4-0147/1997</a>	
16/05/1997	Debate in Parliament		Summary

16/05/1997	Decision by Parliament, 1st reading	T4-0260/1997	Summary
16/11/1997	Modified legislative proposal published	COM(1997)0601	Summary
25/01/1998	Council position published	<a href="#">12944/1/1997</a>	Summary
19/02/1998	Committee referral announced in Parliament, 2nd reading		
23/04/1998	Vote in committee, 2nd reading		Summary
22/04/1998	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0151/1998</a>	
13/05/1998	Debate in Parliament		Summary
14/05/1998	Decision by Parliament, 2nd reading	T4-0277/1998	Summary
29/06/1998	Act approved by Council, 2nd reading		
20/07/1998	Final act signed		
20/07/1998	End of procedure in Parliament		
05/08/1998	Final act published in Official Journal		

### Technical information

Procedure reference	1996/0220(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Directive 98/34/EC <a href="#">1996/0300(COD)</a>
Legal basis	EC before Amsterdam E 100A; Rules of Procedure EP 163; EC before Amsterdam E 213
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/09727

### Documentation gateway

Legislative proposal		COM(1996)0392	30/08/1996	EC	Summary
Committee opinion	<b>CULT</b>	PE220.557/DEF	27/02/1997	EP	
Committee draft report		PE221.828	18/03/1997	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0320/1997</a> <a href="#">OJ C 158 26.05.1997, p. 0001</a>	19/03/1997	ESC	Summary
Amendments tabled in committee		PE221.828/AM	24/03/1997	EP	
Committee opinion	<b>JURI</b>	PE221.027/DEF	16/04/1997	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0147/1997</a> <a href="#">OJ C 167 02.06.1997, p. 0002</a>	17/04/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0260/1997 <a href="#">OJ C 167 02.06.1997, p. 0226-0238</a>	16/05/1997	EP	Summary

Modified legislative proposal		<a href="#">COM(1997)0601</a> <a href="#">OJ C 065 28.02.1998, p. 0012</a>	17/11/1997	EC	Summary
Council position		<a href="#">12944/1/1997</a> <a href="#">OJ C 062 26.02.1998, p. 0038</a>	26/01/1998	CSL	Summary
Commission communication on Council's position		SEC(1998)0158	28/01/1998	EC	Summary
Committee draft report		PE223.995	08/04/1998	EP	
Committee draft report		PE223.995/REV	21/04/1998	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0151/1998</a> <a href="#">OJ C 167 01.06.1998, p. 0005</a>	23/04/1998	EP	
Text adopted by Parliament, 2nd reading		T4-0277/1998 <a href="#">OJ C 167 01.06.1998, p. 0171-0184</a>	14/05/1998	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1998)0349	29/05/1998	EC	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 1998/48](#)  
[OJ L 217 05.08.1998, p. 0018](#) Summary

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

**OBJECTIVE** : the proposal for a European Parliament and Council Directive is designed to set up a transparency mechanism introducing a procedure for the supply of information and administrative cooperation between national and Community authorities regarding rules and regulations on Information Society services. **SUBSTANCE** : the transparency mechanism proposed by the Commission pursues the following objectives: (a) ensuring the smooth functioning of the internal market for Information Society services by preventing the creation of new obstacles; (b) ensuring an equivalent level of protection of general-interest objectives between Member States; (c) establishing more clearly and reducing the need for new Community rules and regulations; (d) facilitating administrative cooperation; (e) contributing to the stability of the regulatory framework, a prerequisite for stimulating the development of the Information Society. In concrete terms, each Member State would have to communicate to the Commission and the other Member States any draft national rules and regulations on Information Society services: their entry into force would be conditional upon a minimum standstill period of three months for verification of the consistency and compatibility of the draft with existing Community law, including internal market rules. A committee would administer the procedure.?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

The Committee can agree with: - the Commission's policy of developing appropriate legislation for information society services; - the proposed information, consultation and administrative co-operation procedure; and the proposed third amendment to Directive 83/189/EEC. The Committee thinks that: - the Commission must encourage national and regional authorities to be involved in the development of the information society; - interim reports should be issued, providing information on the development of information society services and of laws and regulations; ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

Regulating the Information Society is mainly a member state's responsibility. This poses a real risk that the development of information services in the EU is hampered by contradictory or inconsistent regulations at the national level. The Committee adopted a report by Mr Mark HENDRICK (PES, UK) endorsing a Commission proposal aimed at preventing the emergence of such an inconsistent patchwork of national rules (Co-Decision, first reading). The proposal will amend Council Directive 83/169/EEC which established a mechanism for vetting draft

national rules applicable to goods by obliging Member States to submit them to the Commission for review prior to implementation. A "stand still" period of three months allows the Commission and other member states to analyse the drafts and comment on them. The Commission proposal seeks to extend this review mechanism to legislation concerning information society services, ie. those provided "at a distance, electronically and on the individual request of a service receiver". The Committee adopted several amendments to the proposal, in particular calling for a review of the Directive by 1 July 1999 and for the setting up of a consultative group of experts from industry and academia, which will advise the Commission on these matters. The Committee also approved a Commission Proposal for a Council Decision on a multi-annual programme to stimulate the establishment of the information society in Europe (Consultation). The aim of this programme is to provide a legal instrument under which to carry out actions such as studies concerning the information society proposed by the Commission Amendments adopted by the Committee seek to include monitoring of the effectiveness of the measures taken as an integral part of the programme. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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Commissioner Monti said that he could accept most of the amendments as they were specifically designed to strengthen the proposal or clarify the detail of its content. This was the case with Amendments Nos 2 (subject to rewording), 3, 9, 10, 11, 12, 13, 15, 17, 19, 20 and 14 (in part). However, other amendments were not compatible with the spirit of the proposal and could particularly impair the proper functioning of the current Directive 83/189/EEC. The Commission was restricted to extending the procedure currently applying to goods to the area of the new information society services, without any changes. This was why, according to Mr Monti, Amendments Nos 1, 4, 5, 7, 8, 16 and 18 had to be rejected. This was also the case with Amendment No 21 as the Commission considered that transparency must apply to all the new services provided on the information highway, without excluding the cultural sphere.

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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In adopting the report by Mr Mark HENDRICK (PSE, UK), Parliament amended the proposal, calling in particular for the establishment of an advisory group comprising experts from industry and universities which would have the task of offering advice and guidance to the Standing Committee. In addition, Parliament calls on the Commission: - to monitor developments on the market in the new information society services, particularly as regards convergence between telecommunications, information technology and the media, with a view to adjusting the rules at the appropriate juncture; - to assess the implementation of the directive before 1 July 1999 with a view to revising it, if appropriate. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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The Commission's amended proposal takes over 12 of the 17 amendments adopted by Parliament at first reading. It takes over in particular the substance of the first part of Parliament's amendment 14: although it does not set up an ad hoc Standing Committee - which would involve specific financial cover - provision is made for the existing Committee and the national authorities to consult experts from industry and academia on regulatory issues relating to Information Society services. A further amendment provides that the report on the implementation of the directive which the Commission must present every two years should take account in particular of the societal and cultural aims of future draft rules on services. The deadline for bringing national rules into line with this Directive is set at 30 June 1998 (instead of 31 December 1997). Before 1 July 2000 the Commission will assess whether it is appropriate to submit proposals for the revision of the directive in the light of the technological development of the services. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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The Council common position incorporates, in full or in part, five amendments of the 12 included by the Commission in its amended proposal: - requirement to safeguard national measures preserving cultural identity and diversity, in accordance with Community law; - updating of the references to the recent directives in the audiovisual and telecommunications fields; - taking account of the social, societal and cultural objectives pursued by national draft rules; - proposal of both an evaluation report and a revision clause for this directive; - reference to the interpretation of the conception of free provision as developed in Court of Justice case law. The common position has included two significant changes to the substantive provisions of the proposal: (1) The first concerns the special arrangements introduced for notifying draft national rules relating specifically to on-line financial services: - the total exclusion from the scope of the present Directive of national rules on questions which are already the subject of Community regulations on financial services; - the partial exclusion of national rules on regulated markets (in particular stock exchanges) and other specific markets and bodies; - a special emergency procedure for draft national rules on the protection of the security and the integrity of the financial system; (2) The second important change made by the Council concerns the reduction of the total status quo period to four months (instead of the six months proposed by the Commission) if a detailed opinion is delivered by the Commission or by one or more Member States on a notified draft. In addition, the common position has introduced further changes and clarifications. These comprise in particular: - the exclusion of national rules on questions which are already the subject of Community regulations on telecommunications services; - the non-application, with regard only to draft national rules on Information Society services, of the twelve-month status quo period, when the Commission announces that it merely 'intends' to propose a directive, regulation or decision in the same field as that covered by the national draft; - definition of the criteria for applying the Directive; - non-application of the Directive to broadcasting services (including pay-TV and pay-per-view) already covered by the Television without Frontiers Directive; - provision that the Committee currently operating in the context of Directive 83/189 should meet 'in a specific composition' to examine matters relating to Information Society services. The Council has also fixed a period of 12 months for the transposition of this directive and has provided for an evaluation report and a possible review of the directive two and three years respectively after the end of the transposition period. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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The Commission would have preferred the Council to confirm all the proposed provisions on the field of application and operation of the directive. Nevertheless at this stage it welcomes the common position, in view of the need for final adoption and rapid implementation of the rules on an information system and administrative cooperation envisaged by the proposal. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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Regulating the Information Society is mainly the responsibility of Member State. This according to the Commission poses a real risk that the development of information services in the EU is hampered by contradictory or inconsistent regulations at the national level. To prevent this the Commission put forward a proposal obliging the Member States to submit any rules relating to Information Society Services to the Commission for review prior to implementation. A "stand still" period of four months would allow the Commission and other member states to analyse the drafts and comment on them. At first reading Parliament adopted a number of amendments which according to Mr Mark HENDRICK (PES, UK), rapporteur for the Committee, to a large extent have been accepted by Council. In its recommendation for second reading (Co-Decision) the Committee has retabled those amendments from first reading which were not taken up by the Council. In particular, the Committee demands that Member States must explain and justify the reasons why they do not follow comments sent to them by the Commission or other Member States. The Committee also wants a consultative group of experts from industry and academia to be set up to advise the Commission on these matters. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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The rapporteur considered that the five re-tabled amendments, which had not been taken over in the common position, were realistic and minimalistic. Commissioner Bangemann was delighted to see Parliament and the Commission working on the same lines and accepted all the amendments.

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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In adopting the recommendation for second reading by Mr Mark Philip HENDRICK (PSE, UK) Parliament approved the Council's common position with amendments. In particular it called for the Commission and the committee to be able to consult natural or legal persons from industry or academia, and where possible representative bodies, capable of delivering an expert opinion on the social and societal aims and consequences of any draft rule on services. The Member State concerned should indicate where appropriate the reasons why the detailed opinion could not be taken into account. Parliament called for the Commission at regular intervals to investigate developments in the market for new services in the field of the information society, especially in the framework of the convergence between telecommunications, information technology and media and, where necessary, take initiatives in order to adapt rules promptly in order to encourage the European development of new services. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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In its opinion on Parliament's second reading the Commission supported all the amendments adopted by Parliament in plenary. These amendments dealt with: - the investigation by the Commission at regular intervals of developments in the market for new services in the field of the information society in order to take initiatives where necessary to adapt existing rules, - the possibility of consulting natural or legal persons from industry or academia on the rules on new services, - the reference to obstacles to the freedom of establishment of service operators, - with respect to rules on services, indication by the Member State concerned of the reasons why the detailed opinions cannot be taken into account. ?

## Information Society services: procedure for the provision of information in the field of technical standards and regulations and of rules

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OBJECTIVE: to ensure greater transparency in future rules applying to Information Society services. COMMUNITY MEASURE: Directive 98/48/EC of the European Parliament and of the Council amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations. SUBSTANCE: The system of transparency proposed by the Commission has the following aims: (a) to promote the smooth functioning of the internal market in the area of Information Society services by avoiding the creation of new obstacles; (b) to ensure an equivalent level of general interest protection between the Member States; (c) to reduce the need for new Community regulations and target them more precisely; (d) to facilitate cooperation between administrations; (e) to contribute to the stability of the regulatory framework, as a precondition to stimulate the development of the Information Society. Specifically, each Member

State must notify the Commission and the other Member States of proposals for national rules concerning Information Society services: there must be a delay before they come into force to make it possible to verify their coherence and compatibility with existing Community law and in particular with internal market rules. A system is introduced concerning notification of proposals for national rules on on-line financial services. The procedure is to be managed by a committee. ?