



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.04.1996

COM(96) 45 final

96/0042 (CNS)

Proposal for a

COUNCIL DECISION

REGARDING THE DEFINITION AND IMPLEMENTATION OF
COMMUNITY POLICY IN THE FIELD OF TELECOMMUNICATIONS
AND POSTAL SERVICES

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Commission has decided that a legal basis must be proposed for the budget for the definition and implementation of Community policy in the field of Telecommunications and Postal services (B5-401). This is set out in a Communication of the Commission to the Budgetary Authority (Communication from the Commission on Global Amounts and Basic Act, SEC(94)1106 final, 6.07.1994).

Areas of the Commission's work on Telecommunications and Posts are defined by Treaty provisions and specified by the Council and the Parliament in Resolutions and Directives. Together these provide a programme of work, generally according to a specific timetable. These Treaty provisions, Resolutions and Directives require (or, in the case of certain Resolutions, encourage) the Commission to act in various ways in order to study and lay down objectives and actions which further define and implement the Community Telecommunications and Postal policy, including:

- initiating analysis;
- drawing up analysis and progress reports;
- eliciting comment from industry and the public;
- drawing up proposals for legislation;
- monitoring the application of legislation;
- ensuring the timely availability of European standards and the necessary frequency resources on a pan-European basis;
- promoting the implementation and use of new telecommunications services and applications.

These actions require a range of support activities, including the commissioning of studies and the organisation of seminars and consultations, in order to analyse markets, technologies, objectives and policies; as well as the submission of mandates to standardisation and frequency bodies.

The majority of the present work programme is set out in a number of Resolutions and Directives, the most important and recent of which are set out below:

1. **Council Directive (1990) ¹ on access to and use of networks and services.** This provides that conditions for access to networks by competing service providers are progressively defined. It sets out a work programme, which requires the Commission to carry out analysis, consult an advisory committee, draw up reports, invite public comment, request the European Telecommunications Standards Institute (ETSI) to draw up standards, and make proposals for access conditions.
2. **Council Resolution (1991) on satellite services and equipment².** The Council gave its support to the general goals of the Commission's Green paper on satellite and noted with interest the Commission's intention to propose, where required, the measures necessary to achieve a number of major goals and to analyse the effects on the industry.
3. **Council Resolution (1993) on the review of the situation in the telecommunications sector³.** The Council, in line with a number of major goals it has identified, supported the Commission's intention to publish green papers on mobile/personal communications and on the future policy for telecommunications infrastructure; and to prepare amendments to the regulatory framework before 1996 in order to achieve liberalisation of all public voice telephony services by 1998. It also outlined as major goals a number of measures to take into account the situation in peripheral regions.
4. The Council approved a **Resolution⁴** in 1994 on the first part of the Commission's **Green Paper on Infrastructure**. This called for the liberalisation of all infrastructure and the establishment of the regulatory framework necessary for effective liberalisation by 1998; and the presentation by the Commission to the European Parliament and the Council before 1996 of regulatory modifications needed for the introduction of infrastructure competition.

¹ Council Directive of 28 June 1990, on the establishment of the internal market for telecommunications services through the implementation of open network provision, (90/387/EEC; OJ L192/1, 24.07.90)

² Council Resolution of 19 December 1991 on the development of the common market for satellite communications services and equipment (92/C 8/01; OJ C8/1, 14.01.92)

³ Council Resolution of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market (93/C 213/01; OJ 93 C213/1, 06.08.93)

⁴ Council Resolution of 22 December 1994 on the principles and timetable for the liberalisation of telecommunications infrastructures (94/C 379/03; OJ C 379/4, 31.12.94)

5. **Council Resolution (1994) on postal services**⁵ Commission to propose the measures necessary for implementing a Community policy on postal services, and to contribute to the definition of a clear framework for a new terminal dues system.
6. **Council Resolution (1994) on advanced broadcasting**⁶ The Council welcomed the Commission's intention to encourage the process of standardisation of digital TV and encourage the development of digital video broadcasting. It invited the Commission to monitor relevant developments in relation to the sector and to propose action which may be appropriate.
7. **Council Resolution (1995) on infrastructure liberalisation**⁷ The Council endorsed the results of the public consultation carried out by the Commission on the Green Paper on Infrastructure. It provided a political framework for a common approach on the key regulatory issues of interconnection, universal service and licensing, and requested the Commission to present, by 1 January 1996, the legislative measures necessary in these areas to establish the regulatory framework for the full liberalisation of services and infrastructure.
8. **Article 155 (1st indent) of the Treaty** provides that the Commission shall ensure the **application of Community Law**. In this framework a number of directives⁸ require the Commission to prepare periodical reports to the European Parliament and to the Council regarding the current state of implementation of the directives.

Further resolutions are expected from Parliament and from Council during 1995.

The Commission proposes that the Council adopt the attached decision, after consulting the European Parliament and the Economic and Social Committee.

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⁵ Council Resolution of 7 February 1994 on the development of Community postal services (94/C48/02, OJ C 48/3, 16.02.94)

⁶ Council Resolution of 27 June 1994 on a framework for Community policy on digital video broadcasting (94/C 181/02, OJ C 181/3, 02.07.94)

⁷ Council Resolution of 18 September 1995 on the establishment of the future regulatory framework for telecommunications (not yet published)

⁸ In particular, Article 15 of the Terminals directive (Council Directive of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity, 91/263/EEC; OJ L128/1, 23.05.91) and Article 14 of the Leased lines directive (Council Directive of 5 June 1992 on the application of open network provision to leased lines, 92/44/EEC; OJ L165/27, 19.06.92).

SUMMARY

This proposal is being presented in line with the Commission's decision to seek a legal base for a number of budgetary lines, as set out in the Communication of the Commission to the Budgetary Authority (Communication from the Commission on Global Amounts and Basic Act, SEC(94)1106 final, 6.07.1994).

The areas of the Commission's work on Telecommunications and Posts are defined by Treaty provisions and specified by the Council and the Parliament in Resolutions and Directives. Together these provide a programme of work, generally according to a specific time-table.

These Treaty provisions, Resolutions and Directives require (or, in the case of certain Resolutions, encourage) the Commission to act in various ways in order to study and lay down objectives and actions which further define and implement the Community Telecommunications and Postal policy, including the initiation of analysis, eliciting public comments and monitoring the application of legislation.

These actions require a range of support activities, including the commissioning of studies and the organisation of seminars and consultations, in order to analyse markets, technologies, objectives and policies, as well as the submission of mandates to standardisation and frequency bodies. These activities are funded from the Budget line B5-401.

Proposal for a

COUNCIL DECISION

REGARDING THE DEFINITION AND IMPLEMENTATION OF
COMMUNITY POLICY IN THE FIELD OF TELECOMMUNICATIONS
AND POSTAL SERVICES

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament;

Having regard to the opinion of the Economic And Social Committee,

Whereas the objectives of the Community Telecommunications and Postal policy include, in particular, the progressive creation of an open single market in Telecommunications and Postal services through the development of a regulatory framework; the harmonisation of general principles for access to and use of network infrastructure; the definition of universal service and its means of financing; contribution to Community coherence and cohesion; participating in the promotion of new audiovisual services; the assurance of Community-wide network interconnection and interoperability, in particular through Trans-European Networks for Telecommunications; and the development of external aspects of the Community's policy;

Whereas Treaty provisions and Council and Parliament Resolutions and Directives require the Commission to act in various ways, in order to study and lay down objectives and actions which further define and implement the Community Telecommunications and Postal policy; whereas this includes initiating analysis, drawing up analysis and progress reports, eliciting comment from industry and the public, drawing up proposals for legislation, monitoring the application of legislation and ensuring the timely availability of European standards and the necessary frequency resources on a pan-European basis;

Whereas these actions require a range of support activities, including the commissioning of studies and the organisation of seminars and consultations, in order to analyse markets, technologies, objectives and policies; the commissioning of work contributing to actions in the area of cohesion and international co-operation, as well as the submission of mandates to standardisation and frequency bodies;

Whereas the Treaty does not provide, for the adoption of this Decision, powers of action other than those of Article 235,

HAS ADOPTED THIS DECISION:

Article 1

This Decision concerns the definition and implementation of Community policy in the field of Telecommunications and Postal Services, and the monitoring of the application of the legislative provisions adopted within the framework of that policy, which are listed in the Annex of this Decision.

Article 2

1. The Commission shall be responsible for carrying out the tasks defined in Article 1.

2. In carrying out these tasks, the Commission shall have regard to the objectives of the Community policy in the field of Telecommunications and Postal Services, which include:

- creating, on a progressive basis, an open single market in telecommunications services, fixed and mobile infrastructure, and satellite communications, through the development of a regulatory framework, in order to facilitate the transition to the European information society, acknowledging public service obligations;
- creating, on a progressive basis, an open single market in postal services, through the development of a regulatory framework and the promotion of efficient and high quality interoperable postal services at affordable prices, acknowledging public service obligations;
- ensuring harmonisation of general principles for access to and use of telecommunications network infrastructure, and the timely availability of standards, where necessary;
- defining universal service and its means of financing;
- fully integrating all regions of the Union, in particular the less favoured, into the emerging European information society, through measures contributing to Community coherence and cohesion;
- ensuring the timely availability of frequency resources and numbering systems in a harmonised manner;
- developing an open, Community-wide market for telecommunications equipment and terminals;
- continuing Community measures regarding common standards in the telecommunications sector;
- participating in the promotion of the Community-wide introduction of new audiovisual services;
- developing the appropriate regulatory framework concerning telecommunications infrastructures and services for the future multimedia environment, where necessary;
- contributing to the development of co-operation between the Community and third countries; developing external aspects of the Community's policy; and

- creating or ensuring Community-wide network interconnection and interoperability, in particular through Trans-European Networks for telecommunications,

Article 3

For the fulfilment of the tasks defined in article 2, the Commission may undertake any suitable action, in particular:

- awarding contracts for the execution of the tasks of analysis, forward studies, specific studies, co-ordination and evaluation, as well as for the co-financing of certain actions;
- organising, participating in and supporting expert meetings, conferences, consultations with interested parties, seminars; and supporting information dissemination and publication;
- contributing to the development of co-operation between the Community and third countries; and
- submitting mandates to standardisation and frequency bodies;
- purchasing and operating necessary equipment.

Article 4

The control of payments for any services, or preparatory, feasibility or evaluation studies requested, shall be carried out by the Commission's services prior to payment, taking into account any contractual obligations, economic principles and good financial or management practice. Anti-fraud provisions (supervision, reporting requirements, etc) shall be included in all agreements and contracts made between the Commission and the recipient of any payments.

Article 5

The Commission shall present to the European Parliament and the Council a report on the execution of these activities, including an evaluation of progress made towards achieving Community objectives, every three years.

Done at Brussels,

For the Council

The President

Annex

LIST OF LEGISLATIVE PROVISIONS ADOPTED TO DATE IN THE FIELD OF TELECOMMUNICATIONS AND POSTS

COUNCIL RECOMMENDATION of 12 November 1984 concerning the implementation of harmonisation in the field of telecommunications (84/549/EEC; OJ L298/49, 16.11.84)

COUNCIL RECOMMENDATION of 12 November 1984 concerning the first phase of opening up access to public telecommunications contracts (84/550/EEC; OJ L298/51, 16.11.84)

COUNCIL DECISION of 25 July 1985 on a definition phase for a Community action in the field of telecommunications technologies - R+D programme in advanced communication technologies for Europe (RACE) (85/372/EEC; OJ L210/24, 07.08.85)

COUNCIL RESOLUTION of 9 June 1986 on the use of videoconference and videophone techniques for intergovernmental applications (86/C 160/01, OJ C160/01, 27.06.86)

COUNCIL DIRECTIVE of 24 July 1986 on the initial stage of the mutual recognition of type approval for telecommunications terminal equipment (86/361/EEC; OJ L217/21, 05.08.86)

COUNCIL REGULATION of 27 October 1986 instituting a Community programme for the development of certain less-favoured regions of the Community by improving access to advanced telecommunications services (STAR programme) (3300/86/EEC; OJ L305/1, 31.10.86)

COUNCIL DIRECTIVE of 3 November 1986 on the adoption of common technical specifications of the MAC/packet family of standards for direct satellite television broadcasting (86/529/EEC; OJ L311/28, 06.11.86)

COUNCIL DECISION of 22 December 1986 on standardisation in the field of information technology and telecommunications (87/95/EEC; OJ L36/31, 07.02.87)

COUNCIL RECOMMENDATION of 22 December 1986 on the co-ordinated introduction of the Integrated Services Digital Network (ISDN) in the European Community (86/659/EEC; OJ L382/36, 31.12.86)

COUNCIL RECOMMENDATION of 25 June 1987 on the co-ordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (87/371/EEC; OJ L196/81, 17.07.87)

COUNCIL DIRECTIVE OF 25 June 1987 on the frequency bands to be reserved for the co-ordinated introduction of public pan-European cellular digital land-based mobile communications in the European Community (87/372/EEC; OJ L196/85, 17.07.87)

COUNCIL DECISION of 5 October 1987 introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (87/499/EEC; OJ L285/35, 08.10.87)

COUNCIL DECISION of 14 December 1987 on a Community programme in the field of telecommunications technologies - research and development (R&D) in advanced communications technologies in Europe (RACE programme) (88/28/EEC; OJ L16/35, 21.01.88)

COMMISSION DIRECTIVE of 16 May 1988 on competition in the markets in telecommunications terminal equipment (88/301/EEC; OJ L131/73, 27.05.88)

COUNCIL RESOLUTION of 30 June 1988 on the development of the common market for telecommunications services and equipment up to 1992 (88/C 257/01; OJ C257/1, 04.10.88)

COUNCIL DECISION of 5 April 1989 amending Decision 87/499/EEC introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (89/241/EEC; OJ L 97/46, 11.04.89)

COUNCIL RESOLUTION of 27 April 1989 concerning standardisation in the fields of information technology and telecommunications (89/C 117/01; OJ C117/1, 11.05.89)

COUNCIL DECISION of 27 April 1989 on high-definition television (89/337/EEC; OJ L142/1, 25.05.89)

COUNCIL DIRECTIVE of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (89/336/EEC; OJ L139/19, 23.05.89)

COUNCIL RESOLUTION of 18 July 1989 on the strengthening of the co-ordination for the introduction of the Integrated Service Digital Network (ISDN) in the European Community up to 1992 (89/C 196/04; OJ C196/4, 01.08.89)

COUNCIL DECISION of 7 December 1989 on the common action to be taken by the Member States with respect to the adoption of a single world-wide high-definition television production standard by the Plenary Assembly of the International Radio Consultative Committee (CCIR) in 1990 (89/630/EEC; OJ L363/30, 13.12.89)

COUNCIL RESOLUTION of 22 January 1990 concerning trans-European networks (90/C 27/05; OJ C27/8, 06.02.90)

COUNCIL RESOLUTION of 28 June 1990 on the strengthening of the European-wide co-operation on radio frequencies, in particular with regard to services with a pan-European dimension (90/C 166/02; OJ C 166/4, 07.07.90)

COUNCIL DIRECTIVE of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision (90/387/EEC; OJ L192/1, 24.07.90)

COMMISSION DIRECTIVE of 28 June 1990 on competition in the markets for telecommunications services (90/388/EEC; OJ L192/10, 24.07.90)

COMMISSION DECISION of 30 July 1990 setting up a Joint Committee on Telecommunications Services (90/450/EEC; OJ L230/25, 24.08.90)

COUNCIL DIRECTIVE of 17 September 1990 on procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (90/531/EEC; OJ L297/1, 29.10.90)

COUNCIL RECOMMENDATION of 9 October 1990 on the co-ordinated introduction of pan-European land-based public radio paging in the Community (90/543/EEC; OJ L310/23, 09.11.90)

COUNCIL DIRECTIVE of 9 October 1990 on the frequency bands designated for the co-ordinated introduction of pan-European land-based public radio paging in the Community (90/544/EEC; OJ L310/28, 09.11.90)

COUNCIL RESOLUTION of 14 December 1990 on the final stage of the co-ordinated introduction of pan-European land based public digital mobile cellular communications in the Community (GSM) (90/C/ 329/09; OJ C329/25, 31.12.90)

COUNCIL DIRECTIVE of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity (91/263/EEC; OJ L128/1, 23.05.91)

COUNCIL DIRECTIVE of 3 June 1991 on the frequency band to be designated for the co-ordinated introduction of digital European cordless telecommunications (DECT) into the Community (91/287/EEC; OJ L 144/45, 08.06.91)

COUNCIL RECOMMENDATION of 3 June 1991 on the co-ordinated introduction of digital European cordless telecommunications (DECT) into the Community (91/288/EEC; OJ L144/47, 08.06.91)

COUNCIL DECISION of 7 June 1991 adopting a specific research and technological development programme in the field of communication technologies (1990 to 1994) (91/352/EEC; OJ L192/8, 16.07.91)

COUNCIL DECISION of 7 June 1991 adopting a specific programme of research and technological development in the field of telematic systems in areas of general interest (1990 to 1994) (91/353/EEC; OJ L192/18, 16.07.91)

COUNCIL DECISION OF 22 July 1991 establishing the second phase of the TEDIS programme (Trade electronic data interchange systems) (91/385/EEC; OJ L208/66, 30.07.91)

COUNCIL DECISION of 29 July 1991 on the introduction of a single European emergency call number (91/396/EEC; OJ L217/31, 06.08.91)

GUIDELINES ON THE APPLICATION OF EEC COMPETITION RULES IN THE TELECOMMUNICATIONS SECTOR (91/C 233/02; OJ C233/2, 06.09.91)

COUNCIL RESOLUTION of 18 November 1991 concerning electronics, information and communication technologies (91/C 325/02; OJ C325/2, 14.12.91)

COUNCIL RESOLUTION of 19 December 1991 on the development of the common market for satellite communications services and equipment (92/C 8/01; OJ C8/1, 14.01.92)

COUNCIL DIRECTIVE of 25 February 1992 co-ordinating the laws, regulations and administrative provisions relating to the application of community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (92/13/EEC; OJ L76/14, 23.03.92)

COUNCIL DECISION of 31 March 1992 in the field of security of information systems (92/242/EEC; OJ L123/19, 08.05.92)

COUNCIL DIRECTIVE of 28 April 1992 amending Directive 89/336/EEC on the approximation of the laws of the member states relating to electromagnetic compatibility (92/31/EEC; OJ L126/11, 12.05.92)

COUNCIL DIRECTIVE of 11 May 1992 on the adoption of standards for satellite broadcasting of television signals (92/38/EEC; OJ L137/17, 20.05.92)

COUNCIL DECISION of 11 May 1992 on the introduction of a standard international telephone access code in the Community (92/264/EEC; OJ L137/21, 20.05.92)

COUNCIL DIRECTIVE of 5 June 1992 on the application of open network provision to leased lines (92/44/EEC; OJ L165/27, 19.06.92)

COUNCIL RESOLUTION of 5 June 1992 on the development of the integrated services digital network (ISDN) in the Community as a European-wide telecommunications infrastructure for 1993 and beyond (92/C; OJ C158/1, 25.06.92)

COUNCIL RECOMMENDATION of 5 June 1992 on the application of open network provision to public packet switched data services (92/382/EEC; OJ L200/1, 18.07.92)

COUNCIL RECOMMENDATION of 5 June 1992 on the application of open network provision to ISDN (92/383/EEC; OJ L200/10, 18.07.92)

COMMISSION DECISION of 15 July 1992 amending the lists of standards institutions annexed to Council Directive 83/189/EEC (92/400/EEC; OJ L221/55, 06.08.92)

COUNCIL RESOLUTION of 19 November 1992 on the implementation in the Community of the European Radiocommunications Committee Decisions (92/C 318/01; OJ C318/1, 04.12.92)

COUNCIL RESOLUTION of 19 November 1992 on the promotion of Europe-wide co-operation on numbering of telecommunications services (92/C 318/02; OJ C318/2, 04.12.92)

EUROPEAN PARLIAMENT RESOLUTION of 20 April 1993 on the Commission communication "Towards cost orientation and the adjustment of pricing structures - Telecommunications tariffs in the Community" - (A3-0117/93; OJ C150/37, 31.05.93)

EUROPEAN PARLIAMENT RESOLUTION of 20 April 1993 on the Commission's 1992 review of the situation in the telecommunications services sector (A3-0113/93; OJ C150/39, 31.05.93)

COUNCIL DIRECTIVE 93/38/EEC of 14 June 1993 co-ordinating the procurement procedures of entities of entities operating in the water, energy, transport and telecommunications

COUNCIL RESOLUTION of 22 July 1993 on the technology and standards in the field of advanced television services (93/C 209/01; OJ C 209/1, 03.08.93)

COUNCIL DECISION of 22 July 1993 on an action plan for the introduction of advanced television services in Europe (93/424/EEC; OJ L196/48, 05.08.93)

COUNCIL RESOLUTION of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market (93/C 213/01; OJ C213/1, 06.08.93)

Telecommunications: open network provision ONP list of standards (third issue) (93/C 219/02; OJ 93/C 219/02, 13.08.93)

Telecommunications: open network provision for leased lines (93/C 277/04; OJ C 277/9, 15.10.93)

COUNCIL DIRECTIVE 93/97/EEC of 29 October 1993 supplementing Directive 91/263/EEC in respect of satellite earth station equipment (93/C97/EEC; OJ L290/1, 24.11.93)

COUNCIL RESOLUTION OF 7 December 1993 on the introduction of satellite personal communication services in the Community (93/C 339/01; OJ C339/1, 16.12.93)

COMMISSION DECISION of 21 December 1993 on a common technical regulation for the general attachment requirements for public pan-European cellular digital land-based mobile communications (94/11/EC; OJ L 8/20, 12.01.94)

COMMISSION DECISION of 21 December 1993 on a common technical regulation for the telephony application requirements for public pan-European cellular digital land-based mobile communications (94/12/EC; OJ L 8/23, 12.01.94)

COUNCIL RESOLUTION of 7 February 1994 on universal service principles in the telecommunications sector (94/C 48/01; OJ C48/1, 16.02.94)

Commission Statement concerning Council resolution on universal service in the telecommunications sector (94/C 48/06; OJ C48/8, 16.02.94)

COUNCIL RESOLUTION of 7 February 1994 on the development of Community postal services (94/C 48/02; OJ C48/3, 16.02.94)

EUROPEAN PARLIAMENT RESOLUTION of 6 May 1994 on the communication from the Commission accompanied by the proposal for a Council resolution on universal service principles in the telecommunications sector (A3-0317/94; OJ C 205/551, 25.07.94)

COMMISSION DECISION of 15 June 1994 on amendment of Annex II of Council Directive 92/44/EEC (94/439/EC; OJ L181/40, 15.07.94)

COUNCIL RESOLUTION of 27 June 1994 on a framework for Community policy on digital video broadcasting (94/C 181/02; OJ C181/3, 02.07.94)

COMMISSION DECISION of 18 July 1994 on a common technical regulation for attachment requirements for terminal equipment interface for ONP 2 048 kbit/s digital unstructured leased line (94/470/EC; OJ L194/87, 29.07.94)

COMMISSION DECISION of 18 July 1994 on a common technical regulation for general terminal attachment requirements for Digital European Cordless Telecommunications (DECT) (94/471/EC; OJ L194/89, 29.07.94)

COMMISSION DECISION of 18 July 1994 on a common technical regulation for telephony application requirements for Digital European Cordless Telecommunications (DECT) (94/472/EC; OJ L194/91, 29.07.94)

Telecommunications : Open network provision (ONP) for leased lines - Conciliation procedure (94/C 214/04; OJ C214/4, 04.08.94)

COMMISSION DIRECTIVE 94/46/EC of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications (OJ L268/15, 19.10.94)

COMMISSION DECISION of 18 November 1994 on a common technical regulation for the pan-European integrated services digital network (ISDN) primary rate access (94/796/EC; OJ L329/1, 20.12.94)

COMMISSION DECISION of 18 November 1994 on a common technical regulation for the pan-European integrated services digital network (ISDN) basic access (94/797/EC; OJ L329/14, 20.12.94)

COUNCIL RESOLUTION of 22 December 1994 on the principles and timetable for the liberalisation of telecommunications infrastructures (94/C 379/03; OJ C 379/4, 31.12.94)

COUNCIL RESOLUTION of 22 December 1994 on further development of the Community's satellite communications policy, especially with regard to the provision of, and access to, space segment capacity (94/C 379/04; OJ C 379/5, 31.12.94)

Basic policy documents published by the Commission:

Green Paper on the development of the Common Market for Telecommunications services and equipment (COM(87)290, 30.06.87)

Green Paper on a common approach in the field of satellite communications in the European Community (COM(90)490, 28.11.90)

1992 Review of the Situation in the telecommunications services sector (SEC(92) 1048) and Communication to the Council and European Parliament on the consultation on the review of the situation in the telecommunications sector (COM(93) 159 final)

Green Paper on a common approach in the field of mobile and personal communications in the European Union (COM(94)145, 27.04.94)

Green Paper on the liberalisation of Telecommunications Infrastructure and cable television networks: Part One (COM(94)440, 25.10.94)

Green Paper on the development of the single market for postal services (COM(91)476, 11.06.92)

Guidelines for the development of Community postal services; Communication from the Commission to the Council and the European Parliament (COM(93)247, 02.06.93)

Green Paper on the liberalisation of Telecommunications Infrastructure and Cable TV networks, Part Two (COM(94)682, 25.1.95)

Communication on Digital Video Broadcasting, A Framework for Community Policy, COM (93) 557 final, 17.11.93.

FINANCIAL STATEMENT

1. Title of Action

"Proposal for a Council Decision regarding the definition and implementation of Community policy in the field of Telecommunications and Postal services"

2. Budget Line

B5-401 (see title above)

3. Legal Basis

Article 235

4. Description

4.1 *Specific Objectives of the Action*

The actions covered by this budget line are aimed at supporting the definition and implementation of Community policy in the field of Telecommunications and Postal Services, and the monitoring of the application of the legislative provisions adopted within the framework of that policy, as required by Treaty provisions and by the Council and the European Parliament.

The specific objectives of the Community Telecommunications and Postal policy include, in particular:

- creating, on a progressive basis, an open single market in telecommunications services, fixed and mobile infrastructure, and satellite communications, through the development of a regulatory framework, in order to facilitate the transition to the European information society, acknowledging public service obligations;
- creating, on a progressive basis, an open single market in postal services, through the development of a regulatory framework and the promotion of efficient and high quality interoperable postal services at affordable prices, acknowledging public service obligations;
- ensuring harmonisation of general principles for access to and use of telecommunications network infrastructure, and the timely availability of standards, where necessary;
- defining universal service and its means of financing;

- fully integrating all regions of the Union, in particular the less favoured, into the emerging European information society, through measures contributing to Community coherence and cohesion;
- ensuring the timely availability of frequency resources and numbering systems in a harmonised manner;
- developing an open, Community-wide market for telecommunications equipment and terminals;
- continuing Community measures regarding common standards in the telecommunications sector;
- participating in the promotion of the Community-wide introduction of new audiovisual services;
- developing the appropriate regulatory framework concerning telecommunications infrastructures and services for the future multimedia environment, where necessary;
- contributing to the development of co-operation between the Community and third countries; developing external aspects of the Community's policy; and
- creating or ensuring Community-wide network interconnection and interoperability, in particular through Trans-European Networks for telecommunications.

The support actions include the commissioning of studies and the organisation of seminars and consultations, in order to analyse markets, technologies, objectives and policies; the commissioning of work contributing to actions in the area of cohesion and international co-operation; as well as the submission of mandates to standardisation and frequency bodies.

4.2 *Duration*

Legal basis with an indeterminate duration, evaluated every three years

5. **Classifications**

- Non-obligatory expenditure
- Dissociated credits

6. Nature of Spending

- 100% funding:
 - Award of contracts for the execution of the tasks of analysis, forward studies, specific studies, co-ordination and evaluation.
 - Submission of mandates to standardisation and frequency bodies as well as expenditure related to the dissemination of standards in the different Community languages.
 - Purchase and operation of necessary equipment.
 - Organisation, participation in and support of expert meetings, conferences, consultations with interested parties, seminars and information dissemination and publication.
- Funding for co-financing with other sources of the public or private sector:
 - Award of contracts for the co-financing of actions.
 - Multiclient studies.

Any revenue will be available for re-use, in accordance with Article 27 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities (OJ No L356, 31.12.1977, p.1), as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 (OJ No L293, 12.11.1994, p.7).

7. Financial implication for commitment credits

7.1 *Method of calculation of the cost of the action for the 1996 exercise*

The financial implications of pursuing these objectives are continuously evaluated on the basis of experience of developing Community policy on telecommunications and posts since 1984, taking into account foreseeable elements of the policy in the coming years. The effort up until 1998 will continue to focus on strategic aspects, owing to the very rapid development of technology, markets and trade in these sectors (particularly the telecom sector), as well as on the continuing action of monitoring the application of Community legislation. The regulatory area will continue to be the subject of a substantial effort, since it is necessary to complete the legislation in the areas already identified, and to adapt it to new developments. Lastly, a more intensive level of preparatory work should be ensured on the question of Community cohesion (whose operational aspects are

financed by the structural funds or financial instruments aimed at economic re-launching), particularly in view of the Treaty on European Union.

The whole range of activities will have to take on a new dimension following the proposals introduced in the White Paper on Growth, Competitiveness and Employment, particularly as regards the implementation of information highways. Moreover, the presentation to the Council and European Parliament, as required by them, of specific measures in the areas of posts as well as telecommunications infrastructure liberalisation, will involve an increase of activity. Finally, the addition of three new Member States brings an increase in the total amount of work, particularly in the area of monitoring and implementation of Community measures.

7.2 Breakdown by elements of action

Breakdown	95 Budget	96 APB	97 APB
Strategic development	2.2	2.4	2.6
Development of markets	2.8	3.0	3.0
Community cohesion	0.6	0.6	0.8
Regulatory area	2.9	2.5	2.6
TOTAL	8.5	8.5	9.0

Commitment credits in MECUs

7.3 Schedule for pluriannual actions

Year	1995	1996	1997	1998 and following years
Commitment Credits	8.5	8.5	9	pm

(Commitment credits in MECUs)

8. Anti-fraud measures foreseen (and the result of their implementation)

The control of payments for any services, or preparatory, feasibility or evaluation studies requested, is carried out by the Commission's services prior to payment, taking into account any contractual obligations, economic principles and good financial or management practice. Anti-fraud provisions (supervision, reporting requirements, etc) will be included in all agreements and contracts made between the Commission and the recipients of any payments.

9. Elements of cost-effectiveness analysis

9.1 *Objectives and target audience*

Between 1993 and 1995 approximately ten legislative measures were prepared each year in the area of the regulation of the sector and the technical co-ordination of the development of services. For 1996 to 1998 it is difficult to make an estimation in the legislative area, owing to political uncertainties which may arise. However, it is clear that in addition to adaptations of measures already taken, further legislation will be necessary to meet the requests set out by the Council, in particular in its resolutions on the liberalisation of public voice telephony services and telecommunications infrastructure.

Target audience: governments, Telecommunications network operators, service providers, users, social partners.

9.2 *Justification of the Action*

The Commission is obliged both by Treaty provisions and by the Council and the European Parliament to define and implement Community policy in the field of telecommunications and postal services, and these objectives can only be properly carried out with the backing of support activities, given the complex and fast-changing nature of the sector.

9.3 *Follow-up and evaluation of the action*

Monitoring and ensuring implementation of Community policy in the field of telecommunications and postal services is an integral part of the action itself, and is required by a number of Directives. Records of implementation progress by country are kept up to date, infringement procedures are launched where necessary, and implementation reports on particular Directives are presented to the European Parliament and the Council on a regular basis. In addition, the Commission will present to the European Parliament and the Council a global report on the execution of the activities, including an evaluation of progress made towards achieving Community objectives, every three years.

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ISSN 0254-1475

COM(96) 45 final

DOCUMENTS

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Catalogue number : CB-CO-96-056-EN-C

ISBN 92-78-00247-X

Office for Official Publications of the European Communities

L-2985 Luxembourg