

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

2007/0248(COD) - 24/09/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 548 votes to 88, with 14 abstentions, a legislative resolution approving, with amendments, 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.

The report had been tabled for consideration in plenary by Malcolm **HARBOUR** (EPP-ED, UK) on behalf of the Committee on the Internal Market and Consumer Protection.

The main amendments – adopted at 1st reading of the co-decision procedure – are as follows:

Pre-contractual information: operators should provide users with transparent, comparable, appropriate and up to date information on prices and tariffs, charges for terminating a contract and general terms and conditions. MEPs clarified the pre-contractual information requirements and broadened the information and transparency provisions. Therefore, the contract shall specify in a clear, comprehensive and easily accessible form at least:

- 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 and 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;
- any charges related to portability of numbers and other identifiers and any charges due on termination of the contract;
- any compensation arrangements which apply if security or integrity incidents occur.

Protection of personal data: the Parliament proposes including the right to privacy and the right to confidentiality and security of information technology systems. Therefore, customers should be informed of their rights with respect to the use of their personal information in directories of subscribers, and in particular of the purposes of such directories, as well as their right, free of charge, not to be included in a public subscriber directory.

Breach of security: the NRAs should be able to compel providers to include in the contract public interest warnings, in a standardised form, 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. Furthermore, MEPs call for the establishment of a mechanism for the purpose of enabling appropriate cooperation on issues relating to the promotion of lawful content.

Security of networks: the customer contract should specify the type of action, if any, the provider might take in case of security or integrity incidents, threats or vulnerabilities, as well as any arrangements implemented by the provider to provide compensation if such events occur. 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. The perpetrator may be the subject of criminal proceedings determined by the Member States. An amendment specifies the conditions under which a breach shall be considered as a serious breach and shall therefore justify the notification of the subscriber.

Disabled users: the notion of a publicly accessible telephone service is more clearly defined and expressly includes services specifically tailored to the needs of disabled users. Particular attention should be given to terminal equipment for users with special needs, including the disabled and the elderly. Disabled end-users should have access to electronic communication services equivalent to that enjoyed by the majority of end-users. They should also receive regular information on the products or services aimed at them.

Emergency numbers: MEPs call on the Commission to support the initiatives of the Member States to increase awareness of the emergency number "112" and to periodically evaluate knowledge of "112" by the public. The emergency services should be able to appropriately respond to and handle all calls to the single European emergency call number "112". Furthermore, MEPs call for the establishment of a missing children hotline number, available on the number "116000". Noting that the development of the international code "3883" (the European Telephony Numbering Space (ETNS)) is currently hindered by lack of demand, MEPs call on the Commission to delegate responsibility for its management, number assignment and promotion to a separate organisation, following the example of the implementation of the ".eu" top level domain.

Porting of numbers: porting of numbers and their subsequent activation should be executed within the shortest possible delay, no later than one working day from the initial request by the subscriber. Member States ask that national regulatory authorities should be able to extend the one day period, where necessary, to ensure that subscribers are not switched against their will. They also call for the possibility to impose sanctions on providers in the event of a delay in porting or abuse of porting. Furthermore, MEPs call for a standardisation of the maximum duration of contracts for subscriptions: it should not exceed 24 months, with the possibility for users to subscribe to a contract with a maximum duration of 12 months.

Quality of service: in certain instances, 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. A national regulatory authority may issue guidelines setting minimum quality of service requirements, and, if appropriate, take other measures, in order to prevent degradation of service and slowing of traffic over networks, and to ensure that the ability of users to access or distribute content or to run applications and services of their choice is not unreasonably restricted.

Universal service: lastly, the Parliament calls on the European Commission to present, no later than autumn 2008, a review of the scope of the universal service obligation and proposals for reform aimed at

explicitly including mobile telephony and broadband internet connection in the scope of Directive 2002/22/EC.