

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Application of open network provision (ONP) to voice telephony	
Repealed by 1996/0226(COD)	
Subject 3.30.03.04 Telecommunication networks	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy		06/04/1995
		PSE READ Imelda Mary	
	Former committee responsible		
	ECON Economic and Monetary Affairs, Industrial Policy		06/04/1995
		PSE READ Imelda Mary	
Council of the European Union	Former committee for opinion		
	ENER Research, Technological Development and Energy	The committee decided not to give an opinion.	
	JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Telecommunications	1888	27/11/1995
	General Affairs	1864	10/07/1995
	Telecommunications	1854	13/06/1995

Key events			
01/02/1995	Legislative proposal published	COM(1994)0689	Summary
07/04/1995	Committee referral announced in Parliament, 1st reading		
19/04/1995	Vote in committee, 1st reading		Summary
19/04/1995	Committee report tabled for plenary, 1st reading	A4-0090/1995	
16/05/1995	Decision by Parliament, 1st reading	T4-0197/1995	Summary
10/07/1995	Council position published	08280/1995	Summary
14/07/1995	Committee referral announced in		

	Parliament, 2nd reading		
27/09/1995	Vote in committee, 2nd reading		Summary
27/09/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0231/1995	
25/10/1995	Debate in Parliament		Summary
26/10/1995	Decision by Parliament, 2nd reading	T4-0511/1995	Summary
27/11/1995	Act approved by Council, 2nd reading		Summary
13/12/1995	Final act signed		
13/12/1995	End of procedure in Parliament		
30/12/1995	Final act published in Official Journal		

Technical information

Procedure reference	1995/0020(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealed by 1996/0226(COD)
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/06914

Documentation gateway

Legislative proposal		COM(1994)0689 OJ C 122 18.05.1995, p. 0004	01/02/1995	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0090/1995 OJ C 151 19.06.1995, p. 0002	19/04/1995	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0197/1995 OJ C 151 19.06.1995, p. 0021-0027	16/05/1995	EP	Summary
Economic and Social Committee: opinion, report		CES0582/1995 OJ C 236 11.09.1995, p. 0038	31/05/1995	ESC	Summary
Council position		08280/1995 OJ C 281 25.10.1995, p. 0019	10/07/1995	CSL	Summary
Commission communication on Council's position		SEC(1995)1195	10/07/1995	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0231/1995 OJ C 287 30.10.1995, p. 0006	27/09/1995	EP	
Text adopted by Parliament, 2nd reading		T4-0511/1995 OJ C 308 20.11.1995, p. 0097-0112	26/10/1995	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1995)0575	21/11/1995	EC	Summary

Additional information	
European Commission	EUR-Lex
Final act	
Directive 1995/62 OJ L 321 30.12.1995, p. 0006 Summary	

Application of open network provision (ONP) to voice telephony

The Commission presented a proposal for a directive on this subject in September 1992, but the European Parliament and the Council were unable to agree on a joint text, mainly because of comitology problems (powers of the committee to assist the Commission with the implementation of the directive). The European Parliament therefore rejected the Council's common position in July 1994. The comitology problem has since been resolved in the form of a "modus vivendi" between the institutions, to apply pending the revision of the Treaty in 1996 and, in its new proposal, just as in its initial proposal, the Commission proposes an advisory committee. Apart from the articles relating to comitology, the Commission has remained as close as possible to the text adopted by the European Parliament and the Council during the conciliation procedure. The objective of the proposal is to: - define the rights of telephone service users; - guarantee open and non-discriminatory access to the telephone network for all users, including service providers offering competitive services; - increase the supply of vocal telephony services in the Community. The directive mainly covers the following aspects: - non-discriminatory service for all users, i.e. availability of technical access, charges, quality of service, customer information; - right of the user to have a new telephone line installed within a time limit fixed officially; - right of the user to itemised billing and facility for user to take recourse to independent procedures to resolve billing disputes; - need to guarantee that telephone services remain affordable, to be monitored by the national regulatory authorities; - transparent, properly published charges, transparent cost accounting system; - reduction in charges for certain users, special charges for certain social groups, for certain types of call or for certain periods of the day; - provision of telephone directories and directory enquiry services; - installation and availability of public call boxes; - promotion of the creation of a single type of telephone card which can be used in all the Member States; - aid for certain categories of people with special needs, such as the disabled; - introduction of pan-European telephone numbering systems with a view to facilitating the use of freephone services; - guarantee that users will have the same rights and the same legal protection as for other goods and services.?

Application of open network provision (ONP) to voice telephony

The report by Mrs Mel REAS was adopted by the Committee on Economic and Monetary Affairs. She recommended that the new Commission proposal be approved. It was important to remember that the Commission had already submitted a proposal on this issue. However, after a very long wrestle with the Council, the Conciliation Committee had not managed to agree on a joint text and in July 1994 the EP had rejected the Council's common position. ?

Application of open network provision (ONP) to voice telephony

The European Parliament approved this proposal for a directive without amendments. ?

Application of open network provision (ONP) to voice telephony

The ESC agreed with the Commission that there was a need for a directive on the application of ONP to voice telephony and for a minimum set of pan-European service aspects to be defined and supported by important service providers. It approved the articles in the proposal on special network access and interconnection as initial measures and looked forward to a future, more comprehensive set of proposals in a separate proposal for a directive. In addition, the Commission should report to the EP, the Council and the ESC no later than 2 years after the deadline for implementation (cf. Articles 31 and 32).

Application of open network provision (ONP) to voice telephony

The Council's common position incorporated a number of amendments to the Commission proposal to take account of the fact that several Member States had already liberalised the provision of voice telephony services and to anticipate the complete liberalisation of telecommunications services and infrastructures on 1 January 1998 (with transitional periods for some Member States). The amendments related to the following points: - A new recital indicated that certain Member States had already abolished exclusive rights for the provision of voice telephony services but called on the Member States to ensure that all users could subscribe to harmonised voice telephony services in accordance with the directive; - The article on the publication of and access to information was amended to enable national authorities to establish an appropriate deadline for the publication of changes in existing service offerings and information on new offerings. The actual deadline would be set in accordance with the situation of the market and the nature of the changes; - From now on, all compensation and/or refund arrangements to be provided for the user (if the contracted service quality levels were not met) should be included in the user's contract; - With regard to the principles governing financial accounts, the directive stipulated the audit requirements to be met by the EP and Council during the conciliation procedure; - When required, the Commission would submit to the EP and Council a proposal to enable them to

decide, by 1 January 1998, on the revision of this directive to adapt it to market requirements; - Finally, the Council opted for a type IIIa regulatory committee procedure rather than the advisory committee procedure. ?

Application of open network provision (ONP) to voice telephony

The Commission fully supported the common position, which met its objectives in relation to the harmonisation of conditions for accessing voice telephony services and using this service in the EU by guaranteeing an adequate level of consumer protection in this area. With regard to comitology, whilst restating that it would have preferred an advisory committee, the Commission agreed to accept the change in procedure (regulatory procedure) to make it easier for a decision to be reached by qualified majority. ?

Application of open network provision (ONP) to voice telephony

The committee agreed with its rapporteur and adopted two amendments with regard to the recommendation for second reading. The first related to comitology and referred to the "modus vivendi" that applied for this issue. The second aimed to increase consumer protection. It stipulated that the national regulatory authorities should ensure that compensation and/or refund arrangements were in place in cases where contracted service quality levels were not met. ?

Application of open network provision (ONP) to voice telephony

Following the question by the rapporteur, Mrs READ, as to whether or not the Commission was prepared to support the compromise between Parliament and the Council on consumer protection, Commissioner PAPOUTSIS confirmed that the Commission fully espoused the new compromise in the form of Amendment No 3, which avoided the conciliation procedure and speeded up progress towards approval of the Directive. However, Amendment No 2 on the initial text of the same Article 7(1) could lead to conciliation that would be unlikely to result in approval of the Directive by the Council. Finally, as regards Amendment No 1, the Commission accepted the principle of an explanatory note on comitology in the form of a new recital.

Application of open network provision (ONP) to voice telephony

The European Parliament adopted the recommendation for second reading by Mrs Imelda READ (PSE, UK) on voice telephony with two amendments to the Council's common position: - the first related to comitology and referred to the "modus vivendi" of 20 December 1994 concerning the implementing measures for acts adopted under the codecision procedure; - the second related to increased consumer protection: it stipulated that the national regulatory authorities should ensure that compensation and/or refund arrangements were in place in cases where contracted service quality levels were not met. Any exceptions to this rule should be justified by the telecommunications organisation or organisations concerned. ?

Application of open network provision (ONP) to voice telephony

The Commission felt that Parliament's two amendments to the Council's common position were wholly compatible with the draft directive and incorporated them in the amended proposal. ?

Application of open network provision (ONP) to voice telephony

When accepting the European Parliament's amendments to its common position last July the Council adopted the Directive on the application to voice telephony of the principles of open network provision (ONP). The Portuguese delegation argued against the Directive; the explanation of its vote was published in Press Release 7840/95. The Directive pursues three fundamental objectives: - determining the rights of the users of voice telephony services in their relations with telecommunications bodies; - improving access for all users, including the providers of services, to the fixed infrastructure of public telephone networks (the Directive does not apply to mobile telephones); - encouraging the provision of voice telephony services at Community level. It will offer users guarantees, in particular as regards: - connection at affordable prices and within officially determined times; - detailed invoicing; - procedures for the settlement of disputes; - special tariffs for certain social groups; - the supply of directories and public telephones; - the introduction of pan-European numbers for free calls. As regards certain aspects (quality of service, invoicing, the provision of additional voice telephony services), the Directive entrusts the Commission with the task of ensuring that the measures taken by the Member States to achieve the objectives laid down converge at Community level and it provides for a procedure whereby the Commission, assisted by a regulatory committee, can take binding measures should that convergence be insufficient. The Directive will enter into force in a year. It includes a review clause so that before 1 January 1998 it can be adapted to the requirements of the liberalisation of the Market.

Application of open network provision (ONP) to voice telephony

OBJECTIVES: - defining the rights of users of voice telephony services in their dealings with telecommunications organizations; - improving access for all users, including service providers, to the fixed public telephone network (the directive does not apply to mobile voice telephony); - encouraging the provision of Community-wide voice telephony services. COMMUNITY MEASURE: Directive 95/62/EC of the European

Parliament and of the Council on the application of open network provision (ONP) to voice telephony. SUBSTANCE: The directive provides guarantees to users, including: - connection at a reasonable charge and within time limits fixed officially; - itemized billing; - dispute resolution procedures; - special tariffs for specific social groups; - provision of directories of users and public telephone call boxes; - the introduction of pan-European numbering for free calls. For certain aspects (quality of service, billing, provision of additional vocal telephony services), the directive entrusts the Commission with the task of ensuring that the action taken by the Member States to attain the targets set converge at Community level and provides a procedure allowing the Commission, assisted by a regulatory committee, to adopt binding measures where convergence is inadequate. The directive includes a review clause to adapt it, by 1 January 1998, to the requirements of market liberalization. ENTRY INTO FORCE: 19 January 1996 DEADLINE FOR TRANSPOSITION INTO NATIONAL LEGISLATION: 13 December 1996. ?