


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1996/0226(COD) Procedure completed
Telecommunications: open network provision (ONP) to voice telephony, and universal service Repealing Directive 95/62/EC <a href="#">1995/0020(COD)</a>	
Subject 2.40.02 Public services, of general interest, universal service 3.30.03.04 Telecommunication networks	

Key players			
European Parliament	Former committee responsible		
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	PSE <a href="#">READ Imelda Mary</a>	24/09/1996
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	PSE <a href="#">READ Imelda Mary</a>	24/09/1996
	Former committee for opinion		
	<b>ENER</b> Research, Technological Development and Energy	PPE <a href="#">VAN VELZEN W.G.</a>	19/11/1996
	<b>JURI</b> Legal Affairs, Citizens' Rights	ELDR <a href="#">THORS Astrid</a>	19/12/1996
Council of the European Union	Council configuration	Meeting	Date
	Research	<a href="#">2067</a>	12/02/1998
	Energy	<a href="#">2035</a>	27/10/1997
	<a href="#">Economic and Financial Affairs ECOFIN</a>	<a href="#">2014</a>	09/06/1997
	Telecommunications	<a href="#">1991</a>	06/03/1997
	Telecommunications	<a href="#">1949</a>	27/09/1996

Key events			
27/09/1996	Debate in Council	<a href="#">1949</a>	
04/11/1996	Legislative proposal published	COM(1996)0419	Summary
12/11/1996	Committee referral announced in Parliament, 1st reading		
17/02/1997	Vote in committee, 1st reading		

17/02/1997	Committee report tabled for plenary, 1st reading	<a href="#">A4-0049/1997</a>	
20/02/1997	Debate in Parliament		Summary
20/02/1997	Decision by Parliament, 1st reading	T4-0054/1997	Summary
04/06/1997	Modified legislative proposal published	COM(1997)0287	Summary
09/06/1997	Council position published	<a href="#">06981/1/1997</a>	Summary
13/06/1997	Committee referral announced in Parliament, 2nd reading		
03/09/1997	Vote in committee, 2nd reading		Summary
03/09/1997	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0263/1997</a>	
17/09/1997	Debate in Parliament		
17/09/1997	Decision by Parliament, 2nd reading	T4-0441/1997	Summary
27/10/1997	Parliament's amendments rejected by Council		
10/12/1997	Formal meeting of Conciliation Committee		
10/12/1997	Final decision by Conciliation Committee		Summary
14/01/1998	Joint text approved by Conciliation Committee co-chairs	<a href="#">3635/1997</a>	
15/01/1998	Report tabled for plenary, 3rd reading	<a href="#">A4-0013/1998</a>	
28/01/1998	Debate in Parliament		Summary
29/01/1998	Decision by Parliament, 3rd reading	T4-0049/1998	Summary
12/02/1998	Decision by Council, 3rd reading		
26/02/1998	Final act signed		
26/02/1998	End of procedure in Parliament		
01/04/1998	Final act published in Official Journal		

### Technical information

Procedure reference	1996/0226(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 95/62/EC <a href="#">1995/0020(COD)</a>
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/09456

### Documentation gateway

Legislative proposal		<a href="#">COM(1996)0419</a> <a href="#">OJ C 371 09.12.1996, p. 0022</a>	04/11/1996	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0049/1997</a> <a href="#">OJ C 085 17.03.1997, p. 0014</a>	17/02/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0054/1997 <a href="#">OJ C 085 17.03.1997, p. 0099-0117</a>	20/02/1997	EP	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0238/1997</a> <a href="#">OJ C 133 28.04.1997, p. 0040</a>	27/02/1997	ESC	Summary
Modified legislative proposal		COM(1997)0287 <a href="#">OJ C 248 14.08.1997, p. 0013</a>	04/06/1997	EC	Summary
Council position		<a href="#">06981/1/1997</a> <a href="#">OJ C 234 01.08.1997, p. 0087</a>	09/06/1997	CSL	Summary
Commission communication on Council's position		SEC(1997)1108	12/06/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0263/1997</a> <a href="#">OJ C 304 06.10.1997, p. 0007</a>	03/09/1997	EP	
Text adopted by Parliament, 2nd reading		T4-0441/1997 <a href="#">OJ C 304 06.10.1997, p. 0075-0082</a>	17/09/1997	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1997)0531	20/10/1997	EC	Summary
Joint text approved by Conciliation Committee co-chairs		<a href="#">3635/1997</a>	14/01/1998	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		<a href="#">A4-0013/1998</a> <a href="#">OJ C 056 23.02.1998, p. 0004</a>	15/01/1998	EP	
Text adopted by Parliament, 3rd reading		T4-0049/1998 <a href="#">OJ C 056 23.02.1998, p. 0012-0017</a>	29/01/1998	EP	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 1998/10](#)  
[OJ L 101 01.04.1998, p. 0024](#) Summary

## Telecommunications: open network provision (ONP) to voice telephony, and universal service

**OBJECTIVE:** the purpose of the proposal for a Directive is to revise and replace Directive 95/62/EC on the application of open network provision (ONP) to voice telephony, currently in force, to take account of the liberalization of the telecommunications market, scheduled to come into effect on 1 January 1998, and to guarantee the provision of a universal service for telecommunications as laid down in the European Union. **SUBSTANCE:** the modified proposal for a Directive describes the scope of the universal service requirement in telecommunications, which must be accessible to all users in the European Union, and requires that the Member States should ensure, in the light of their national conditions, that such service is affordable. The Directive also lays down harmonized conditions for the provision of fixed public telephone networks and publicly available telephone services in the EU. More specifically, the revised Directive: - stipulates the telephone services and additional services which must be available to all users; it ensures that it is possible for all users on request to have access to the fixed public telephone network, at a fixed location, to make and receive calls, facsimile and/or data communications, as well as a range of basic additional services including itemized billing and tone dialling; - introduces a service quality control mechanism based on a common series of indicators and measurement methods. Where appropriate, performance targets may be set by the national regulatory authorities; the performance data may be published: - introduces an obligation that the Member States should ensure, in the light of their national conditions, that telephone services are affordable tariff; rebalancing should follow the pace of opening up to competition without

causing sharp increases in prices for users. The proposal also encourages the use of targeted tariff schemes, rather than the application of uniformly low tariffs, to guarantee that services are affordable for all users. - calls on Member States to introduce mechanisms for consultation with users, consumers, service providers and manufacturers over matters relating to level, quality and affordability of universal service. The Commission may also introduce such mechanisms at Community level. In the case of Member States which under Community legislation are allowed a transitional period in which to liberalize public telecommunications networks and publicly available telephony services, the applicable provisions of Directive 95/62/EC are maintained in force by the revised Directive. ?

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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The rapporteur, Mrs READ (PSE, UK), confirmed that she was aware of the need to adopt in due course the texts forming part of the 1998 liberalisation package in the telecommunications sector. She also stressed the immensely lucrative nature of this market. As regards mobile telephony, Mrs Read admitted that this market was developing at different rates in the various Member States, but she also felt that there was a basic trend towards one market. Commissioner Bangemann considered that the problem of universal service would not be solved through social measures but would benefit more from the regulatory influence of the market and fairly rapid technological progress in this sector. While stressing the benefits of liberalisation for consumers, the Commissioner said that certain specific problems, such as those linked to disabled persons or low-income social categories, should be resolved at regional or national level rather than by the EU.

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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In adopting the report by Mrs Imelda READ (PSE, UK) Parliament amended the proposal for a directive on voice telephony and the establishment of a universal service for telecommunications. With its amendments Parliament asks that the Commission regularly examine to what extent further provisions of this Directive can be applied to mobile telephony given the continuing integration of fixed and mobile telecommunications technology. Other amendments also provide that: - Member States may to some extent impose additional universal service requirements; - subscribers have the right, free of charge, to have an entry in publicly available directories and have the possibility to receive compensation in the case of incorrect entry of details in the directories; - subscribers have the right to withhold their details from publicly available directories and to restrict the use of that information for commercial purposes without any charge; - the Commission will develop common rules for monitoring the tariffs and will determine the frequency of the monitoring by the Member States; - the Commission will consider in its report on universal service to be published before 1 January 1998 whether other beneficiaries of the liberalisation process in the telecommunications sector can contribute to the financing of universal service; Another series of amendments seeks to ensure that the most vulnerable consumers and the geographically less favoured areas can benefit from an adequate service in the context of liberalisation. In this connection Parliament demands that: - the Member States take the necessary measures to ensure the availability of social rates and flexible payment schemes for low income consumers and for the provision of public access to information society resources; - free access to services is assured for people with disabilities (blind or partially-sighted, deaf and speech-impaired people, etc.). Lastly, Parliament asks that where number portability is not yet in use, national regulatory authorities shall ensure that a telephone call to his old number can be rerouted to the user against a reasonable fee or that during a reasonable period callers are given an indication of the new number. ?

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The Committee, which widely reiterates views previously expressed by it on the subject, is generally in favour of the proposal. It thinks, however, that mobile services should not be fully excluded from the scope of the proposal. A number of provisions - such as the rules governing subscribers' contracts and information services - should apply to mobile and fixed telephone services. While agreeing with the definition of universal service given in the proposal, the Committee thinks that universal service must not necessarily be mistaken for a minimum service, for that could lead people to believe that only minimum rights are guaranteed in Europe. Finally, the Committee: - underlines the need for consistency between the proposal, the future directive on interconnection and the Commission communication of 27 November 1996, - is pleased to see that the draft directive, in line with its previous recommendation, covers facilities additional to the universal service, - notes with satisfaction that directory services are to be subject to universal service obligations, and welcomes the requirement to provide general access to a single emergency call number (112). ?

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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The Commission's amended proposal takes over in full or in part 19 of the 34 amendments adopted by the European Parliament at first reading. The main amendments accepted by the Commission seek: - to specify more clearly the scope of universal service and to improve consumer protection; - to bring the text in line with Community law, in particular the data protection directive and the interconnection directive; - to improve the clarity of the text. Other modifications are based on amendments relating to the following points: - the establishment of tariff control systems or similar schemes, possibly based on geographic segmentation; - the publication by the Commission of regular reports on the evolution of tariffs in the Community; - number portability: when this facility is not yet available the national regulatory authorities shall ensure that for a reasonable period after a subscriber has changed supplier all telephone communications to his old number can be re-routed to his new number free of charge or that this new number is indicated to callers; any fees for such re-routing must be reasonable; - the consultation of interested parties, and especially terminal equipment suppliers and the representatives of users and consumers, on the changes in existing network interface specifications; - for blind and partially sighted people, free access to directory enquiry services and to information contained in directories and to alternative formats for bills; - for deaf and hearing-impaired people, the need to provide publicly accessible text telephones. ?

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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The common position takes over in full or in part 12 of the European Parliament amendments out of the 19 approved by the Commission in its modified proposal. The main modifications made by the Council relate to the following points: - extension of the scope: a specific reference to the universal service has been introduced in order to clarify the aims of this Directive. In addition certain rights relating to telephone information services, operator assistance and emergency services, contracts and access to information have been extended to mobile users; - definitions: a number of definitions have been modified or deleted with the aim of aligning them with other telecommunications directives in the context of the new regulatory framework (the terms concerned are 'fixed public telephone network' and 'publicly available telephone service', 'voice telephony service' and 'subscriber'); - directory services: this provision has been aligned with that of the draft data protection/ISDN directive, in particular by referring to directories of all subscribers who have not expressed opposition to being listed, rather than to subscribers who consent to be listed; - adjustment to a competitive market: in an endeavour to avoid over-regulation in the context of the new competitive situation in the telecommunications markets the Council has sought to: . ensure that where the market already adequately provides for certain facilities (public pay phones, itemized billing, tone dialling, selective call barring) certain requirements of the directive need not be applied; . avoid undue administrative burdens on all operators and in particular new market entrants; . avoid 'case-by-case' procedures when national regulatory authorities are required to intervene in the event of interruption, termination, significant variation or reduction in availability of services; . find a balance between an adequate level of consumer protection and the desire for a more market-oriented approach. - number portability: as a result of a compromise reached in the context of conciliation on the interconnection directive, the common position provides for the establishment of an interim service involving rerouting or indication of the new number until the number portability facility is available. The common position did not take over Parliament's amendments on the following points: - objective and non-discriminatory criteria with regard to the decision on which organizations provide the universal service; - reference to the ONP/framework and leased lines directives with regard to the definition of a national regulatory authority; - financing of the additional universal service; - specific measures for disabled users with regard to public text telephones and access to directory enquiry services; - access to operator assistance services and directory enquiry services free of charge or at a nominal cost; - modifications to contracts; - special access to the network. ?

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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The European Commission supports the common position since the latter retains all the major elements of the proposal and offers a clear and precise presentation of the whole package of services to which Community users should have access within the scope of a universal service. However, it regrets that the Council has not maintained the integrality of all the measures relating to the rights of users, as contained in the Commission's proposal, and has not accepted all or part of certain amendments proposed by the European Parliament in this area. The Commission also regrets that the Council has chosen a type IIIa regulatory committee system for the technical alignment of annexes I, II et III. ?

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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With less than four months to go until the opening up of the telecommunications market to competition, the European Institutions are putting the finishing touches to the necessary legislative framework. The Committee adopted a recommendation for second reading by Mrs Mel READ (PES, UK) approving one of the last pieces of the "1998 package" - the Council Common Position on the revised ONP voice telephony (Open Network Provision) directive. As the Council had failed to incorporate most of Parliament's amendments from the first reading, the rapporteur has retabled most of those supported by the Commission. Along with these amendments, the Committee also approved several amendments introduced by Mrs Read aiming at removing changes made by the Council, which in effect weaken the Commission's proposal in key areas such as users' and consumers' rights. Other amendments aim at strengthening the rights of disabled users, ensuring that the concept of affordability of the universal service is defined at European, and not, at national level. ?

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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In adopting the recommendation for second reading by Mrs Imelda READ (PSE, UK), Parliament amended the Council's common position. Parliament failed to secure the qualified majority requested to retable all the amendments from first reading that had not been taken over by the Council in its common position. Through its amendments, Parliament: - asked that the Member States specify an affordable price, on the basis of guidelines drawn up at European level in the light of specific national conditions, including town and country planning aspects; - highlighted the need for free access to directory enquiry services for handicapped people, especially the blind or partially-sighted and deaf or speech-impaired people; - underlined the need for users to have complete freedom when choosing suppliers of the various services they may wish to use; - noted that the Member States could impose additional universal service requirements. Such additional requirements should not, under any circumstances, affect the costing of universal service provision as laid down at EU level and could not be financed through a mandatory contribution from market players; - hoped that the Commission would examine the quality of the services offered through the Community in a half-yearly report for Parliament and the Council. ?

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## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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Of the 17 amendments adopted by the European Parliament in second reading, the Commission accepts 14 either in full, in part or in principle. The Commission accepts in their present form those amendments which: - strengthen consumer protection; - improve the clarity of the text relating to the rules governing the provision, costing and financing of the universal service; - are in keeping with the position of the Commission in respect of committology; - specify special access to the network. In addition, the Commission has come to an agreement with the European Parliament on the principles which underlie the amendments relating to the following points: - operators likely to provide the universal service; - improved access by disabled users to telecommunications services; - the transitional measure to be applied until the number portability service becomes available; - the inclusion of the public text telephone in the definition of the public pay-telephone; - alternative formats for itemised billing for blind and partially-sighted people; - the option for Member States to request the provision of additional facilities, provided that these

are not financed by a contribution from market operators. The Commission rejected those amendments relating to the following aspects: - the rights of users and consumers; - the rules governing the provision, costing and financing of the universal service (amendment of the current definition of the universal service); - European guidelines on the concept of affordable price. ?

## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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Following two triologue sessions, delegation meetings and technical meetings, a compromise agreement was reached on the 17 amendments adopted by the Parliament, at second reading, concerning the concept of affordable price, the cost of universal service, consumer protection and quality service in contracts, protection of disabled users (the compromise covers the concept of equal access for all proposed services), number portability and the commitology. Under the joint text, Member States are obliged to take specific measures to ensure equal access to and affordability of fixed public telephone services for disabled users. Such measures could, for example, include providing services such as directory enquiry free of charge for blind and partially sighted people. The Council also agreed to Parliament's demand that Member States may impose additional requirements concerning the provision of telecommunications services. Such requirements may not, however, affect the costing of the universal service, nor be financed through mandatory contributions from operators.

## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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Having approved the Conciliation Committee's proposal, Commissioner Bangemann was prepared to accept Parliament's amendments as they improved the original proposal.

## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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The European Parliament approved the joint text which emerged from the conciliation procedure with the Council. During the conciliation, Parliament had obtained satisfaction on such points as the concept of affordable prices, services to users changing operator, special services for the disabled (equality of access to services, including directories, at affordable prices), the principle that rises in the price of universal service should be limited, consumer protection, the quality of services in contracts and commitology. ?

## Telecommunications: open network provision (ONP) to voice telephony, and universal service

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**OBJECTIVE:** to harmonize conditions to ensure open and effective access to fixed public telephone networks, and the conditions for their use in an open and competitive market environment in accordance with the principles of open network provision (ONP). **COMMUNITY MEASURE:** European Parliament and Council Directive 98/10/EC on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment. **SUBSTANCE:** the Directive amends and replaces Directive 95/62/EC on the application of open network provision (ONP) to voice telephony. Taking account of the new regulatory framework (particularly Directives 97/33/EC and 97/13/EC concerning interconnection and licences respectively), the main purposes of the Directive are to: - adjust the ONP provisions in force in the light of the liberalized environment, with effect from 01/01/1998, of a market comprising more than one operator, in which special and exclusive rights no longer exist; - reinforce obligations to provide a universal service such that users throughout the European Union are guaranteed a defined minimum package of services of a specified quality at an affordable price, taking account of the differences which exist between national situations; - to establish minimum requirements regarding service quality and consumer protection. More particularly, the provisions of the Directive cover the following fields: - availability of services; - methods of financing the universal service; - provision of network connections and access to telephone services; - directory services; - public pay-telephones; - specific measures for disabled users and users with special needs; - connection of terminal equipment and use of the network; - contracts; - publication of and access to information; - quality of service; - conditions of access and use and essential requirements; - itemized billing, tone dialling and selective call barring; - provision of additional facilities; - special network access; - tariff and cost accounting principles; - non-payment of bills; - conditions for the termination of offerings. Under the Directive, certain provisions relating to directory services, contracts, access to information services and emergency services and access to information by consumers, are extended to mobile telephone services. In accordance with the interconnection Directive, Member States may compel voice telephony service operators to contribute to the financing of universal service. **ENTRY INTO FORCE:** 21/04/1998. **DEADLINE FOR TRANSPOSITION:** 30/06/1998. ?