COUNCIL RECOMMENDATION

of 12 November 1984

concerning the first phase of opening up access to public telecommunications contracts

(84/550/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the of the Economic and Social Committee [2],

Having regard to the communication from the Commission to the Council on telecommunications of 18 May 1984,

Having regard to the growing importance of telecommunications for the economic development of the Community,

Whereas, with a view to attaining the basic Treaty objective of creating a common market, the Council Declaration of December 1976 invited the Commission to propose measures whereby supply contracts awarded by the bodies in Member States responsible for telecommunications services can become subject to effective competition at Community level, on a reciprocal basis ;

Whereas at the present stage of development it seems appropriate to differentiate between terminal apparatus on the one hand and switching and transmission apparatus forming part of the public networks on the other hand ;

Whereas the Commission and the Member States have taken steps to develop a common market for telecommunications equipment, in particular by contributing to the elimination of barriers to trade, by means of measures that should lead progressively to the definition of common type-approval specifications for terminal apparatus and mutual recognition by administrations of type approvals for such apparatus ;

Whereas the harmonization programme now being undertaken by the telecommunications administrations within the framework of the European Conference of Postal and Telecommunications Administrations (CEPT) should open up increasing possibilities for cross-frontier procurement during the 1980s ;

Whereas for the purposes of this recommendation :

— 'telecommunications administrations' means the administrations and recognized private operating agencies recognized by the Community and offering telecommunications services,

— 'terminal apparatus' means apparatus connected to the extremities of a public telecommunications network to send, process or receive information,

— 'conventional terminals' means telephone apparatus for main telephone sets, private automatic exchanges (PABX) for conventional telephony, ordinary teleprinters and modems,

— 'new telematic terminals' means terminal apparatus other than conventional terminals,

— 'switching and transmission apparatus' means any apparatus other than terminal apparatus that is purchased by telecommunications administrations for use in their networks ;

Whereas the purpose of this recommendation is to develop a common market for telecommunications equipment ; whereas it therefore aims to offer telecommunications administrations a wider choice and to meet the absolute necessity to establish or consolidate a European industrial potential in the technologies concerned ;

Whereas it is therefore to the Community's advantage that the telecommunications administrations should, in the course of an experimental phase, gradually contribute to the creation of this common market by inviting tenders in the other Community countries on a non-discriminatory basis for at least a minimum proportion of their supply contracts,

HEREBY RECOMMENDS :

— that the Governments of the Member States ensure that the telecommunications administrations provide opportunities for undertakings established in the other Community countries, following their usual procedures and on a non-discriminatory basis, to tender for :

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[1] OJ No C 144, 15. 6. 1981, p. 71.
[2] OJ No C 138, 9. 6. 1981, p. 26.

1. all new telematic terminals and all conventional terminals for which there are common type-approval specifications;

2. their contracts for switching and transmission apparatus and conventional terminal apparatus for which there are no common type-approval specifications for at least 10 % in value of their annual orders,

— that the Governments of the Member States report to the Commission at the end of each six-month period, starting at the end of 1984, on the measures taken by the telecommunications administrations to implement this policy, their practical effects, the problems encountered and any further action needed. These data will be examined by the Commission with the Senior Officials Group on Telecommunications set up by the Council on 4 November 1983.