

Wednesday 12 December 2001

COUNCIL  
COMMON POSITION

AMENDMENTS  
BY PARLIAMENT

(b) providers of all enhanced digital television equipment deployed for the reception of digital interactive television services on interactive digital television platforms to comply with an open API in accordance with the minimum requirements of the relevant standards or specifications.

2. Without prejudice to Article 5(1)(b) of Directive 2001/.../EC (Access Directive) Member States shall encourage proprietors of APIs to make available on fair, reasonable and non-discriminatory terms, and against appropriate remuneration, all such information as is necessary to enable providers of digital interactive television services to provide all services supported by the API in a fully functional form.

3. Within one year after the date of application referred to in Article 26(1), second subparagraph, the Commission shall examine the effects of this Article. If interoperability and freedom of choice for users have not been adequately achieved in one or more Member States, the Commission may take action in accordance with the procedure laid down in Article 16(3) and (4).

Amendment 37

Annex I, point 3a (new)

**3a. Additional markets**

*The national market for international roaming services on public mobile telephone networks.*

**9. Access to electronic communications networks and associated facilities (access directive) \*\*\*II**

**A5-0434/2001**

**European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive on access to, and interconnection of, electronic communications networks and associated facilities (access directive) (10418/1/2001 – C5-0416/2001 – 2000/0186(COD))**

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (10418/1/2001 – C5-0416/2001) <sup>(1)</sup>,
- having regard to its position at first reading <sup>(2)</sup> on the Commission proposal to Parliament and the Council (COM(2000) 384) <sup>(3)</sup>,

<sup>(1)</sup> OJ C 337, 30.11.2001, p. 1.

<sup>(2)</sup> OJ C 277, 1.10.2001, p. 72.

<sup>(3)</sup> OJ C 365 E, 19.12.2000, p. 215.

Wednesday 12 December 2001

- having regard to the Commission's amended proposal (COM(2001) 369) <sup>(1)</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0434/2001),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

COUNCIL  
COMMON POSITION

AMENDMENTS  
BY PARLIAMENT

Amendment 29

*Recital 8a (new)*

**(8a) Interoperability is of benefit to end-users and is an important aim of this regulatory framework. Encouraging interoperability is one of the objectives for national regulatory authorities as set out in this framework, which also provides for the Commission to publish a list of standards and/or specifications covering the provision of services, technical interfaces and/or network functions, as the basis for encouraging harmonisation in electronic communications. Member States should encourage the use of the published standards and/or specifications to the extent strictly necessary to ensure interoperability of services and to improve freedom of choice for users.**

Amendment 31

*Recital 12*

(12) The review should be carried out using an economic market analysis based on competition law methodology. The aim is to reduce ex-ante sector specific rules progressively as competition in the market develops. However the procedure also takes account of the possibility of new bottlenecks arising as a result of technological development, which may require ex-ante regulation, for example in the area of broadband access networks. It may well be the case that competition develops at different speeds in different market segments and in different Member States, and national regulatory authorities should be able to relax regulatory obligations in those markets where competition is delivering the desired results. In order to ensure that market players in similar circumstances are treated in similar ways in different Member States, the Commission should be able to ensure harmonised application of the provisions of this

(12) The review should be carried out using an economic market analysis based on competition law methodology. The aim is to reduce ex-ante sector specific rules progressively as competition in the market develops. However the procedure also takes account of **transitional problems in the market, such as those related to international roaming, and** of the possibility of new bottlenecks arising as a result of technological development, which may require ex-ante regulation, for example in the area of broadband access networks. It may well be the case that competition develops at different speeds in different market segments and in different Member States, and national regulatory authorities should be able to relax regulatory obligations in those markets where competition is delivering the desired results. In order to ensure that market players in similar circumstances are treated in similar ways in

<sup>(1)</sup> OJ C 270 E, 25.9.2001, p. 161.

Wednesday 12 December 2001

COUNCIL  
COMMON POSITION

AMENDMENTS  
BY PARLIAMENT

Directive. National regulatory authorities and national authorities entrusted with the implementation of competition law should, where appropriate, co-ordinate their actions to ensure that the most appropriate remedy is applied. The Community and its Member States have entered into commitments on interconnection of telecommunications networks in the context of the World Trade Organisation agreement on basic telecommunications that need to be respected.

different Member States, the Commission should be able to ensure harmonised application of the provisions of this Directive. National regulatory authorities and national authorities entrusted with the implementation of competition law should, where appropriate, co-ordinate their actions to ensure that the most appropriate remedy is applied. The Community and its Member States have entered into commitments on interconnection of telecommunications networks in the context of the World Trade Organisation agreement on basic telecommunications that need to be respected.

Amendment 30

*Recital 21a (new)*

**(21a) In order to ensure that the pan-European electronic communications market is effective and efficient, the Commission should monitor and publish information on charges which contribute to determining prices to end-users.**

Amendment 7

*Recital 21b (new)*

**(21b) The development of the pan-European electronic communications market, with its associated infrastructure, could have adverse effects on the environment and the landscape. Member States should therefore monitor this process and, if necessary, take action to minimise any such effects by means of appropriate agreements and other arrangements with the relevant authorities.**

Amendment 27

*Article 6, paragraph 3*

3. Notwithstanding the provisions of paragraph 1, Member States may permit their national regulatory authority, **on** entry into force of this Directive and periodically thereafter, to review the conditions applied in accordance with this Article, by undertaking a market analysis in accordance with the first paragraph of Article 15 of Directive 2001/.../EC (Framework Directive) to determine whether to maintain, amend or withdraw the conditions applied.

3. Notwithstanding the provisions of paragraph 1, Member States may permit their national regulatory authority, **as soon as possible after the** entry into force of this Directive and periodically thereafter, to review the conditions applied in accordance with this Article, by undertaking a market analysis in accordance with the first paragraph of Article 15 of Directive 2001/.../EC (Framework Directive) to determine whether to maintain, amend or withdraw the conditions applied

Amendment 28

*Article 7, paragraph 3*

3. Member States shall ensure that, **immediately following the date of application referred to in Article 18(1), second subparagraph**, and periodically thereafter, NRAs undertake a

3. Member States shall ensure that, **as soon as possible after the entry into force of this Directive**, and periodically thereafter, NRAs undertake a market analysis, in accordance with

Wednesday 12 December 2001

COUNCIL  
COMMON POSITIONAMENDMENTS  
BY PARLIAMENT

market analysis, in accordance with Article 15 of Directive 2001/.../EC (Framework Directive) to determine whether to maintain, amend or withdraw these obligations.

Article 15 of Directive 2001/.../EC (Framework Directive) to determine whether to maintain, amend or withdraw these obligations. An appropriate period of notice shall be given to parties affected by such amendment or withdrawal of obligations.

## Amendment 19

*Article 8, paragraph 3, subparagraph 2*

In exceptional circumstances, when a national regulatory authority intends to impose on operators with significant market power obligations for access or interconnection **that go beyond** those set out in Article 9 to 13 in this Directive it shall submit this request to the Commission. The Commission, acting in accordance with Article 14(2) shall take a decision authorising or preventing the national regulatory authority from taking such measures.

In exceptional circumstances, when a national regulatory authority intends to impose on operators with significant market power **other** obligations for access or interconnection **than** those set out in Articles 9 to 13 it shall submit this request to the Commission. The Commission, acting in accordance with Article 14(2), shall take a decision authorising or preventing the national regulatory authority from taking such measures.

## 10. Authorisation of electronic communications networks and services (authorisation directive) \*\*\*II

A5-0433/2001

**European Parliament legislative resolution on the Council common position with a view to the adoption of a European Parliament and Council directive on the authorisation of electronic communications networks and services (authorisation directive) (10419/1/2001 – C5-0417/2001 – 2000/0188(COD))**

(Codecision procedure: second reading)

*The European Parliament,*

- having regard to the Council common position (10419/1/2001 – C5-0417/2001) <sup>(1)</sup>,
- having regard to its position at first reading <sup>(2)</sup> on the Commission proposal to Parliament and the Council (COM(2000) 386) <sup>(3)</sup>,
- having regard to the Commission's amended proposal (COM(2001) 372) <sup>(4)</sup>,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0433/2001),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and Commission.

<sup>(1)</sup> OJ C 337, 30.11.2001, p. 18.

<sup>(2)</sup> OJ C 277, 1.10.2001, p. 116.

<sup>(3)</sup> OJ C 365 E, 19.12.2000, p. 230.

<sup>(4)</sup> OJ C 270 E, 25.9.2001, p. 182.