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

2000/0183(COD) - 07/02/2002 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted 25 amendments to the Universal Service directive on 12 December 2001. The Commission can accept all of them in full. They relate in particular to issues such as: - "must carry": the amendment recognises that MS have the possiblity to include specific measures for appropriate access by disabled users within "must carry" obligations imposed under the directive. This amendment makes clear that MS may impose, in the context of 'must carry' obligations, requirements for network operators to transmit certain services to ensure access by disabled, which the Commission fully supports; - standard for digital TV: the Parliament came back in its second reading to provisions on interoperability, in particular implementation of the so-called Multimedia Home Platform (MHP) standards for interactive services on digital TV. The EP amendment avoids mandating the MHP standard and endorsed the approach whereby standardisation should be industry-led and voluntary. This compromise strikes a good balance between the two positions. It leaves to the industry the task to agree on a common standard for display and presentation of digital interactive television services by means of a market-driven mechanism, which the Commission fully supports; - rights of disabled users and quality of service standards: several amendments adopted by the European Parliament in second reading extend specific provisions on quality service standards, performance standards and relevant parametres to cover the quality of service for disabled users. These are important additions to the directive. Other amendments ensure that disabled users' needs are considered when providing public pay telephones; their view must be considered during the public consultations that Member States conduct under the directive while another amendment encourages interested parties to develop codes of conduct and operating standards in order to improve the general quality of service provision.; - consumer protection, retail price regulation and price and information transparency: this amendment no longer requires that NRAs adopt a reasoned opinion before concluding that wholesale regulation would not correct the competition problem in the relevant market. The amendment has nonetheless strengthened the common position text in that NRAs were only required to "consider" that wholesale regulation would be insufficient before imposing retail tariff regulation. The amendment adopted by Parliament in second reading introduces greater rigour into the regulatory assessment by NRAs. Another amendment specifies that the 'particulars of prices and tariffs' must be included in subscriber contracts. Further modification of contract terms is covered by another provision of the directive whereby subscribers may withdraw without penalty if the terms are proposed to be modified. There is also an amendment which encourages NRAs to facilitate the provision of information on prices and the development of interactive guides. The original wording of the amendment at first reading prescribed the obligation as falling on NRAs to ensure the development of interactive on-line guides. The text of this amendment was re-formulated in second reading to improve its drafting; - use of co-regulation: an amendment was adopted which endorsesthe principle of co-regulation for achieving quality of standards and improved performance, but stipulates that co-regulatory measures should be guided by the same principles as formal regulation; - extending regulation to SMEs: amendments adopted allow the Member States to go beyond the minimum harmonisation prescribed so as to allow extension of certain obligation of the Directive, that must cover all consumers, to cover also small and medium-sized enterprises; - emergency number: this amendment recognises that the obligation for the network operators to provide caller location information to national emergency authorities is limited to the technical feasibility of the equipment. Another amendment notes additionally that any such information must be received and used in accordance of the Data Protection Directive.