

# Electronic communications: universal service, users' rights relating to networks and services, processing of personal data, protection of privacy, consumer protection cooperation. 'Telecoms Package'

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The Committee on the Internal Market and Consumer Protection adopted the report drafted by Malcolm **HARBOUR** (PPE-DE, UK), at 1st reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on consumer protection cooperation.

Parliament's political groups had already reached a compromise on certain issues, such as access to the single European emergency number 112, access to electronic communications as a universal service, the number portability, the transparency of tariffs and prices charged and the network neutrality principle.

**Contractual information:** Member States shall ensure that, where subscribing to services providing connection to a public communications network and/or electronic communications services, consumers and other end-users so requesting have a right to a contract with an undertaking or undertakings providing such services and/or connection. The contract shall specify in a clear, comprehensive and easily accessible form at least: services provided, including in particular:

- where access to emergency services and caller location information is to be provided, the level of reliability of such access, where relevant, and whether access is provided in the whole of the national territory;
- information on any restrictions imposed by the provider regarding a subscriber's ability to access, use or distribute lawful content or run lawful applications and services;
- the service quality levels;
- types of maintenance and customer support services offered, as well as how to contact customer support;
- the time for the initial connection;
- any restrictions on the use of terminal equipment imposed by the provider;
- the subscriber's decision as to whether to include his or her personal data in a directory and the data concerned;
- payment charges may be obtained; methods offered and any differences in costs due to payment method;
- the duration of the contract and the conditions for renewal and termination of services and of the contract;
- any charges related to portability of numbers and other identifiers;
- any charges due on termination of the contract, including any cost recovery with respect to terminal equipment;
- any compensation arrangements which apply if security or integrity incidents occur.

**Protection of personal data:** in order to address public interest issues with respect to the use of communications services, and to encourage protection of the rights and freedoms of others, the relevant national authorities should be able to produce and have disseminated, with the aid of providers, information related to the use of communications services. This information should include warnings regarding copyright infringement, other unlawful uses and dissemination of harmful content, and advice and means of protection against risks to personal security, which may for example arise from disclosure of personal information in certain circumstances, privacy and personal data. Customers should be informed of their rights with respect to the use of their personal information in directories of subscribers.

Member States shall ensure that national regulatory authorities are able to require operators to make available free of charge to their subscribers reliable and easy-to-use protection and/or filtering software to control access by children or vulnerable people to unlawful or dangerous content.

**Breach of security:** the competent authority should consider and determine the seriousness of the breach. If the breach is deemed to be serious the competent authority should require the provider of publicly available electronic communications service and the provider of information society services to give an appropriate notification without undue delay to the persons affected by the breach. The seriousness of a breach requiring notification to subscribers shall be determined according to the circumstances of the breach, such as the risk to the personal data affected by the breach, the type of data affected by the breach, the number of subscribers involved, and the immediate or potential impact of the breach on the provision of services. Providers shall annually notify affected users of all breaches of security that have led to the accidental or unlawful destruction, loss or alteration or the unauthorised disclosure of or access to personal data transmitted, stored or otherwise processed in connection with the provision of publicly available communications services in the Community.

**Disabled users:** particular attention should be given to terminal equipment for users with special needs, including the disabled and the elderly. The notion of a publicly accessible telephone service is more clearly defined and expressly includes services specifically tailored to the needs of disabled users. Member States shall ensure that national regulatory authorities are able to impose appropriate requirements on undertakings providing publicly available electronic communications services so as to ensure that disabled end-users: a) have access to electronic communication services equivalent to that enjoyed by the majority of end-users; and b) can take advantage of the choice of undertakings and services available to the majority of end-users.

**Quality of services:** where there is a lack of effective competition, national regulatory authorities should use the remedies available to them under the Directives establishing the regulatory framework for electronic communications networks and services to ensure that users' access to particular types of content or applications is not unreasonably restricted. It should also be possible for national regulatory authorities to issue guidelines setting minimum quality of service requirements and to take other measures where such other remedies have, in their judgement, not been effective with regard to the interests of users and all other relevant circumstances. Such guidelines or measures could include the provision of a basic tier of unrestricted services.

**Emergency number:** since 2002, it has been possible to call the 112 emergency number throughout the EU. MEPs feel that this number should be accessible irrespective of the type of electronic communication used. The emergency services should also have easy access to information needed to locate the caller. The Commission should continue both to support and to supplement initiatives of the Member States to further awareness of "112" and periodically to evaluate knowledge of "112" by the public.

MEPs also provide for a missing children hotline number. Member States shall ensure citizens' access to a hotline to report missing children. The hotline shall be available on the number "116000".

**Numbering space “3883”:** the development of the international code “3883” (the European Telephony Numbering Space (ETNS)) is currently hindered by lack of demand, overly bureaucratic procedural requirements and insufficient awareness. In order to foster the development of ETNS, the Commission should delegate responsibility for its management, number assignment and promotion either to a separate organisation following the example of the implementation of the ".eu" top level domain.

**Portability of numbers:** porting of numbers and their subsequent activation shall be executed within the shortest possible delay, no later than one working day from the initial request by the subscriber. National regulatory authorities may extend the one day period and prescribe appropriate measures where necessary to ensure that subscribers are not switched against their will. National regulatory authorities may impose appropriate sanctions on providers, including an obligation to compensate customers, in case of delay in porting or abuse of porting by them or on their behalf.