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PROGRESS REPORT

ON THE IMPLEMENTATION OF A

COMMUNITY TELECOMMUNICATIONS POLICY

(Communication from the Commission)

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I. INTRODUCTION

In 1984 the European Community launched a common telecommunications policy which has since been developing rapidly.

Since the Communication from the Commission to the Council on telecommunications in September 1983 and the setting up by the Council on 4 November 1983 of the Senior Officials Group on Telecommunications (SOGT), the milestones in that policy have been as follows:

- adoption by the Council of 12 proposals listed in the attached table;
- transmission by the Commission in June 1987 of a Green Paper on the development of the common market for telecommunications services and equipment, followed in February 1988 by a communication on implementing the Green Paper, which took into consideration the very numerous opinions and reports received following its publication.

The Community telecommunications policy was designed to establish a Europeanwide telecommunications area by implementing the following six actions:-

- A) The coordinated development of telecommunications networks and services within the Community and common infrastructure projects.
- B) The creation of a common market for telecommunications equipment and terminals.
- C) A development programme for the technologies required for the establishment of the future broadband networks.
- D) Improved access for the less-favoured regions of the Community to the benefits of the development of advanced services and networks
- E) The coordination of negotiating positions and the search for a common position within international organizations dealing with telecommunications and when dealing with some non-Member States.
- F) The establishment and implementation of common basic principles and guidelines concerning the regulatory aspect of telecommunications (Green Paper).

The Green Paper mainly addresses the sixth objective although the other action lines are mentioned and the strengthening of some of them is recommended.

The Commission thought it useful here, particularly in the perspective of the establishment of the internal market in 1992, to assess the progress made in implementing the first five action lines set out in the Council Decision of 17 December 1984 and to outline for each of them the results already obtained, the difficulties still to be overcome, the work now in progress and the new proposals that the Commission plans to make for some of them.

II. PROGRESS REPORT ON THE COMMUNITY'S TELECOMMUNICATIONS ACTION PROGRAMME

A) THE COORDINATED DEVELOPMENT OF TELECOMMUNICATIONS NETWORKS AND SERVICES IN THE COMMUNITY AND COMMON INFRASTRUCTURE PROJECTS

- 1. Work on the coordinated development of telecommunications networks and services in the Community carried out by the Commission in conjunction with the Senior Officials Group on Telecommunications and its subgroup, the Analysis and Forecasting Group (GAP), have led to two Council Recommendations adopted on a proposal from the Commission:
- a Recommendation (1) on the coordinated introduction of the integrated services digital network (ISDN) in the European Communities;
- a Recommendation (2) on the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community and a Directive (3) on the frequency band to be reserved for these communications.
- 2. As a follow-up to a GAP report on the coordinated introduction of broadband services in the Community, the Commission is preparing a communication to the Council on connecting up the broadband infrastructure

⁽¹⁾ No 86/659/CEE - Official Journal of the E.C. L 382 of 31.12.86

⁽²⁾ No 87/371/CEE - Official Journal of the E.C. L 196 of 17.7.87

⁽³⁾ No 87/372/CEE - Official Journal of the E.C. L 196 of 17.7.87

sections already in existence or planned in the Member States so as to form the broadband communication lines (electronic highways) needed to meet business communications requirements throughout the Community. This communication will be sent out in the near future.

3. As announced in the communication to the Council accompanying the proposal for a Recommendation and Directive on cellular mobile communications, the coordinated introduction of a paging service is being studied and a proposal will shortly be sent to the Council. The aim of this proposal will be to ensure the establishment of a pan-European paging service based on the specifications for the ERMES system now being prepared by the CEPT, which should be ready for introduction in 1991. It should be emphasized here that the general use of the ERMES system throughout the Community after 1991 could be jeopardized if the current plans in some Member States to introduce interim systems and consolidate them by interconnecting them were implemented in the meantime. The presence of such systems would greatly delay the implementation of a genuine European system.

It is therefore desirable at this stage to meet existing national requirements by means of <u>limited interim systems</u> and to speed up the work on ERMES as far as possible in the European Telecommunications Standards Institute (ETSI).

- 4. Not only must the Commission make new proposals to ensure general convergence in the development of telecommunications services, it must also monitor the implementation of the relevant provisions already adopted by the Council. It is therefore following very closely progress being made in the preparation of specifications for the various services and in the implementation of those services in the Member States, especially as regards ISDN and mobile cellular communications..
- 5. The Commission will shortly be sending to the Council and Parliament a report on the implementation of the Recommandation on the coordinated introduction of ISDN. There have already been deviations from the line

adopted by the Council as a result of either delays in the CCITT ⁽¹⁾ or differences in national priorities and these may well have serious consequences on the connectivity of ISDN services in the Community and the export potential of the European industry. The Council's attention will be drawn to these deviations and measures to be taken to correct their effects will be proposed, possibly in the form of a Directive.

- 6. The situation concerning mobile cellular communications appears more satisfactory as the work of CEPT's GSM (2) on the development of specifications for the pan-European digital system is keeping to the planned timetable and the administrations have signed a protocol for the implementation of the service. The technical developments arising from the work of the GSM are of such importance that they could well have a farreaching influence on the development of other mobile communications services, so that an integrated strategy for the whole field is conceivable. Special attention must also be given to the problem of frequencies. Finally, difficulties are to be expected after 1991 for the transition to the pan-European digital cellular mobile system because of the numerous interim systems that already exist or are being set up. A study on the development of the market for this system is in progress and a report on the various aspects to be taken into account when such a system is established will be sent to the Council before the end of 1988.
- 7. On 5 October 1987 the Council adopted a decision on <u>a Community</u> programme on trade electronic data interchange systems: TEDIS.

TEDIS is both a coordination and an information provision programme. Its purpose is to coordinate at Community level the work being carried out in the various Member States on the development of trade electronic data interchange systems and at the same time to launch information campaigns for potential users, European hardware and software producers, and in addition to conduct a study to identify the assistance which could be given to small and medium-sized firms in this area.

⁽¹⁾ CCITI: International Telegraph and Telephone Consultative Committee

⁽²⁾ GSM : Group Spécial Mobile of the CEPT

The TEDIS programme was planned to commence on 1 January 1988 but the Community's budget difficulties have delayed it.

- 8. In a field similar to TEDIS, namely data interchange systems of value to the Community, the Commission is continuing with the INSIS (1) and CADDIA (2) programmes which are now becoming operational.
- 9. On 9 June 1986 the Council adopted a resolution (3) on the use of videoconference and videophone techniques for intergovernmental applications whilst confirming its interest in the project which started in 1984. It is already possible for nine capitals to communicate with each other, and all twelve will be interconnected by the end of 1988. Encoding equipment ensures confidentiality on the Brussels-Luxembourg land line and studies on the possibility of providing simultaneous interpretation are in progress.

In accordance with the June 1986 resolution a detailed report will be sent to the Council in June 1988.

B) <u>CREATION OF A COMMON MARKET FOR TELECOMMUNICATIONS</u> EQUIPMENT AND TERMINALS

10. Activities under this heading are of particular importance in the context of the 1992 internal market. The work includes both standardization and specific measures to open up access to calls for tender put out by network operators.

Standardization

11. Standardization forms the basis to the creation of the internal market and is essential in the field of telecommunications, especially with the digitization of services, considering that national networks have developed independently for decades.

⁽¹⁾ INSIS: Interinstitutional Integrated Services Information System

⁽²⁾ CADDIA: Cooperation in the automisation of data and documentation for imports/exports and agriculture

⁽³⁾ No 86/C 160/01 - Official Journal of the E.C. C 160 of 27.6.86

In July 1984 a memorandum of understanding was signed between the CEPT and the Commission. The CEPT undertook to carry out technical work leading to the drafting of common specifications for the type approval of telecommunications terminals following priorities established by the Community and working on the basis of internationally agreed specifications.

- 12. Lists of priorities were sent to the CEPT in January 1985, 1986, 1987 and 1988 after the Senior Officials Group on Telecommunications had been consulted. Although the CEPT has made a major reorganisation effort during that period, it has unfortunately not been possible to obtain a precise timetable for the work provided for in the memorandum of understanding, and because of the lack of guaranteed resources commensurate with the tasks to be accomplished in an appropriate management framework, the work has continuously lagged behind schedule. As specifications were not established in time to satisfy the fast-changing requirements, and because CEPT could not respond adequately to the challenges posed by more efficient organisations, especially in the United States, the Commission proposed in the Green Paper a radical reorganization of the system for drawing up common telecommunications specifications by creating a European Telecommunications Standards Institute (ETSI). This proposal was approved by the telecommunications administrations meeting within the CEPT and after a year's intense activity the ETSI was formed at its first General Assembly on 29-30 March 1988.
- 13. The Commission is delighted by the rapid creation of ETIS to be located at Sophia Antipolis in France and in which the administrations, industry and users will cooperate. The Commission hopes that the creation of ETIS will greatly speed up the establishment of common telecommunications specificiations. However, some problems are still outstanding. They concern the way in which the Institute will fit into the Community's standardization framework defined by the Council in particular in its resolution of 7 May 1985 on the new approach and in Council Directive 83/189. The Commission, has presented its position on these problems on several occasions, and in particular during the first ETSI General Assembly on 29-30th March 1988. This Assembly has decided to create a working party which, in cooperation with the Commission, will modify the ETSI internal

rules to solve the existing problems. The first meeting of this group took place on 26th April 1988.

- 14. The great progress made in the Community telecommunications policy over the past four years and the changes under way in the sector have encouraged the Commission to extend it's agreements with organizations working in Europe in the field of telecommunications standardization:
- a) The memorandum of understanding of July 1984 concluded that the CEPT will be replaced by an agreement concluded with ETSI.
- b) <u>In addition cooperation will be sought with the CEPT</u> on subjects such as commercial matters and frequency allocation questions which are outside the competence of ETSI.
- 15. On 24 July 1986 the Council adopted a <u>Directive (1)</u> on the initial stage of the mutual recognition of type approval for telecommunications terminal equipment and on 22 December 1986 a Decision (2) on standardization in the field of information technology and telecommunications.

These constitute a legal framework for the use of standards and common specifications established by European and/or international standards institutions. The Directive on the mutual recognition of type approval for terminals entered into force on 24 July 1987 but has not yet been applied in practice as the CEPT had been unable to produce on time the common as NET-Normes specifications (known <u>Européennes</u> <u>Télécommunications</u>) needed for the implementation of the Directive. The first two NETs concerning access to the circuit-switching and packetswitching networks were approved by the CEPT only in March 1988; in accordance with the Directive the Member States must now notify the Commission of the laboratories they accredit to carry out conformity tests on the telecommunications terminals. Discussions on the application of the accreditation criteria for these laboratories on the basis of CEPT recommendations, must now rapidly be organized in the SOGT. The

⁽¹⁾ No 86/361/CEE - Official Journal of the E.C. L 217 of 5.8.86

⁽²⁾ No 87/95/CEE - Official Journal of the E.C. L 36 of 7.2.87

Commission hopes that the system will start to operate in the second half of the year.

16. In the same field, the Commission is to send to the Council a proposal for a Directive on the full mutual recognition of type approval for terminals as announced in Article 9 of Directive 86/361. The adoption of this Council Directive must be regarded in the context of the liberalization of the terminals market where it will be an essential complement to the Commission Directive abolishing the last areas in which there is exclusive provision by network operators.

Opening up access to calls for tender by network operators.

- 17. Access to calls for tender by network operators must be opened up by 1992 at the latest. Even if a Commission Directive is to open up the terminals market, it is nevertheless true that procurement by network operators is only partly open to competition. A Council Directive is now being prepared by the Commission as part of the work of opening-up access within the Community to procurement of supplies by bodies operating in sectors excluded from the scope of Directive 77/62 (1) and as part of the work commissioned by bodies which, because of their status, are not subject to the provisions of Directive 71/305 (2).
- 18. For procurement by telecommunications network operators, the Council adopted in November 1984 a Recommendation (3) concerning the first phase of opening up access to public telecommunications contracts. This Recommendation aims to open up access to all public contracts for terminals for the new services and to contracts covering at least 10 % of the value of annual orders for other terminals and network equipment; a report on the application of the Recommendation has to be provided every six months by each Member State.

⁽¹⁾ Directive 77/62 coordinating procedures for the award of public supply contracts - Official Journal of the E.C. L 13/1 of 15.1.77

⁽²⁾ Directive 71/305 concerning the co-ordination of procedures for the award of public works contracts - Official Journal of the E.C. L 185/5 of 16.8.71

⁽³⁾ No 84/550/CEE - Official Journal of the E.C. L298 of 16.11.84

- 19. A slow start was made on implementing the Recommendation as it took some time to reach agreement on the arrangements for publishing contract notices in the Official Journal and on the format of the six-monthly report. Even after these problems were settled around mid-1986, the quality of the reports remained very uneven as regards the accuracy and completeness of the information supplied. Consequently it is not yet possible to obtain a precise picture of the effects of the Recommendation. Contract notices have indeed been published in the Official Journal but their number varies greatly from one Member State to another and there is no way of determining neither the proportion of annual orders they represent nor generally speaking what effect they have had in the award of contracts. From the fragmented information in our possession it seems that little response has been obtained from firms established outside the Member State publishing the notice (when it has a domestic industry) and that it is exceptional for contracts to be finally awarded to such firms following these notices.
- 20. The Decision of the European Council to complete the internal market by 1992, and the somewhat unsatisfactory results of the implementation of the Recommendation, have led the Commission to consider a more binding instrument for the next phase of opening up the telecommunications equipment market. Bearing in mind the need for a gradual approach to opening up the network equipment market, a Directive should create an impetus that will bring about an open market by 1992. In this context the wisdom of including in the Directive non-specific supply purchases contracts for works must be examined. A Directive under Article 100a on these lines will shortly be sent to the Council.
- 21. The liberalization of the terminal equipment market is an important step towards a genuine single market in the sector by 1992. It is heralded in the Green Paper which provides for the abolition of areas in which network operators have exclusive rights to supply terminals. The importance of this step is further underlined both by the annual turnover of 9 500 million ECU on the market for this equipment and by the situation enjoyed by national telecommunications administrations which in many cases are alone able to import and market terminal equipment and make it available to the user by virtue of exclusive or special rights granted by the Member States.

In addition, as is clear from the reports by several Member States to the Commission pursuant to Recommendation 84/550/EEC, it is normal practice for many of these administrations to approach only domestic manufacturers for their procurement of terminal equipment.

The Directive which the Commission adopted after discussing its content with the Member States will allow manufacturers to approach users directly.

Its implements the following measures:

- abolition of exclusive rights and prohibition on introducing new ones so as to allow users freely to connect the terminal equipment of their choice;
- publication of all the national technical specifications that are applied in this field so as to allow manufacturers in all Member States to adapt their terminal equipment to the characteristics of each telecommunications network;
- separation of the regulatory power held by the national telecommunications administrations from their commercial activities as this power enables them to keep their competitors' products off the market.

C) <u>DEVELOPMENT OF THE TECHNOLOGIES NEEDED TO ESTABLISH THE FUTURE BROADBAND NETWORK.</u>

22. This action line relates to the activities under the RACE programme, the main phase of which was approved by the Council on 22 December 1987. The status of the programme is described in a separate document.

D) IMPROVED ACCESS FOR LESS-FAVOURED REGIONS OF THE COMMUNITY TO THE BENEFITS OF THE DEVELOPMENT OF ADVANCED SERVICES AND NETWORKS

23. This action line relates to the STAR programme, the Regulation on which was adopted by the Council on 27 October 1986. The total Community contribution to this five-year programme is 780 million ECU. The Member States to benefit from the STAR programme are Ireland, France (Corsica and the overseas departments), Italy (Mezzogiorno), the United Kingdom

(Northern Ireland), Spain, Greece and Portugal (most regions in the last three countries).

These Member States were asked to submit proposals in the first six months after adoption of the programme, which all of them did. After these proposals had been discussed with the Member States concerned and after the Committee for the Regional Fund had delivered its opinion (September 1987), the Commission decided to approve the programmes in all cases. This meant that the whole programme effectively started at the beginning of November 1987.

Investment has begun in the Member States concerned and reports had been received on all the fields covered during the first period, taking into consideration the projects carried out and investment made before the end of 1987 (the regulation allowed the financing of some investment projects which had started before the formal Commission Decision). The programme is considered to be progressing satisfactorily to date, although there are still difficulties in launching some major parts of the programme in some of the Member States.

- E) COORDINATION OF NEGOTIATING POSITION AND SEARCH FOR A COMMON POSITION WITHIN INTERNATIONAL ORGANIZATIONS DEALING WITH TELECOMMUNICATIONS AND WHEN DEALING WITH CERTAIN NON-MEMBER STATES.
 - 24. The Commission has persued this activity in cooperation with SOGT and in discussions within the Article 113 Committee. Various fields have been covered, in particular relations with the ITU.
 - 25. In order to be better informed about the thinking and the work in progress within the ITU groups and to contribute more effectively in coordinating the positions of Member States in international fora, the Commission wished to obtain observer status at the ITU. The Commission set out its position in a recent communication to the Council (1) in which it request the support of the Member States to obtain observer status at the ITU.

⁽¹⁾ Réf. SEC(88) 181 final of 16 february 1988

- At the Dubrovnik meeting of the CCIR in May 1986 the Community Member States presented a common position following the efforts made by the President of the Council and the Commission to secure a further period of study before a definitive decision was taken on the choice of a world high definition television standard. If a decision was taken at that time, it would have meant adopting a Japanese standard incompatible with the television standards in use in Europe (2). The CCIR agreed to a further study period of two years, allowing the European industry, under a EUREKA project, to continue its work on defining a standard which meets the need for compatibility with existing systems.
- 27. Several consultation meetings with Member State representatives have been held to agree on complementary activities, some of them technical projects under the RACE programme and others designed to encourage world acceptance of European ideas on a high-definition television standard. Furthermore this subject was discussed by representatives of the Commission, the Member States and the industry at meetings in Japan. As a result of these activities the idea of compatibility with existing systems, a need that was totally ignored in 1986, is now gaining ground, especially in the United States. In this context European industry will be demonstrating its technology and equipment which has developed at the international radio and television conference in Brighton in September 1988.
- 28. The GATT negotiation, now under way in the Uruguay round, relate to the strengthening of the international trade system in several fields relevant to telecommunications. The GATT rules already apply to international trade in telecommunications equipment, technical barriers to trade (standards and technical regulations) and in some countries, but not the Community public telecommunications contracts.

It is now planned to strengthen international discipline concerning non-tariff barriers (standardization, procurement and contract policy) and to include within GATT the fields of services, including telecommunications, and intellectual property.

On 3 November 1986 the Council adopted a Directive on the adoption of common technical specifications of the HAC/packet family of standards for direct satellite television broadcasting.

- 29. Some aspects of the international regulation of telecommunications services are covered by the ITU. The Commission has started discussions within the SOGT on the position to be adopted by Member State representatives at the WATT-C 88 meeting convened by the ITU in December 1988 in Melbourne to debate proposals on a new regulatory framework bearing in mind the new situation in telecommunications services. The draft regulations produced by the preparatory committee for WATT-C 88, contain a number of proposals which are problematical as far as the action lines of the Community telecommunications policy are concerned. The discussions have to be continued urgently in the SOGT to define the common position that could be adopted at the Melbourne meeting by Member States with regard to both internal aspects, in particular the implementation of the Green Paper, and external aspects, especially the GATT negotiations.
- 30. The Commission also ensures that the <u>Community telecommunications</u> interests are taken into account in its relations with its trading partners such as the EFTA countries, the United States and Japan, and in the framework of the OECD.
- 31. In this field the main developments concern relations with the United States. Since 1985, alongside the GATT negotiations and despite the Community's trade deficit with the United States in this sector, the US administration has been trying to promote access by American industry to the Community's telecommunications market. For that purpose it has organized fact-finding missions to Spain, France, Italy, the Netherlands and the Federal Republic of Germany.
- 32. Close cooperation has been established between the Member States and the Commission, resulting not only in the Commission being represented at most of the US fact-finding missions to Member States, but also in the continuation of these discussions at Community level. A Community fact-finding mission to the United States was organized by the Commission in June 1986 and was followed by high-level talks in Brussels in February 1987 and in Washington in March 1988. Furthermore, meetings of specialized groups on standards, public procurement, statistics and competition were held in May and November 1987.

33. As a result of these discussions a better understanding was reached on both sides, the probem of statistical differences between the partners was clarified, and arrangements were made for regular exchanges of informtion on standards between the American National Standards Institute (ANSI) and the CEPT (now ETSI). The discussions are to be continued on the subjects of public procurement and standards. On the latter subject, the Americans strongly urge acceptance of certificates of conformity with the NETs issued by US laboratories, although application of the Directive on the mutual recognition of conformity tests has not yet started in the Community. The practical and institutional conditions relevant to this US request will be studied in the coming months.

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Because of the need for a social consensus about the measures being taken to establish the European telecommunications area, the Commission holds regular meetings with the representatives of the unions in this sector. In these meetings the Community's political guidelines and practical activities are discussed, giving the unions an opportunity to make a substantial contribution to Community thinking in this particularly important sector. These contacts will be continued and intensified in the future.

III. CONCLUSIONS

With the prospect of a single Community-wide economic and social area being established by 1992, and in order to enable the Community to take up the challenges facing it in the telecommunications sector over the next few years, resolute support by Ministers of telecommunications for all the activities carried out under the Community policy for this sector is more essential than ever.

In the light of the information given on the current status, problems encountered and planned activities in the implementation of the five action lines approved by the Council on 17 December 1984 and the additional information in the Green Paper on

telecommunications and the Council Communication on its implementation, the Ministers for Telecommunications are asked to confirm their support for the continuation of Community activities in this field.

Table

LIST OF THE COUNCIL DECISIONS ON TELECOMMUNICATIONS SINCE 1986

COUNCIL RECOMMENDATION OF 12 NOVEMBER 1984 concerning the implementation of harmonization in the field of telecommunications (84/549/CEE - OJ L 298 of 16.11.84)

COUNCIL RECOMMENDATION OF 12 NOVEMBER 1984 concerning the first phase of opening up access to public telecommunications (84/550/CEE - OJ L 298 of 16.11.84)

COUNCIL DECISION OF 25 JULY 1985 on the definition phase for a Community action in the field of telecommunications technologies - R & D programme in advanced telecommunications technology for Europe (RACE) (85/372/EEC - OJ L 210 of 7.8.85)

COUNCIL RESOLUTION OF 9 JUNE 1986 on the use of videoconferences and videophone techniques for intergovernmental applications (86/C 160/01 - OJ C No 160 of 27.6.86).

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 L 217 of 5.8.86).

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) (86/3300/EEC - OJ L 305 of 31.10.86).

COUNCIL DIRECTIVE OF 3 NOVEMBER 1986 concerning the adoption of common technical specifications of the MAC/Packet family of standards for direct satellite television broadcasting (86/529/EEC - OJ L 311 of 6.11.86).

COUNCIL RECOMMENDATION OF 22 DECEMBER 1986 on the coordinated introduction of the integrated services digital network (ISDN) in the European Community (86/659/EEC - OJ L 382 of 31.12.86).

COUNCIL DECISION OF 22 DECEMBER 1986 on standardization in the field of information technology and telecommunications (87/95/EEC - OJ L 36 of 7.2.87).

COUNCIL RECOMMENDATION OF 25 JUNE 1987 on the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (87/371/EEC - OJ L 196 of 17.7.87) and COUNCIL DIRECTIVE OF 25 JUNE 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (87/372/EEC - OJ L 196 of 17.7.87).

COUNCIL DECISION OF 5 OCTOBER 1987 introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (87/499/EEC - OJ L 285 of 8.10.87).

COUNCIL DECISION OF 14 DECEMBER 1987 on a Community programme in the field of telecommunications technologies (research and development) in advanced communications technologies in Europe (RACE programme) (88/28/EEC - OJ L 16 of 21.1.88).