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

2000/0183(COD) - 14/09/2001 - Modified legislative proposal

Given that many of the amendments to the proposed Directive on universal services and users' rights relating to electronic communications networks and services, are deemed to strengthen or clarify the Commission's original proposal, the European Commission is able to support either in full, in part or in principle a large majority of Parliament's amendments. In total 65 amendments were proposed by the European Parliament following its first reading of the proposed Directive. The following is a summary of the most pertinent substantive amendments accepted by the Commission followed by a summary of those amendments rejected by the Commission. The Commission accepts the Parliament's amendment which refer to the follwing issues: - exclusive rights which clarify that retail controls would only be permitted under the Directive where wholesale regulation would be ineffective; - NRA's obligations to consult publicly on measures relating to retail regulation; - wholesale regulation of SMP operators in the 'Access and Interconnection Directive' needs to be realised; - NRA's taking corrective measures to address justified complaints; - the publication of details of discount schemes for undertakings with cost orientation obligation; - the development of facilities of tone dialling and calling line identification on a pan-European basis; - co-regulation - the Commission feels that there may be a need to maintain formal regulation even where co-regulatory measures are applied; - extending the coverage of universal service obligations to measures helping disabled users; - changes made to the definition of 'public telephonenetwork'; - the requirement whereby Member States take account of prevailing technologies in determining date rates; - plans that would require prevailing 'prices and tariffs' to be included in the contract; - giving consumers the right to be informed of their right to withdraw from contracts when notified of an intention to change the terms of their contract; - ensuring network integrity even in the event of a catastrophe as well as the continued availability of access to emergency services from fixed locations; - a European emergency number. Lastly, in terms of the amendments rejected by the Commission, these are largely done so on the grounds that they duplicate existing Community legislation. Accordingly, Parliamentary amendments introducing new security measures, including network security are rejected by the Commission. The Commission also rejects Parliamentary calls for: - a study into the use of the European regional code '3883'; - for more transparent consumer contracts; - attempts to make all directory services free or subject to a minimal charge; - access to conditional access services, this is rejected on the grounds that it duplicates existing EU legislation; - plans relating to the disconnection of telephones. Lastly, the Commission rejects attempts which would require acommon interface to be fitted to television sets allowing consumers to operate their set with any decoder system, given that this measure would be more prescriptive than required.