


# Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1994/2184(COS)	Procedure completed
Cable television: liberalisation of telecommunications infrastructure and network. Green paper I		
Subject 3.30.02 Television, cable, digital, mobile		

Key players			
European Parliament	Committee responsible		Rapporteur
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy		Appointed 14/09/1994
			PSE <a href="#">HENDRICK Mark Phillip</a>
	Committee for opinion		Rapporteur for opinion
	<b>ENER</b> Research, Technological Development and Energy		Appointed 30/11/1994
			PSE <a href="#">MANN Erika</a>
Council of the European Union	<b>JURI</b> Legal Affairs, Citizens' Rights		

Key events			
30/08/1994	Additional information		Summary
25/10/1994	Non-legislative basic document published	COM(1994)0440	Summary
30/11/1994	Committee referral announced in Parliament		
23/03/1995	Vote in committee		Summary
23/03/1995	Committee report tabled for plenary	<a href="#">A4-0063/1995</a>	
05/04/1995	Debate in Parliament		
07/04/1995	Decision by Parliament	T4-0182/1995	Summary
07/04/1995	End of procedure in Parliament		
01/05/1995	Final act published in Official Journal		

Technical information	
Procedure reference	1994/2184(COS)
Procedure type	COS - Procedure on a strategy paper (historic)

Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/06160

#### Documentation gateway

Non-legislative basic document		COM(1994)0440	25/10/1994	EC	Summary
Committee report tabled for plenary, single reading		<a href="#">A4-0063/1995</a> <a href="#">OJ C 109 01.05.1995, p. 0005</a>	23/03/1995	EP	
Text adopted by Parliament, single reading		T4-0182/1995 <a href="#">OJ C 109 01.05.1995, p. 0273-0310</a>	07/04/1995	EP	Summary

## Cable television: liberalisation of telecommunications infrastructure and network. Green paper I

1. Nature of the proposal: This envisaged Greenpaper deals with the liberalisation of the infrastructure in telecommunications (cable, switching equipment, network equipment, cable television networks, satellites and some parts of the mobile infrastructure network). 2. Expected date of adoption: By the end of 1994. 3.a. Principal committee: Economic and Monetary Affairs Committee (probably). 4. Precedent EU legislation: In June 1992, the Council adopted directive 92/44/EEC (OJ 1992 L 165, corrigendum in OJ 1993 L 96), on the application of open network provision to leased lines across the EC. This directive is the first step in the EU to liberalise access to the public telecommunications infrastructure. It ensures that private operators can lease lines for services such as databases and electronic mail and that the national public telecommunications organisations do not discriminate against such operators. 5. Precedent position of the European Parliament: Parliament's resolution of 23 October 1991 on the application of open network to leased lines. By and large the EP took a favourable view on the Commission proposal and it also supported the main specific objectives of the proposal. It felt nonetheless that it required certain clarifications and amendments. It proposed amendments notably with a view to eliminate the concept of "equivalent transmission capacity", adding maximum delivery period and a maximum repair time to the list of general supply conditions, which must be published, calling upon the Commission and the Member States to promote the adoption of one-stop-ordering and billing procedures by the end of 1992, requiring information to be supplied to the EP on national measures relating to one-stop-ordering and billing procedures and requiring the Commission to report to it regularly on the implementation of the directive. Many of the amendments put forward at first reading -notably those concerning equivalent transmission capacity, the adoption of one-stop-ordering and billing procedures before the end of 1992 and reporting on the implementation of the directive - were incorporated in the common position and in the text of the directive. 6. Situation in the Member States: Four major studies have been commissioned by DG XIII. The final reports on telecommunications infrastructure are planned for October 1994. The four studies deal with: a) the investment needs in infrastructure; b) the convergence between the technologies of broadcasting, computers and telecommunications; c) a general market study of the telecommunications infrastructure; d) an economic data study concerning the value of the telecommunications infrastructure market. These studies are meant to give also a survey of the situation in the Member States. 7. Content of envisaged legislation: This Greenpaper is part of a complete package to evaluate, forecast the impact of the full liberalisation of the EU voice telephony market by first January 1998. The Greenpaper will deal with safeguards, required for mass-liberalisation when the voice-telephony services will be liberalised, it will deal with the concept of universal service for various telecommunication services, the definition of "rights of way" and the convergence of different communications technologies (broadcasting, computers, telecommunications). The Greenpaper will look into the use of alternative infrastructures and the existing regulatory barriers, that exist to provide infrastructures both for long-distance and "local-loop" communications. It will also pay attention to the use of cable television infrastructure for telecommunications services currently liberalised. 8. Legal basis envisaged by the Commission: No further details, since the publication of the Greenpaper is still pending. 9. Documentation and sources: . Info '92 . Epoque Database (procedures) . RAPID, Spokesmen services of the European Commission . OVIDE (legislative backbone) Responsible Division in the Commission: DG XIII, Directorate A1, Dr. Herbert UNGERER (Division: regulatory aspects of access to networks, communications via satellite, mobile communications and frequencies), tel 296.86.23. 10. Additional research: Depending on outcome/reactions to the Greenpaper. ?

## Cable television: liberalisation of telecommunications infrastructure and network. Green paper I

This communication to the European Parliament and the Council contains the first part of the Commission's Green Paper establishing the principles of and a clear timetable for liberalizing telecommunications and cable television network infrastructures. According to the Commission, this is a fundamental step towards the introduction of an "information society", which will end the telecommunication network monopolies which still exist. The Commission sets out the general principle whereby, once the provision of telecommunications services has been opened up to competition, service providers should be free to choose the basic infrastructure for these services, subject to certain protective measures. In its timetable, the Commission recommends a two-stage approach: - it suggests that existing private infrastructures - including broadcasting networks - should be able to compete with national monopolies by 1995 for the transmission of all types of services: data transmission, private voice communication networks, mobile and satellite communications; - for public voice telephony, the Commission recommends liberalizing infrastructures by 1 January 1998, at the same time as the services themselves, and proposes the same date for liberalizing new infrastructures. According to the Commission, opening the provision of infrastructures in the EU to competition should have substantial advantages by: - eliminating bottlenecks caused by the lack of high-capacity infrastructures and stimulating public and private investment; - harmonizing cost tariffs more quickly and reducing the price of rented lines; - encouraging innovation in the provision of liberalized services and transmission capacity; - promoting the immediate use of networks for the provision of multimedia and interactive services; - creating the potential for growth in the European telecommunications sector; - creating the right climate for international partnership

agreements and strategic alliances. The Commission will shortly present the second part of the Green Paper on the modus operandi for liberalizing infrastructures, including how to maintain and develop the universal service and finance the networks.?

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The report by Mr Mark HENDRICK (PSE, UK) on telecommunications infrastructures (COS0196) was adopted. As regards the timetable, the report approved the date of 1 January 1998 for the complete liberalisation of infrastructures but stressed the need to make express provision for certain Member States to take action before then (amendment by the Committee on Research and Energy). It also called for an earlier date for services which had already been liberalised (cable television). The free provision of services should be based on Article 100A of the Treaty, which implied application of the codecision procedure. The report also stressed the need for a European regulatory framework and authority covering: - the allocation of licences, - interconnection, - network access for users and service providers, - a guaranteed universal service financed by all operators, - network integrity, - protection and remuneration of intellectual property, - cryptography and electronic signatures, - data and consumer protection. It also called on the Commission, before liberalisation went ahead, to define a public service directive applicable to all operators and to create a regulatory framework guaranteeing non-discriminatory access to all service providers and granting priority connections to public interest bodies (amendment by the Committee on Culture). The report recommended an additional transitional period, but only for countries lagging behind. This authorisation would only be granted if the country introduced a programme to catch up. As regards jobs lost as the result of liberalisation, to be evaluated by the Commission, the report called for specific training programmes to be planned. Finally, as regards operators in third countries, access to EU infrastructures should be granted on the basis of reciprocity.

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In its resolution on the "Green Paper on the liberalization of telecommunications infrastructure and cable television networks", Parliament approved the principle and timetable proposed by the Commission for the complete liberalization of infrastructures by 1 January 1998. However, this date should not prevent Member States which so wished from taking action before then. Thus Parliament considered that the implementation of pilot projects in preparation for liberalization on 1 January 1998 should be allowed as of now. At the same time, although the European Parliament approved of liberalizing and privatizing telecommunications infrastructures in principle, it recommended that this should not prejudice public services, which is why it called for privatization plans to be accompanied by a regulatory framework and Community public service charter to prevent public services from being undermined. Developments in public services should also take better account of user requirements and technological progress. Parliament also felt that, if infrastructures were to be completely liberalized, public service obligations needed to be defined for all operators, together with a regulatory model which guaranteed equal and non-discriminatory access for service providers. This regulatory framework should give priority, as far as local loops are concerned, to the networks of public interest institutions such as hospitals, schools, universities, local authorities, libraries and cultural centres. This regulatory framework would cover the following aspects: - the allocation of licences; - interconnexions; - access to networks for users and service providers; - a guaranteed universal service financed by all operators; - socially and regionally differentiated tariffs; - operating security and network integrity; - the protection of and remuneration for intellectual property; - cryptography and electronic signatures; - the protection of private and personal information; - consumer protection. Parliament therefore called on the Commission to submit a proposal on the creation of a European telecommunications authority responsible for ensuring that these principles are properly applied. It also drew the Commission's attention to the need to submit any proposal in this sector (including Council resolutions) to it in advance and for Community legislation in this area to be adopted on the basis of Article 100 A. As far as the adverse impact of privatization is concerned, the European Parliament called for the Commission to make provision for specific training programmes for the large number of workers which risked redundancy in the wake of liberalization. Finally, the European Parliament added that the Community should ensure that third country operators are only granted access to European Union infrastructures on a reciprocal basis.?