

Community internal market legislation, including legislation in the matter of penalties, is effectively and efficiently implemented and to continue its efforts to develop administrative cooperation where necessary and to improve the efficiency of complaints procedures;

- (b) continue and extend the studies which it has already initiated in areas where particular problems are experienced and for which specific responses could be prepared;
- (c) include, where necessary, in future Community Acts proposals provisions on penalties, taking into account the examples of forms of words suggested in its communication referred to above of 3 May 1995;
- (d) ensure that the applicable penalty provisions henceforth form part of the measures the notification of which is explicitly required under the Community internal market provisions;

- (e) take the necessary action or formulate proposals for providing appropriate solutions for problems appearing in the context of the transparency thus organized, including, if necessary, proposals for ensuring that penalties are such as to ensure that legislation is applied equally effectively throughout the Union, with due regard to the respective jurisdictions of the Community and the Member States and for the principles of Member States' national law, in the light of the subsidiarity and proportionality principles;

- (f) consider the problem of the penalties applicable for breaches of Community law in its annual report on the effective application of Community law;

UNDERTAKES to examine openly and constructively any proposals which the Commission may formulate over the coming months, in order to ensure that penalties applicable to breaches of the internal market rules are effective, proportionate and dissuasive.

COUNCIL RESOLUTION

of 29 June 1995

on the further development of mobile and personal communications in the European Union

(95/C 188/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Whereas, as a result of the 1992 review of the telecommunications sector, the Council, in its resolution 93/C 213/01 of 22 July 1993 ⁽¹⁾, called on the Commission to publish a Green Paper on mobile and personal communications, which the Commission adopted on 27 April 1994;

Whereas the Commission consulted widely on this basis and has submitted a communication to the European Parliament and Council on the outcome of the consultation on the Green Paper on mobile and personal communications,

1. WELCOMES the broad consultation carried out by the Commission on the main principles and objectives of

the Green Paper on Mobile and Personal Communications and NOTES the consensus resulting from it, as well as those areas where a full consensus was not achieved.

2. SUPPORTS the drawing up of a regulatory framework which should foster the development of the mobile and personal communications sector in conformity with the overall reform of the telecommunications sector.

3. CONSIDERS AS PRIORITY OBJECTIVES for the development of the mobile and personal communications sector to ensure within the Union:

- (a) generalized competition for the provision of mobile and personal communications and granting of licences according to objective, transparent, proportional and non-discriminatory criteria;

- (b) that the number of mobile and personal communications licences granted may be limited only on the grounds of essential requirements,

⁽¹⁾ OJ No C 213, 6. 8. 1993, p. 1.

such as the efficient use of the frequency spectrum;

- (c) fair competition in the mobile and personal communications market, in particular through compliance with the ban on anti-competitive cross-subsidizing;
- (d) within the framework of the general reform of telecommunications and taking account of the need to promote fair competition, the appropriate combination of mobile and fixed communications services;
- (e) the removal of regulatory obstacles to the possibility of concluding in a non-discriminatory way marketing contracts for mobile and personal communications services with this activity governed by a Code of Conduct in order to ensure the protection of consumer interests;
- (f) that Member States should authorize, as soon as possible, operators to interconnect directly mobile with fixed communications networks or mobile networks with each other;
- (g) the deployment by Member States of their best efforts to put in place at the earliest opportunity a scheme for the free establishment and use of infrastructure by mobile and personal communications services operators in the pursuit of the activities for which they are licensed;
- (h) in the framework of the activities of the European Radiocommunications Committee (ERC) and in accordance with Council resolution 90/C 166/04 of 28 June 1990⁽¹⁾, a better-balanced allocation of the frequency spectrum between its various uses;
- (i) on the basis of the ERC's decision-making machinery, the timely making available of adequate frequency bands in order to support the priority development and introduction of mobile and personal communications technologies and systems complying with European standards;
- (j) prior to 1 June 1996, the specification of a harmonized licensing approach for satellite-based mobile and personal communications, after investigation by the European Committee for Telecommunications Regulatory Affairs (ECTRA).

4. NOTES THE NEED FOR ADDITIONAL ACTION in the following areas:

- (a) establishing clear schedules for standardization, numbering and frequencies for mobile and personal communications;
- (b) establishing the conditions necessary to achieve mutual recognition of conformity for all radio-communications terminals;
- (c) examining in detail a range of areas linked to the public interest, namely:
 - the possible effects of radio frequency emission on public health and personal safety,
 - the employment growth opportunities and the training requirements this development might generate,
 - issues relating to consumer protection,
 - the aesthetic and environmental problems which may be created by the installation of antennae,
- (d) Continuing support for evolution towards the Universal Mobile Telecommunications System (UMTS), as the principal contribution towards future personal communications.

5. EMPHASIZES the importance of comparable and effective access to third-country markets and of full recourse to international standards where possible, with regard to mobile and personal communications technologies, equipment and services.

6. NOTES the Commission's intention of supporting the creation of a European Mobile and Personal Communications Services Forum.

7. NOTES the proposals put forward by the Commission in its communication.

8. INVITES the Commission to propose to the European Parliament and the Council measures which will contribute to the achievement of the priority objectives and principal additional action referred to above.

9. REQUESTS THE COMMISSION TO REPORT TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the progress made with regard to the implementation and effects of the measures referred to in this resolution by 1 January 1997.

⁽¹⁾ OJ No C 166, 7. 7. 1990, p. 4.