

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) - 25/11/2009 - Final act

PURPOSE: to reform Community rules in the telecommunications sector with a view to ensuring a high level of consumer protection and of users' rights, in particular the right to personal privacy and data protection in the electronic communications field.

LEGISLATIVE ACT: Directive 2009/136/EC of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, 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 cooperation between national authorities responsible for the enforcement of consumer protection laws.

CONTENT: following an agreement reached with the European Parliament at second reading, the Council adopted a directive amending legislation in force on universal service e-Privacy and consumer protection.

The Directive adapts the regulatory framework by strengthening and improving consumer protection and user rights in the electronic communications sector, facilitating access to and use of e-communications for disabled users and enhancing the protection of individuals' privacy and personal data.

This Directive constitutes part of the "Telecoms Package" which also includes the [reform of the EU's regulatory framework](#) and the [creation of Body of European Regulators for Electronic Communications \(BEREC\)](#).

The main amendments introduced by the new Directive are as follows:

Disabled users: the Directive strengthens access to e-communications for disabled people, in particular via the inclusion of terminal equipment in the scope of the Directive. It aims to increase access to and choice of services for the disabled, strengthened right to emergency services in the EU.

Contract: the Directive improves contract conditions and greater information to consumers on services, including increased comparability of prices and greater power to the NRAs on tariff information for consumers.

Quality of service: in order to prevent the degradation of service and the hindering or slowing down of traffic over networks, Member States shall ensure that national regulatory authorities are able to set minimum quality of service requirements on an undertaking or undertakings providing public communications networks.

Emergency services and the single European emergency call number: the Directive stipulates that Member States shall ensure that all end-users of the service, including users of public pay telephones, are able to call the emergency services free of charge and without having to use any means of payment, by

using the single European emergency call number “112” and any national emergency call number specified by Member States.

Harmonised numbers for harmonised services of social value: Member States shall ensure that disabled end-users are able to access services provided under the “116” numbering range to the greatest extent possible. Member States shall make every effort to ensure that citizens have access to a service operating a hotline to report cases of missing children. The hotline shall be available on the number “116000”. The Commission shall attribute the regulatory procedure with scrutiny in order to guarantee the efficient application of the “116” numbering range.

Facilitating change of provider: porting of numbers and their subsequent activation shall be carried out within the shortest possible time. The Directive provides that, in any case, subscribers who have concluded an agreement to port a number to a new undertaking shall have that number activated within **one working day**. In any event, loss of service during the process of porting shall not exceed one working day. Member States shall ensure that appropriate sanctions on undertakings are provided for, including an obligation to compensate subscribers in case of delay in porting or abuse of porting by them or on their behalf.

Member States shall ensure: (i) that contracts concluded between consumers and undertakings providing electronic communications services do not mandate an initial commitment period that exceeds 24 months; (ii) that undertakings offer users the possibility to subscribe to a contract with a maximum duration of 12 months.

Security of processing and protection of personal data: this Directive shall inter alia: (i) ensure that personal data can be accessed only by authorised personnel for legally authorised purposes; (ii) protect personal data stored or transmitted against accidental or unlawful destruction, accidental loss or alteration, and unauthorised or unlawful storage, processing, access or disclosure, and; (iii) ensure the implementation of a security policy with respect to the processing of personal data; (iv) oblige providers of electronic communications services to notify security breaches affecting personal data to authorities and (in some cases) to subscribers or individuals concerned and introduction of comitology powers for the Commission on the modalities of breach notifications; (v) strengthen provisions on protection against spyware and placing of cookies on users' devices.

ENTRY INTO FORCE: 19/12/2009.

TRANSPOSITION: 25/05/2011.