Electronic communications: universal service, users' rights relating to networks and services

2000/0183(COD) - 17/09/2001 - Council position

The Council's common position essentially endorses the core elements proposed by the Commission relating in particular to the scope and financing of universal service and the level of protection for end-users. The large majority of changes relate to the restructuring of the text in order to improve the coherence of the Directive. Further, the Council has attempted to bring the text into line with the structure and approach of the Framework and Access Directives. Other more substantive changes relate firstly, to the scope of universal service and its review. In this context, the Council shares the view of the European Parliament, that Article 4 (2) requires greater clarity regarding the question of Internet access. Accordingly, the common position ensures that Internet access should be 'functional' as well as adding certain criteria to evaluate the level of access similar to those suggested by the Parliament. Secondly, concerning the regulatory controls on retail services, the Council has adopted a more measured approached in an attempt to curtail over-regulation. This refers in particular to requirements whereby there should first be a consideration of whether a remedy under the Access Directive might not be more effective. A further requirement states that any obligations imposed should be proportionate and justified in light of the objectives set down in the Framework Directive. This approach is in line with Parliamentary suggestions. Thirdly, on the 'must carry' obligations, the common position introduces several crucial changes the most significant of which are: - a requirement for such obligations to be 'reasonable'; - the possibility to impose obligations in respect of networks 'used' (rather than 'established') for the public distribution of radio and television broadcasts; - the deletion of 'compensation', which was included in the Commission's original proposal. Fourthly, on the matter of consumer digital equipment and the comitology provisions, the Council, in line with Parliamentary thinking, decided to delete the possibility of the Commission amending the provisions on standards in this area via the comitology procedure.