

European Electronic Communications Code. Recast

2016/0288(COD) - 14/11/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 584 votes to 42, with 50 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council establishing the European Electronic Communications Code (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Objective: the Directive seeks to establish a harmonised framework for the regulation of electronic communications networks, electronic communications services and associated facilities and services. It shall aim to:

- **implement an internal market in electronic communications networks** and services that results in the deployment and take-up of very high capacity networks, sustainable competition, interoperability of electronic communications services, accessibility, security of networks and services and end-user benefits; and
- **ensure the provision throughout the Union of good quality, affordable, publicly available services** through effective competition and choice, to deal with circumstances in which the needs of end-users, including those with disabilities in order to access the services on an equal basis with others, are not satisfactorily met by the market and to lay down the necessary end-user rights.

National regulatory and other competent authorities shall contribute within their competence to ensuring the implementation of policies aimed at the **promotion of freedom of expression and information**, cultural and linguistic diversity, as well as media pluralism.

The Directive shall be without prejudice to actions taken by Member States for the maintenance of public order, public security and defence purposes.

Provision of an affordable universal service: all consumers shall have access at an affordable price to an available **adequate broadband internet access** and voice communications services, at a fixed location. Member States shall also have the possibility to ensure affordability of adequate broadband internet access and voice communications services other than at a fixed location to citizens on the move, where they consider that this is necessary to ensure consumers' full social and economic participation in society.

End-users with disabilities shall have equivalent access.

Where Member States establish that retail prices for adequate broadband internet access and voice communications services are not affordable to **consumers with low-income or special social needs**, including older people, end-users with disabilities and consumers living in rural or geographically isolated areas, they should take appropriate measures.

Deployment of 5G: Member States shall facilitate the rollout of 5G, by making available the **appropriate radio spectrum by 2020**, in order to achieve the objective set in the EU's 5G roadmap of a 5G network in at least one major city in each EU country by 2020.

In order to promote investment, in particular in 5G, Member States shall generally provide operators with regulatory predictability over a period of **at least 20 years** with regard to the licensing of wireless broadband spectrum. The new legislation also encourages risk and cost sharing between telecommunications operators.

Progress towards the achievement of the general objectives of this Directive shall be supported by a robust system of **continuous assessment** and benchmarking by the Commission of Member States with respect to the availability of very high capacity networks in all major socio-economic drivers such as schools, transport hubs and major providers of public services, and highly digitised businesses, the availability of uninterrupted 5G coverage for urban areas and major terrestrial transport paths, and the availability to all households in each Member State of electronic communications networks which are capable of providing at least 100 Mbps, and which are promptly upgradeable to gigabit speeds.

Network security: taking into account the latest technical possibilities, measures taken by providers of public communications networks or electronic communications services shall ensure a level of security appropriate to the existing risk. In particular, measures shall be taken, including encryption where appropriate, to prevent and limit the impact of security incidents on users and other networks and services.

In addition, providers of public electronic communications networks or of publicly available electronic communications services should inform users of particular and significant security threats and of measures they can take to protect the security of their communications, for instance by using specific types of **software or encryption technologies**. The requirement to inform users of such threats should not discharge a service provider from the obligation to take, at its own expense, appropriate and immediate measures to remedy any security threats and restore the normal security level of the service. The provision of such information about security threats to the user shall **be free of charge**.

Consumer rights: where a contract provides for the automatic prolongation of a fixed-term contract, Member States shall ensure that, after such an extension, end-users have the right to **terminate the contract at any time subject to a maximum notice period of one month**, determined by Member States, and without incurring any costs other than the costs of receiving the service during the notice period.

The right to terminate the contract may be exercised during one month following the notification by suppliers to end-users of any change in the contractual conditions.

Providers shall provide end-users with best tariff information at least annually.

The amended text also introduced the possibility of **keeping a telephone number for up to one month after the end of the contract** and the right to a refund of the unused prepaid credit at the end of the contract, as well as compensation in the event of delay or abuse when changing operators. Better protection shall be provided for people who subscribe to bundled services.

Single European emergency call number (Reverse ‘112’ system): all Member States shall establish a public warning system to alert citizens, on their mobile phones, in the event of an emergency or major, imminent or ongoing disaster. This system of ‘reverse 112’ should be in place **3.5 years** after the entry into force of the Directive.