


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1997/0250(COD) Procedure completed
Telecommunications: operator number portability and carrier pre-selection Amending Directive 97/33/EC	<a href="#">1995/0207(COD)</a>
Subject 3.30.03 Telecommunications, data transmission, telephone 3.30.05 Electronic and mobile communications, personal communications	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	PPE <a href="#">VAN VELZEN W.G.</a>	29/10/1997
	Former committee responsible		
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	PPE <a href="#">VAN VELZEN W.G.</a>	29/10/1997
	Former committee for opinion		
	<b>JURI</b> Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2115</a>	20/07/1998
	Research	<a href="#">2067</a>	12/02/1998
	Telecommunications	<a href="#">2054</a>	01/12/1997

Key events			
01/10/1997	Legislative proposal published	COM(1997)0480	Summary
20/10/1997	Committee referral announced in Parliament, 1st reading		
04/11/1997	Vote in committee, 1st reading		Summary
04/11/1997	Committee report tabled for plenary, 1st reading	<a href="#">A4-0346/1997</a>	
19/11/1997	Debate in Parliament		Summary
20/11/1997	Decision by Parliament, 1st reading	T4-0568/1997	Summary
28/11/1997	Modified legislative proposal published	COM(1997)0674	Summary

12/02/1998	Council position published	<a href="#">13518/1/1997</a>	Summary
19/02/1998	Committee referral announced in Parliament, 2nd reading		
15/04/1998	Vote in committee, 2nd reading		Summary
15/04/1998	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0127/1998</a>	
13/05/1998	Debate in Parliament		Summary
14/05/1998	Decision by Parliament, 2nd reading	T4-0278/1998	Summary
20/07/1998	Act approved by Council, 2nd reading		
24/09/1998	Final act signed		
24/09/1998	End of procedure in Parliament		
03/10/1998	Final act published in Official Journal		

### Technical information

Procedure reference	1997/0250(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 97/33/EC <a href="#">1995/0207(COD)</a>
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/09783

### Documentation gateway

Legislative proposal	<a href="#">COM(1997)0480</a> <a href="#">OJ C 330 01.11.1997, p. 0019</a>	01/10/1997	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0346/1997</a> <a href="#">OJ C 371 08.12.1997, p. 0003</a>	04/11/1997	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0568/1997 <a href="#">OJ C 371 08.12.1997, p. 0164-0180</a>	20/11/1997	EP	Summary
Modified legislative proposal	<a href="#">COM(1997)0674</a> <a href="#">OJ C 013 17.01.1998, p. 0010</a>	28/11/1997	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES1401/1997</a> <a href="#">OJ C 073 09.03.1998, p. 0107</a>	11/12/1997	ESC	Summary
Council position	<a href="#">13518/1/1997</a> <a href="#">OJ C 091 26.03.1998, p. 0042</a>	12/02/1998	CSL	Summary
Commission communication on Council's position	SEC(1998)0252	13/02/1998	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0127/1998</a> <a href="#">OJ C 152 18.05.1998, p. 0006</a>	15/04/1998	EP	
Text adopted by Parliament, 2nd reading	T4-0278/1998 <a href="#">OJ C 167 01.06.1998, p. 0172-0186</a>	14/05/1998	EP	Summary

Commission opinion on Parliament's position at 2nd reading	COM(1998)0432	16/07/1998	EC	Summary
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### Additional information

European Commission

[EUR-Lex](#)

### Final act

[Directive 1998/61](#)  
[OJ L 268 03.10.1998, p. 0001](#) Summary

## Telecommunications: operator number portability and carrier pre-selection

**OBJECTIVE:** the present proposal for a directive seeks to strengthen those measures in respect of Community legislation on telecommunications which currently relate to equal quantitative and qualitative access to numbering resources for all market players.

**CONTENT:** the Commission proposes a limited and specific amendment of the 'interconnection' directive (Directive 97/33/EC). The proposed changes comprise: - requesting national regulatory authorities to encourage the early introduction of operator number portability and to ensure that this service is available throughout the entire territory of the Member State by 1 January 2000 at the latest; - compelling national regulatory authorities to require organisations operating public telecommunications networks and having significant market power to provide a carrier preselection service, and to ensure that this is available by 1 January 2000 at the latest. The proposed mechanism will enable the subscriber to choose the service provider by default, for example for international or long-distance calls, while at the same time giving him the opportunity to cancel this choice by dialling a short prefix when making the call. It should be noted that the present proposal has been requested by the European Parliament and the Council. It reflects the results of a wide public consultation on numbering, which was organised following publication of the Green Paper on telephone numbering. ?

## Telecommunications: operator number portability and carrier pre-selection

The committee unanimously adopted the draft legislative resolution on the Commission's proposal for number portability and carrier preselection in the area of telecommunications. Agreeing with the rapporteur, Mr VAN VELZEN (PSE, NL), the committee endorsed almost all the articles of the proposed directive. However, recalling the European Parliament resolution on the Green Paper, the rapporteur regretted that the Commission had not responded to the wish expressed by Parliament that number portability be introduced into the European mobile telecommunications market as soon as possible; in fact, the Commission was of the opinion that such a move would be premature, in the current phase. In addition, the rapporteur has pointed to certain drawbacks, for example the use of 112 as an emergency number, which is unique throughout the Union. According to Mr van Velzen, it is not possible to obtain this number from a mobile telephone and it appears that in Belgium, regardless of the introduction of the 112 number (which should have been in operation by 31 December 1996 at the latest), police vehicles still use old numbers for emergency calls. The rapporteur has therefore used this opportunity to ask the Commission to investigate the introduction of the 112 number, which in some way anticipates future European telephone space. ?

## Telecommunications: operator number portability and carrier pre-selection

Commissioner Monti said that he could accept Amendment No 1, which allowed for a certain flexibility in each individual case and when there were objective difficulties with regard to the date of introducing carrier pre-selection.

## Telecommunications: operator number portability and carrier pre-selection

In adopting the report by Mr W.G. VAN VELZEN (PPE, NL), the European Parliament has approved almost all the articles of the proposed Directive. However, it feels it should be possible to request a postponement of the obligations referred to in Article 12 (5) and (7) of Directive 97/33/EEC if the Member State concerned can show that these obligations would constitute an excessive constraint upon certain organizations. ?

## Telecommunications: operator number portability and carrier pre-selection

The Commission modified its proposal, taking over the single amendment proposed by the European Parliament intended to extend the scope of the deferment clause referred to in Article 20(2) of Directive 97/33/EC. This clause allows flexibility for the date of implementation of number portability in cases where Member States can prove that this would impose an excessive burden on the operators concerned. The amendment extends the deferment clause to carrier pre-selection. Under this clause, temporary deferment may be granted by the Commission on the basis of objective arguments and taking account of the particular situation in the Member State and the need to ensure a coherent regulatory environment at Community level. ?

## Telecommunications: operator number portability and carrier pre-selection

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The Committee is pleased to see that the Commission continues to take positive action towards the full liberalization of voice telephony. However, as far as carrier pre-selection is concerned, the Committee added the comment that "this must include a comprehensive cost-benefit analysis". In the course of its consultations starting with the Green Paper (COM(96) 590 final), the Commission has referred to a number of independent studies of cost-benefit analysis. However, the Commission has not published its own cost-benefit analysis. Accordingly, the Committee calls on the Commission to make available an EU-specific cost-benefit assessment. The consumer interest must be a priority in assessing carrier pre-selection. In particular, consumers should be fully informed of all carrier pre-selection costs. The Committee recommends that, as is already law in some Member States, these costs may not include a charge on an existing subscriber for using a second operator or service. ?

## Telecommunications: operator number portability and carrier pre-selection

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The common position adopts the one amendment proposed by the European Parliament and adopted by the Commission in its modified proposal. This amendment concerns the deferment laws (Article 20(2) of Directive 97/33/EC on interconnection), introducing greater flexibility concerning the introduction of number portability where the Member States concerned prove that compliance with the deadline would impose an excessive burden on the operators concerned. The amendment seeks to extend the possibility for deferment to include carrier preselection. The common position has introduced a number of modifications to the Commission proposal: - the date for the introduction of number portability and carrier preselection is set at 01/01/2000 for ten Member States, 01/07/2000 for Luxembourg, 01/12/2000 for Spain, 01/01/2002 for Portugal and Ireland and 01/01/2003 for Greece. The Member States agree to introduce these services as soon as they can and, if possible, before the target date; - the common position allows national legislations to extend the obligation to provide carrier preselection to operators other than those with significant market power; - a definition of geographic number has been added to specify that number portability applies to geographic and well as non-geographic numbers; - finally, references to integrated services digital network (ISDN) have been introduced to specify that the subscriber may have access to number portability and carrier preselection independently of the network used. ?

## Telecommunications: operator number portability and carrier pre-selection

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At this stage and taking into account the urgent need to amend Directive 97/33/EC, the Commission can give its support to the common position adopted by the Council. The Commission notes that the timetable for the introduction of number portability and carrier preselection is less ambitious than the one originally proposed (01/01/2000 for all the Member States). However, it can accept the target date established by the common position as part of an overall compromise. The Commission takes the view that it should be possible, even for Member States will full liberalization deadlines beyond 01/01/1998, to ask their operators for an earlier introduction of number portability and carrier preselection, since much of the technical preparation can and should be integrated with the overall upgrading of networks for which transition periods were granted. The Commission will closely scrutinize progress made. ?

## Telecommunications: operator number portability and carrier pre-selection

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The Committee has adopted the recommendation for second reading on the directive on number portability and carrier pre-selection (co-decision procedure). The committee endorses the proposal of the rapporteur, W.G. van VELZEN (EPP, NL), that Parliament approve the common position, subject to one amendment seeking to ensure that charges for carrier pre-selection are reasonable, so that consumers are not discouraged from using this facility. The Common Position incorporates Parliament's amendment from first reading, which introduced a right for Member States to defer the introduction of carrier pre-selection if they can prove that complying with the 1 January 2000 deadline would impose excessive burdens on certain organisations.?

## Telecommunications: operator number portability and carrier pre-selection

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Commissioner Bangemann accepted the amendment to the common position tabled by the rapporteur.

## Telecommunications: operator number portability and carrier pre-selection

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In adopting the recommendation for second reading by Mr W. G. van VELZEN (EPP, NL) Parliament approved the Council common position. However Parliament called for the national regulatory authorities to ensure that pricing for interconnection related to the provision of this facility was cost-oriented and that direct charges to consumers, if any, did not act as a disincentive for the use of this facility. ?

## Telecommunications: operator number portability and carrier pre-selection

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The Commission accepts the single amendment tabled by Parliament at second reading. This concerns the responsibility of the national regulatory authorities to ensure that the fees charged by operators for interconnection for the pre-selection system are cost-orientated and that direct charges to consumers, if any, do not act as a disincentive for the use of this facility. ?

## Telecommunications: operator number portability and carrier pre-selection

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**OBJECTIVE:** to guarantee equal quantitative and qualitative access to numbering resources for all market players. **COMMUNITY MEASURE:** Directive 98/61/EC of the European Parliament and the Council amending Directive 97/33/EC with regard to operator number portability and carrier preselection. **SUBSTANCE:** The main changes to the 'interconnection' directive (Directive 97/33/EC) are as follows: - the national regulatory authorities must encourage early introduction of operator number portability and ensure that this service is available by 1 January 2000 or, in countries which have been granted an additional transitional period, as soon as possible thereafter, but no later than two years after any later date agreed for full liberalisation of voice telephony services; - number portability is to apply to geographical as well as non-geographical numbers; - references to the integrated services digital network (ISDN) are included, specifying that the subscriber should have access to number portability and carrier preselection regardless of the network used; - in the interest of the consumer, national regulatory authorities may extend the obligation to provide carrier preselection with core-by-core override to organisations operating public telecommunications networks without significant market power, where this does not impose a disproportionate burden on such organisations or create a barrier to entry in the market for new operators; - deferment of the obligations arising from the directive may be requested where the Member State concerned can prove that they would impose an excessive burden on certain organisations or classes of organisation. **ENTRY INTO FORCE:** 3.10.1998. **DEADLINE FOR TRANSPOSITION:** 31.12.1998. ?