

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

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The purpose of this communication is twofold. The primary purpose is to examine and assess, as required by Article 15 of the Universal Service Directive, whether the current scope of universal service should be changed or redefined in the light of technological, social and economic developments, taking into account in particular mobility and data rates. The second purpose is to launch a broader policy debate on universal service provision, particularly in view of the overall assessment of the EU regulatory package for electronic communications scheduled for 2006, when the Universal Service Directive will be also reviewed in its entirety.

The Commission will publish a second Communication at a later stage that includes the results of the public consultation and the final Commission assessment and position.

Having examined the technological, market and social developments affecting consumers of e-communications services, having analysed the mobile and broadband markets, and having applied the criteria for determining the scope of universal service set out in the Universal Service Directive, the Commission concludes that neither of these services fulfils the condition for inclusion in the scope at this time. Therefore the scope of universal service should remain unchanged. The Commission invites comments on this conclusion and it will consider any data which might be relevant to this assessment.

The Commission also considers that it is appropriate to encourage a forward-looking policy debate on universal service provision by putting forward a number of longer-term questions, to which contributions are invited as well:

- taking into account existing and expected technological developments, should universal service at some point in future separate the access to infrastructure element from the service provision element and address only access to the communications infrastructure, on the grounds that competitive provision of services, (e.g., telephone service provided using Voice over IP) will ensure their availability and affordability?

- in as much as consumers are increasingly mobile while using communications services, should universal service continue to address access at a fixed location, or should it address access at any location (including access while on the move)?

- with widespread affordable access to mobile communications, the demand for public payphones is declining. Is it still appropriate to include provisions on public payphones, and as they are currently conceived, within the scope of universal service?

- in view of the competitive provision of directory enquiry services in many countries, for how long will there be a need to keep directories and directory enquiry services within the scope of universal service?

- taking into account the complexity of the ever evolving communications environment as described above, and noting the challenges presented to date for existing universal service provision, it is likely that advanced services will bring both benefits and new difficulties for users with disabilities. Should

special measures for such users in the context of universal service provision be further harmonised at EU level?

The second longer term consideration in this context concerns the financing of universal service : Is a universal service funding scheme an appropriate means to address the objective of social inclusion in a competitive communications environment? Is funding from general taxation a viable alternative?