



2016/0288(COD)

12.5.2017

AMENDMENTS

164 - 301

Draft opinion

Dita Charanzová

(PE602.838v01-00)

European Electronic Communications Code (Recast)

Proposal for a directive

(COM(2016)0590 – C8-0379/2016 – 2016/0288(COD))

Amendment 164

Vicky Ford

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) In the Digital Single Market strategy, the Commission outlined that the review of the telecoms framework will focus on measures that aim at incentivising investment in high-speed broadband networks, bring a more consistent single market approach to spectrum policy and management, deliver conditions for a true single market by tackling regulatory fragmentation, ensure a level playing field for all market players and consistent application of the rules, as well as provide a more effective regulatory institutional framework.

Amendment

(3) In the Digital Single Market strategy, the Commission outlined that the review of the telecoms framework will focus on measures that aim at incentivising investment in high-speed broadband networks, bring a more consistent single market approach to spectrum policy and management, deliver conditions for a true single market by tackling regulatory fragmentation, ensure a level playing field for all market players and consistent application of the rules, as well as provide a more effective regulatory institutional framework. ***Further measures envisaged under the strategy, including revision of ePrivacy Regulation and the Digital Content Directive should ensure consistency with this Directive. The Digital Content Directive should include number-independent services within scope, while the ePrivacy Regulation should apply to all electronic communications services.***

Or. en

Amendment 165

Lambert van Nistelrooij, Mihai Țurcanu, Antonio López-Istúriz White

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The convergence of the telecommunications, media and information technology sectors means that all electronic communications networks and services should be covered to the

Amendment

(7) The convergence of the telecommunications, media and information technology sectors means that all electronic communications networks and services should be covered to the

extent possible by a single European Electronic Communications Code established by a single Directive, with the exception of matters better dealt with through directly applicable rules established through regulations. It is necessary to separate the regulation of electronic communications networks and services from the regulation of content. This Code does not therefore cover the content of services delivered over electronic communications networks using electronic communications services, such as broadcasting content, financial services and certain information society services, and is therefore without prejudice to measures taken at Union or national level in respect of such services, in compliance with Union law, in order to promote cultural and linguistic diversity and to ensure the defence of media pluralism. The content of television programmes is covered by Directive 2010/13/EU of the European Parliament and of the Council²¹. The regulation of audiovisual policy and content aims at achieving general interest objectives, such as freedom of expression, media pluralism, impartiality, cultural and linguistic diversity, social inclusion, consumer protection and the protection of minors. The separation between the regulation of electronic communications and the regulation of content does not prejudice the taking into account of the links existing between them, in particular in order to guarantee media pluralism, cultural diversity and consumer protection.

²¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual

extent possible by a single European Electronic Communications Code established by a single Directive, with the exception of matters better dealt with through directly applicable rules established through regulations. It is necessary to separate the regulation of electronic communications networks and services from the regulation of content. This Code does not therefore cover the content of services delivered over electronic communications networks using electronic communications services, such as broadcasting content, financial services and certain information society services, and is therefore without prejudice to measures taken at Union or national level in respect of such services, in compliance with Union law, in order to promote cultural and linguistic diversity and to ensure the defence of media pluralism. The content of television programmes is covered by Directive 2010/13/EU of the European Parliament and of the Council²¹. The regulation of audiovisual policy and content aims at achieving general interest objectives, such as freedom of expression, media pluralism, impartiality, cultural and linguistic diversity, social inclusion, consumer protection and the protection of minors. ***Unless explicitly excluded from the scope of application of the Code, electronic communications networks and services are covered by this Code.*** Also, the separation between the regulation of electronic communications and the regulation of content does not prejudice the taking into account of the links existing between them, in particular in order to guarantee media pluralism, cultural diversity and consumer protection.

²¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual

media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

Or. en

Amendment 166

Marlene Mizzi, Nicola Danti, Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Member States should be able to ensure, in the interest of media pluralism and cultural diversity and an informed citizenship, that citizens have access to a wide range of information and public value content provided by media service providers, in line with the evolution of media distribution systems and relevant business models.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 167

Marlene Mizzi, Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) This Directive does not affect the application to radio equipment of Directive 2014/53/EU, but does cover consumer equipment used for digital television.

(8) This Directive does not affect the application to radio equipment of Directive 2014/53/EU, but does cover consumer equipment used for ***radio and*** digital television.

Justification

This amendment is needed to ensure the internal logic and coherence of the text. It is important for regulators to encourage network operators and terminal equipment manufacturers to cooperate in order to facilitate access by disabled users to electronic communications services included radio services

Amendment 168**Curzio Maltese, Jiří Maštálka****Proposal for a directive****Recital 10***Text proposed by the Commission*

(10) *Certain electronic communications services under this Directive could also fulfil the definition of ‘information society service’ in Article 1 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.* The provisions governing Information Society Services apply to those electronic communications services to the extent that there are not more specific provisions applicable to electronic communications services in this Directive or in other Union acts. However, electronic communications services such as voice telephony, messaging services and electronic mail services are covered by this Directive. The same undertaking, for example an Internet service provider, can offer both an electronic communications service, such as access to the Internet, and services not covered under this Directive, such as the provision of web-based and not communications-related content.

Amendment

(10) The provisions governing Information Society Services apply to those electronic communications services to the extent that there are not more specific provisions applicable to electronic communications services in this Directive or in other Union acts. However, electronic communications services such as voice telephony, messaging services and electronic mail services are covered by this Directive. The same undertaking, for example an Internet service provider, can offer both an electronic communications service, such as access to the Internet, and services not covered under this Directive, such as the provision of web-based and not communications-related content.

Amendment 169

Ivan Štefanec

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Certain electronic communications services under this Directive could also fulfil the definition of ‘information society service’ in Article 1 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. The provisions governing Information Society Services apply to those electronic communications services to the extent that there are not more specific provisions applicable to electronic communications services in this Directive or in other Union acts. However, electronic communications services such as voice telephony, messaging services and electronic mail services are covered by this Directive. The same undertaking, for example an Internet service provider, can offer both an electronic communications service, such as access to the Internet, and services not covered under this Directive, such as the provision of web-based and not communications-related content.

Amendment

(10) Certain electronic communications services under this Directive could also fulfil the definition of ‘information society service’ in Article 1 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. The provisions governing Information Society Services apply to those electronic communications services to the extent that there are not more specific provisions applicable to electronic communications services in this Directive or in other Union acts. However, electronic communications services such as voice telephony, messaging services and electronic mail services are covered by this Directive. The same undertaking, for example an Internet service provider, can offer both an electronic communications service, such as access to the Internet, and services not covered under this Directive, such as the provision of web-based and not communications-related content ***and other vertically integrated services including machine-to-machine.***

Or. en

Amendment 170

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 14

(14) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. Technological and market evolution has brought networks to move to internet protocol technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term 'publicly available telephone service', exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services should be replaced by the more current and technological neutral term '**voice** communications'. Conditions for the provision of a service should be separated from the actual definitional elements of a **voice** communications service, i.e. an electronic communications service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, whether such a service is based on circuit switching or packet switching technology. It is the nature of such a service that it is bidirectional, enabling both the parties to communicate. A service which does not fulfil all these conditions, such as for example a 'click-through' application on a customer service website, is not such a service. **Voice** communications services also include means of communication specifically intended for **disabled end-users** using text relay or total conversation services.

(14) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development **to ensure the non-discriminatory application of the present Directive to the different service providers**. Technological and market evolution has brought networks to move to internet protocol technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term 'publicly available telephone service', exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services should be replaced by the more current and technological neutral term '**two-way** communications'. Conditions for the provision of a service should be separated from the actual definitional elements of a **two-way** communications service, i.e. an electronic communications service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, whether such a service is based on circuit switching or packet switching technology. It is the nature of such a service that it is bidirectional, enabling both the parties to communicate. A service which does not fulfil all these conditions, such as for example a 'click-through' application on a customer service website, is not such a service. **Two-way** communications services also include means of communication specifically intended for **end-users with disabilities** using text **or video** relay or total conversation services, **such as voice, video and real-time text, singly or in combination, within the same call**).

Or. en

Justification

Beyond technology neutrality, legacy definitions should not impose different rules depending on the kind of undertaking. Therefore, also non-discrimination of providers has to be ensured in an updated framework. The EECC must also recognise that there are other means apart from voice to establish communication not only by voice communication.

Amendment 171

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. Technological and market evolution has brought networks to move to internet protocol technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term 'publicly available telephone service', exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services should be replaced by the more current and technological neutral term '**voice** communications'. Conditions for the provision of a service should be separated from the actual definitional elements of a **voice** communications service, i.e. an electronic communications service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, whether such a service is based on circuit switching or packet switching technology. It is the nature of such a service that it is bidirectional, enabling both the parties to communicate. A service which does not fulfil all these conditions, such as for example a 'click-through' application on a

Amendment

(14) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. Technological and market evolution has brought networks to move to internet protocol technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term 'publicly available telephone service', exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services should be replaced by the more current and technological neutral term '**conversational** communications'. Conditions for the provision of a service should be separated from the actual definitional elements of a **conversational** communications service, i.e. an electronic communications service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, whether such a service is based on circuit switching or packet switching technology. It is the nature of such a service that it is bidirectional, enabling both the parties to communicate. A service which does not fulfil all these conditions, such as for example a 'click-through' application on a

customer service website, is not such a service. **Voice** communications services also include means of communication specifically intended for **disabled end-users** using text relay or total conversation services.

customer service website, is not such a service. **Conversational** communications services also include means of communication specifically intended for **end-users with disabilities** using text **or video** relay or total conversation services, **such as voice, video and real-time text singly or in combination within the same call.**

Or. en

Amendment 172

Julia Reda

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. Technological and market evolution has brought networks to move to internet protocol technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term 'publicly available telephone service', exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services should be replaced by the more current and technological neutral term 'voice communications'. Conditions for the provision of a service should be separated from the actual definitional elements of a voice communications service, i.e. an electronic communications service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, whether such a service is based on circuit switching or packet switching technology.

Amendment

(14) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. Technological and market evolution has brought networks to move to internet protocol technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term 'publicly available telephone service', exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services should be replaced by the more current and technological neutral term 'voice communications'. Conditions for the provision of a service should be separated from the actual definitional elements of a voice communications service, i.e. an electronic communications service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, whether such a service is based on circuit switching or packet switching technology.

It is the nature of such a service that it is bidirectional, enabling both the parties to communicate. A service which does not fulfil all these conditions, such as for example a ‘click-through’ application on a customer service website, is not such a service. Voice communications services also include means of communication specifically intended for disabled end-users using text relay or total conversation services.

It is the nature of such a service that it is bidirectional, enabling both the parties to communicate. A service which does not fulfil all these conditions, such as for example a ‘click-through’ application on a customer service website, is not such a service. Voice communications services also include means of communication specifically intended for disabled end-users using text relay or total conversation services. ***For that purpose, interpersonal communications services definition need to be interpreted as including two-way communication services supporting voice, video and real-time text communication singly or in any combination, and through text relay and video relay services.***

Or. en

Amendment 173 **Kaja Kallas**

Proposal for a directive **Recital 15**

Text proposed by the Commission

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by functionally equivalent online services such as Voice over IP, messaging services and web-based e-mail services. In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented definition of electronic communications services should not be purely based on technical parameters but rather build on a functional approach. **The** scope of necessary regulation should be appropriate to achieve its public interest objectives.

Amendment

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by functionally equivalent online services such as Voice over IP, messaging services and web-based e-mail services, ***although they still do not consider them as substitutes to traditional voice services, due to a perception of different levels of quality, security and interoperability*** . In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented definition of electronic communications services should not be

While "conveyance of signals" remains an important parameter for determining the services falling into the scope of this Directive, the definition should cover also other services that enable communication. From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service. The amended definition of electronic communications services should therefore contain three types of services which may partly overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly or mainly in the conveyance of signals. The definition of electronic communications service should eliminate ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018²³.

purely based on technical parameters but rather build on a functional approach *to the extent possible. The existing differences between services should however be acknowledged, online services such as Voice over IP being provided in most cases without having substantial control over the network used for enabling the communication but on the other hand allowing end-user to switch from service to service in an easier manner than from traditional communication services. The scope of necessary regulation should be appropriate to achieve its public interest objectives. While "conveyance of signals" remains an important parameter for determining the services falling into the scope of this Directive, the definition should cover also other services that enable communication in a proportionate manner to deliver the best outcomes for end users.* From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service, *therefore these services should not be defined on the basis of the technology used, but on the legitimate expectations end-users have for the service provided depending for instance on the price paid or the ease of terminating the contract.* The amended definition of electronic communications services should therefore contain three types of services which may partly overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly or mainly in the conveyance of signals. *This last category should not include services where connectivity is provided as an input product into connected devices or 'smart goods' or where the provision of connectivity with such products is subject to a contract with the end-user, as they would be considered as embedded digital*

content or services according to the Directive concerning contracts for the supply of digital content. The definition of electronic communications service should eliminate ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018²³ .

²³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); OJ L 119, 4.5.2016, p. 1

²³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); OJ L 119, 4.5.2016, p. 1

Or. en

Amendment 174
Dita Charanzová

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by functionally equivalent online services such as Voice over IP, messaging services

Amendment

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by functionally equivalent online services such as Voice over IP, messaging services

and web-based e-mail services. In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented definition of electronic communications services should not be purely based on technical parameters but rather build on a functional approach. The scope of necessary regulation should be appropriate to achieve its public interest objectives. While "conveyance of signals" remains an important parameter for determining the services falling into the scope of this Directive, the definition should cover also other services that enable communication. From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service. The amended definition of electronic communications services should therefore contain three types of services which may partly overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly or mainly in the conveyance of signals. The definition of electronic communications service should eliminate ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018²³.

and web-based e-mail services. In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented definition of electronic communications services should not be purely based on technical parameters but rather build on a functional approach. The scope of necessary regulation should be appropriate to achieve its public interest objectives. While "conveyance of signals" remains an important parameter for determining the services falling into the scope of this Directive, the definition should cover also other services that enable communication. From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service. The amended definition of electronic communications services should therefore contain three types of services which may partly overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly or mainly in the conveyance of signals. ***As said types of services may partly overlap, it is likely that services which only meet the criteria of the conveyance of signals category would be limited to transmission services used for the provision of machine-to-machine services and broadcasting. Similarly to the case of broadcasting, where the transmitted content does not fall within the definition of an electronic communications service, a distinction between a machine-to-machine service and its underlying transmission should be made. Only the transmission should be considered as conveyance of signals, whereas the application part of a machine-to-machine service (such as e.g. the consumption recording and analysis in smart metering) should not.*** The definition of electronic communications service should eliminate

ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018²³.

²³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); OJ L 119, 4.5.2016, p. 1

²³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); OJ L 119, 4.5.2016, p. 1

Or. en

Justification

Clarification that the conveyance of signals does not equal Machine to Machine communication but the underlining transmission signal itself. It does not cover the service of M2M communication.

Amendment 175 **Ivan Štefanec**

Proposal for a directive **Recital 15**

Text proposed by the Commission

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by

Amendment

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by

functionally equivalent online services such as Voice over IP, messaging services and web-based e-mail services. In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented definition of electronic communications services should not be purely based on technical parameters but rather build on a functional approach. The scope of necessary regulation should be appropriate to achieve its public interest objectives. While "conveyance of signals" **remains an important parameter for determining the services falling** into the scope of this Directive, the definition should cover also other services that enable communication. From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service. The amended definition of electronic communications services should therefore contain three types of services which **may partly** overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly **or mainly** in the conveyance of signals. The definition of electronic communications service should eliminate ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018²³ .

²³ Regulation (EU) 2016/679 of the

functionally equivalent online services such as Voice over IP, messaging services and web-based e-mail services. In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented definition of electronic communications services should not be purely based on technical parameters but rather build on a functional approach. The scope of necessary regulation should be appropriate to achieve its public interest objectives. While "conveyance of signals" **allows including transmission** services into the scope of this Directive, the definition should cover also other services that enable communication. From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service. The amended definition of electronic communications services should therefore contain three types of services which **do not** overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly in the conveyance of signals. The definition of electronic communications service should eliminate ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018²³ .

²³ Regulation (EU) 2016/679 of the

European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); OJ L 119, 4.5.2016, p. 1

European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); OJ L 119, 4.5.2016, p. 1

Or. en

Amendment 176 **Kaja Kallas**

Proposal for a directive **Recital 16**

Text proposed by the Commission

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In the digital economy, market participants increasingly consider information about users as having a monetary value. Electronic communications services are *often* supplied against *counter-performance other than money, for instance by giving access to personal data or other data*. The concept of remuneration should therefore encompass situations where the provider of a service requests and the end-user *actively* provides personal data, *such as name or email address, or other data* directly or indirectly *to the provider*. *It should also encompass situations where the provider collects information without the end-user actively supplying it, such as personal data, including the IP address, or other automatically generated information, such as information collected and transmitted by a cookie*). In line with the jurisprudence of the Court of Justice of the European Union on Article 57 TFEU²⁴, remuneration exists within the meaning of the Treaty also if the service provider is

Amendment

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In the digital economy, market participants increasingly consider information about users as having a monetary value. Electronic communications services are *in some cases* supplied against *personal data where such data is used beyond what is essential for the performance of the contract*. The concept of remuneration should therefore encompass situations where the provider of a service requests and the end-user provides personal data, directly or indirectly, *that is used for a purpose which is not necessary for the performance of the contract*. In line with the jurisprudence of the Court of Justice of the European Union on Article 57 TFEU²⁴, remuneration exists within the meaning of the Treaty also if the service provider is paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the end-user is exposed to advertisements as a condition for gaining access to the service, or situations where

paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the end-user is exposed to advertisements as a condition for gaining access to the service, or situations where the service provider monetises personal data it has collected.

²⁴ Case C-352/85 Bond van Adverteerders and Others vs The Netherlands State, EU:C:1988:196.

the service provider monetises personal data it has collected.

²⁴ Case C-352/85 Bond van Adverteerders and Others vs The Netherlands State, EU:C:1988:196.

Or. en

Amendment 177

Ivan Štefanec

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In the digital economy, market participants increasingly consider information about users as having a monetary value. Electronic communications services are often supplied against counter-performance other than money, for instance by giving access to personal data or other data. The concept of remuneration should therefore encompass situations where the provider of a service requests and the end-user actively provides personal data, such as name or email address, or other data directly or indirectly to the provider. It should also encompass situations where the provider collects information without the end-user actively supplying it, such as personal data, ***including the IP address, or other automatically generated information,***

Amendment

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In the digital economy, market participants increasingly consider information about users as having a monetary value. Electronic communications services are often supplied against counter-performance other than money, for instance by giving access to personal data or other data. The concept of remuneration should therefore encompass situations where the provider of a service requests and the end-user actively provides personal data, such as name or email address, or other data directly or indirectly to the provider. It should also encompass situations where the provider collects information without the end-user actively supplying it, such as personal data ***and information collected by the supplier.*** In line with the jurisprudence of the Court

such as information collected *and transmitted by a cookie*). In line with the jurisprudence of the Court of Justice of the European Union on Article 57 TFEU²⁴, remuneration exists within the meaning of the Treaty also if the service provider is paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the *end-user is exposed to advertisements as a condition for gaining access to the service, or situations where the service provider monetises personal data it has collected*.

²⁴ Case C-352/85 Bond van Adverteerders and Others vs The Netherlands State, EU:C:1988:196.

of Justice of the European Union on Article 57 TFEU²⁴, remuneration exists within the meaning of the Treaty also if the service provider is paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the service provider monetises personal data it has collected *or received*.

²⁴ Case C-352/85 Bond van Adverteerders and Others vs The Netherlands State, EU:C:1988:196.

Or. en

Amendment 178

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In the digital economy, market participants increasingly consider information about users as having a monetary value. Electronic communications services are often supplied against counter-performance other than money, for instance by giving access to personal data or other data. The concept of remuneration should therefore encompass situations where the provider of a service requests and the end-user actively provides personal data, such as name or email address, or other data directly or

Amendment

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In the digital economy, market participants increasingly consider information about users as having a monetary value. Electronic communications services are often supplied against counter-performance other than money, for instance by giving access to personal data or other data. The concept of remuneration should therefore encompass situations where the provider of a service requests and the end-user actively provides personal data, such as name or email address, or other data directly or

indirectly to the provider. It should also encompass situations where the provider collects information without the end-user actively supplying it, such as personal data, **including the IP address, or other automatically generated information, such as** information collected **and transmitted by a cookie**). In line with the jurisprudence of the Court of Justice of the European Union on Article 57 TFEU²⁴, remuneration exists within the meaning of the Treaty also if the service provider is paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the end-user is exposed to advertisements as a condition for gaining access to the service, or situations where the service provider monetises personal data it has collected.

²⁴ Case C-352/85 Bond van Adverteerders and Others vs The Netherlands State, EU:C:1988:196.

indirectly to the provider. It should also encompass situations where the provider collects information without the end-user actively supplying it, such as personal data, **and** information collected **by the undertaking**. In line with the jurisprudence of the Court of Justice of the European Union on Article 57 TFEU²⁴, remuneration exists within the meaning of the Treaty also if the service provider is paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the end-user is exposed to advertisements as a condition for gaining access to the service, or situations where the service provider monetises personal data it has collected.

²⁴ Case C-352/85 Bond van Adverteerders and Others vs The Netherlands State, EU:C:1988:196.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text with the Digital content Directive.

Amendment 179

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) Interpersonal communications services are services that enable interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also all types of emails,

Amendment

(17) Interpersonal communications services are services that enable interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also all types of emails,

messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which do not meet those requirements, such as linear broadcasting, video on demand, websites, social networks, blogs, or exchange of information between machines, should not be considered as interpersonal communications services. ***Under exceptional circumstances, a service should not be considered as an interpersonal communications service if the interpersonal and interactive communication facility is a purely ancillary feature to another service and for objective technical reasons cannot be used without that principal service, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services. An example for such an exception could be, in principle, a communication channel in online games, depending on the features of the communication facility of the service.***

messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which do not meet those requirements, such as linear broadcasting, video on demand, websites, social networks, blogs, or exchange of information between machines, should not be considered as interpersonal communications services. ***All communication services, whether or not they are ancillary to another principal service, shall be bound by the rules on confidentiality and security of communications.*** If the interpersonal and interactive communication facility is ***purely a minor*** ancillary feature to another service and for objective technical reasons cannot be used without that principal service, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services, ***all other provisions beyond rules on security of communications in this Directive shall not apply to such ancillary services.***

Or. en

Justification

Stand-alone ECS are becoming more and more an exception and while the Code should not harm this development, some ECS-rules should also apply to the integrated ECS, irrespectively whether the ECS is number-based or not.

Amendment 180
Ivan Štefanec

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Interpersonal communications services are services that enable interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also all types of emails, messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which do not meet those requirements, such as linear broadcasting, video on demand, websites, *social networks*, blogs, or exchange of information between machines, should not be considered as interpersonal communications services. Under exceptional circumstances, a service should not be considered as an interpersonal communications service if the interpersonal and interactive communication facility is a purely ancillary feature to another service and for objective technical reasons cannot be used without that principal service, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services. An example for such an exception could be, in principle, a communication channel in online games, depending on the features of the communication facility of the service.

Amendment

(17) Interpersonal communications services are services that enable interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also all types of emails, messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which *usually* do not meet those requirements, such as linear broadcasting, video on demand, websites, blogs, or exchange of information between machines, should not be considered as interpersonal communications services. ***With regard to services such as social networks which possibly include electronic communication services besides other services, this Directive shall only apply to the included electronic communication services.*** Under exceptional circumstances, a service should not be considered as an interpersonal communications service if the interpersonal and interactive communication facility is a purely ancillary feature to another service and for objective technical reasons cannot be used without that principal service, ***the communication element is of limited functionality compared to interpersonal communication services available in the***

market, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services. ***In these exceptional cases the provider should demonstrate that the communication element is fulfilling the above criteria.*** An example for such an exception could be, in principle, a communication channel in online games, depending on the features of the communication facility of the service.

Or. en

Amendment 181
Kaja Kallas

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Interpersonal communications services are services ***that enable*** interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also ***all types of emails***, messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which do not meet those requirements, such as linear broadcasting, video on demand, websites, social networks, blogs, or exchange of information between machines, should not be considered as

Amendment

(17) Interpersonal communications services are services ***where the principal purpose of the service consists in enabling*** interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which do not meet those requirements, such as linear broadcasting, video on demand, websites, social networks, blogs, or exchange of information between machines, should not be considered as

interpersonal communications services. ***Under exceptional circumstances***, a service should not be considered as an interpersonal communications service if the interpersonal and interactive communication facility is ***a purely ancillary feature to another*** service and for objective technical reasons cannot be used without that principal service, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services. An example for such an exception could be, in principle, a communication channel in online games, depending on the features of the communication facility of the service.

interpersonal communications services. A service should not be considered as an interpersonal communications service if the interpersonal and interactive communication facility is ***not the main purpose of the*** service and for objective technical reasons cannot be used without that principal service, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services, ***as the application of the provisions in this Directive would not be proportionate to the level of connectivity provided with this service***. An example for such an exception could be, in principle, a communication channel in online games, depending on the features of the communication facility of the service.

Or. en

Amendment 182 **Lambert van Nistelrooij**

Proposal for a directive **Recital 17**

Text proposed by the Commission

(17) Interpersonal communications services are services that enable interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also all types of emails, messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the

Amendment

(17) Interpersonal communications services are services that enable interpersonal and interactive exchange of information, covering services like traditional voice calls between two individuals but also all types of emails, messaging services, or group chats. Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited, number of natural persons which is determined by the sender of the communication. Communications involving legal persons should be within the scope of the definition where natural persons act on behalf of those legal persons or are involved at least on one side of the

communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which do not meet those requirements, such as linear broadcasting, video on demand, websites, social networks, blogs, or exchange of information between machines, should not be considered as interpersonal communications services. Under exceptional circumstances, a service should not be considered as an interpersonal communications service if the interpersonal and interactive communication facility is *a purely* ancillary feature to another service and for objective technical reasons cannot be used without that principal service, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services. An example for such an exception could be, in principle, a communication channel in online games, depending on the features of the communication facility of the service.

communication. Interactive communication entails that the service allows the recipient of the information to respond. Services which do not meet those requirements, such as linear broadcasting, video on demand, websites, social networks, blogs, or exchange of information between machines, should not be considered as interpersonal communications services. Under exceptional circumstances, a service should not be considered as an interpersonal communications service if the interpersonal and interactive communication facility is *only a minor* ancillary feature to another service and for objective technical reasons cannot be used without that principal service, and its integration is not a means to circumvent the applicability of the rules governing electronic communications services. An example for such an exception could be, in principle, a communication channel in online games, depending on the features of the communication facility of the service.

Or. en

Amendment 183 **Kaja Kallas**

Proposal for a directive **Recital 18**

Text proposed by the Commission

(18) Interpersonal communications services using numbers from a national and international telephone numbering plan connect with the public (packet or circuit) switched telephone network. Those number-based interpersonal communications services comprise both services to which end-users numbers are assigned for the purpose of ensuring end-to-end connectivity and services enabling end-users to reach persons to whom such numbers have been assigned. The mere use

Amendment

(18) Interpersonal communications services using numbers from a national and international telephone numbering plan connect with the public (packet or circuit) switched telephone network. Those number-based interpersonal communications services comprise both services to which end-users numbers are assigned for the purpose of ensuring end-to-end connectivity and services enabling end-users to reach persons to whom such numbers have been assigned. The mere use

of a number as an identifier should not be considered equivalent to the use of a number to connect with the public switched telephone network, and should therefore, in itself, not be considered sufficient to qualify a service as a number-based interpersonal communications service. Number-independent interpersonal communications services should be subject only to obligations, where public interests require applying specific regulatory obligations to all types of interpersonal communications services, regardless of whether they use numbers for the provision of their service. It is justified to treat number-based interpersonal communications services differently, as they participate in and hence also benefit from a publicly assured interoperable ecosystem.

of a number as an identifier should not be considered equivalent to the use of a number to connect with the public switched telephone network, and should therefore, in itself, not be considered sufficient to qualify a service as a number-based interpersonal communications service. ***In addition where the service provided does not rely on its own infrastructure and therefore does not have substantial control over the network used for enabling the communication, the use of the number should also be considered in a different manner as the obligations would not be proportionate to their ability to deliver a certain quality of service.*** Number-independent interpersonal communications services should be subject only to obligations, where public interests require applying specific regulatory obligations to all types of interpersonal communications services, regardless of whether they use numbers for the provision of their service. It is justified to treat number-based interpersonal communications services differently, as they participate in and hence also benefit from a publicly assured interoperable ecosystem.

Or. en

Amendment 184

Marlene Mizzi, Nicola Danti, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) The activities of competent authorities established under this Directive contribute to the fulfilment of broader policies in the areas of culture, employment, the environment, social cohesion and town and country planning.

Amendment

(22) The activities of competent authorities established under this Directive contribute to the fulfilment of broader policies in the areas of culture ***and cultural diversity, media pluralism***, employment, the environment, social cohesion and town

and country planning.

Or. en

Justification

This amendment is needed to align the text with the objectives in Article 3

Amendment 185

Curzio Maltese, Jiří Maštálka

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) It is necessary to give appropriate incentives for investment in new very high capacity networks that will support innovation in content-rich Internet services ***and strengthen the international competitiveness of the European Union.*** Such networks have enormous potential to deliver benefits to consumers and businesses across the European Union. It is therefore vital to promote sustainable investment in the development of these new networks, while safeguarding competition and boosting consumer choice through regulatory predictability and consistency.

Amendment

(27) It is necessary to give appropriate incentives for investment in new very high capacity networks that will support innovation in content-rich Internet services. Such networks have enormous potential to deliver benefits to consumers and businesses across the European Union. It is therefore vital to promote sustainable investment in the development of these new networks, while safeguarding competition and boosting consumer choice through regulatory predictability and consistency.

Or. en

Justification

This recast is designed to simplify and update the current legal framework for electronic communications within the Union. Strengthening the international competitiveness of the Union is outside the legal framework core objectives, and therefore should be deleted to ensure the internal logic of the text.

Amendment 186

Curzio Maltese, Jiří Maštálka

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) ***The aim is progressively to reduce ex ante sector-specific rules as competition in the markets develops and, ultimately, for electronic communications to be governed by competition law only.***

Considering that the markets for electronic communications have shown strong competitive dynamics in recent years, it is essential that ex ante regulatory obligations ***only*** be imposed ***where there is no effective and sustainable competition on the retail markets concerned.***

Amendment

(28) Considering that the markets for electronic communications have shown strong competitive dynamics in recent years, it is essential that ex ante regulatory obligations ***continue to*** be imposed.

Or. en

Justification

Promoting media pluralism and cultural diversity is fundamental to the objectives of this legal framework: Governing electronic communications by competition law only may negatively impact on these principles. Ex-ante regulatory obligations should continue to be imposed. This change is therefore necessary to ensure the internal logic of the text.

Amendment 187
Kaja Kallas

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) The benefits of the single market to service providers and end-users can be best achieved by general authorisation of electronic communications networks and of electronic communications services other than number-independent interpersonal communications services, without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to a declaratory notification only. Where Member States

Amendment

(40) The benefits of the single market to service providers and end-users can be best achieved by general authorisation of electronic communications networks and of electronic communications services other than number-independent interpersonal communications services, without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to a declaratory notification only. Where Member States

require notification by providers of electronic communications networks or services when they start their activities, **this** notification should be submitted to BEREC which acts as a single contact point. Such notification should not entail administrative cost for the providers and **could** be made available via an entry point **at** the website of **the national regulatory authorities**. BEREC should forward in good time the notifications to the national regulatory authority in all Member States in which the providers of electronic communications networks or services intend to provide electronic communications networks or services. Member States can also require proof that notification was made by means of any legally recognised postal or electronic acknowledgement of receipt of the notification to BEREC. Such acknowledgement should in any case not consist of or require an administrative act by the national regulatory authority, or any other authority.

require notification by providers of electronic communications networks or services when they start their activities, **one single** notification should be submitted to BEREC which acts as a single contact point. Such notification should not entail administrative cost for the providers and **should** be made available via an entry point **on** the website of **BEREC**. BEREC should forward in good time the notifications to the national regulatory authority in all Member States in which the providers of electronic communications networks or services intend to provide electronic communications networks or services. Member States can also require proof that notification was made by means of any legally recognised postal or electronic acknowledgement of receipt of the notification to BEREC. Such acknowledgement should in any case not consist of or require an administrative act by the national regulatory authority, or any other authority.

Or. en

Amendment 188 **Ivan Štefanec**

Proposal for a directive **Recital 40**

Text proposed by the Commission

(40) The benefits of the single market to service providers and end-users can be best achieved by general authorisation of electronic communications networks **and of electronic communications services other than number-independent** interpersonal communications services, without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to a declaratory

Amendment

(40) The benefits of the single market to service providers and end-users can be best achieved by general authorisation of electronic communications networks, **of internet access services and of number-based** interpersonal communications services without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to a declaratory notification only. Where

notification only. Where Member States require notification by providers of electronic communications networks or services when they start their activities, this notification should be submitted to BEREC which acts as a single contact point. Such notification should not entail administrative cost for the providers and could be made available via an entry point at the website of the national regulatory authorities. BEREC should forward in good time the notifications to the national regulatory authority in all Member States in which the providers of electronic communications networks or services intend to provide electronic communications networks or services. Member States can also require proof that notification was made by means of any legally recognised postal or electronic acknowledgement of receipt of the notification to BEREC. Such acknowledgement should in any case not consist of or require an administrative act by the national regulatory authority, or any other authority.

Member States require notification by providers of electronic communications networks or services when they start their activities, this notification should be submitted to BEREC which acts as a single contact point. Such notification should not entail administrative cost for the providers and could be made available via an entry point at the website of the national regulatory authorities. BEREC should forward in good time the notifications to the national regulatory authority in all Member States in which the providers of electronic communications networks or services intend to provide electronic communications networks or services. Member States can also require proof that notification was made by means of any legally recognised postal or electronic acknowledgement of receipt of the notification to BEREC. Such acknowledgement should in any case not consist of or require an administrative act by the national regulatory authority, or any other authority.

Or. en

Amendment 189

Kaja Kallas

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Contrary to the other categories of electronic communications networks and services as defined in this Directive, number-independent interpersonal communications services do not benefit from the use of public numbering resources and do not participate in a publicly assured interoperable ecosystem. It is therefore not appropriate to subject these types of

Amendment

(42) Contrary to the other categories of electronic communications networks and services as defined in this Directive, number-independent interpersonal communications services do not benefit from the use of public numbering resources and do not participate in a publicly assured interoperable ecosystem. It is therefore not appropriate to subject these types of services to the general authorisation

services to the general authorisation regime

regime. ***It is also therefore not appropriate for Member States to subject such services to prior authorisation or any other equivalent requirement.***

Or. en

Amendment 190

Curzio Maltese, Jiří Maštálka

Proposal for a directive

Recital 44

Text proposed by the Commission

(44) General authorisations should only contain conditions which are specific to the electronic communications sector. It should not be made subject to conditions which are already applicable by virtue of other existing national law which is not specific to the communications sector. ***For instance***, the national regulatory authorities may inform network operators about applicable environmental and town and country planning requirements.

Amendment

(44) General authorisations should only contain conditions which are specific to the electronic communications sector. It should not be made subject to conditions which are already applicable by virtue of other existing national law which is not specific to the communications sector. ***Nevertheless***, the national regulatory authorities may inform network operators ***and service providers*** about applicable environmental and town and country planning requirements, ***and other legislation concerning their business, for instance through references on their websites.***

Or. en

Amendment 191

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) Member States should ensure that end-users with disabilities enjoy equal access and choice to electronic communication services on an equal basis

with others, in compliance with the obligations enshrined in the UN Convention on the Rights of persons with Disabilities (UNCRPD). In pursuit of this goal, and according to the UNCRPD Committee General Comment n° 2 on Accessibility, the strict application of Universal Design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity. Universal Design is defined in the UNCRPD as "the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Universal Design shall not exclude assistive devices for particular groups of persons with disabilities where this is needed." Member States should therefore take the necessary measures, including ex ante conditions, to ensure that electronic communication service providers and related equipment manufacturers make their services and products accessible for end-users with disabilities following the Universal Design approach.

Or. en

Amendment 192
Julia Reda

Proposal for a directive
Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) Member States should ensure that end-users with disabilities enjoy equal access and choice to electronic communication services on equal basis with others, in respect to the obligations

enshrined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD). In pursuant to this goal, and according to the UNCRPD Committee General Comment n° 2 on Accessibility, the strict application of Universal Design to all new goods, products, facilities, technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity. Universal Design is defined in the UNCRPD as the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Universal Design shall not exclude assistive devices for particular groups of persons with disabilities where this is needed. Member States should therefore take the necessary measures, including ex ante conditions, to ensure that electronic communication service providers and related equipment manufacturers make their services and products accessible for end-users with disabilities following a Universal Design approach.

Or. en

Justification

According to the UN CRPD Committee General Comment n° 2 , “the duty to provide accessibility is an ex ante duty. States parties therefore have the duty to provide accessibility before receiving an individual request to enter or use a place or service”. This can be ensured by adopting a universal design approach both in adopting the general policy framework, and in setting up the services. It is therefore crucial to mainstream universal design to make sure that the European electronic communication market is inclusive to all end-users, including those with disabilities

Amendment 193

Marlene Mizzi, Maria Grapini, Marc Tarabella, Olga Sehnalová, Kerstin Westphal, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive
Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) Member States should ensure that end-users with disabilities enjoy equal access and choice to electronic communication services, in respect to the obligations enshrined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and according to the UNCRPD Committee General Comment n° 2 on Accessibility on the application of Universal Design approach. Member States should therefore take the necessary measures, including ex ante conditions, to ensure that electronic communication service providers and related equipment manufacturers make their services and products accessible for end-users with disabilities following a Universal Design approach.

Or. en

Justification

It is crucial to mainstream universal design to make sure that the European electronic communication market is inclusive to all end-users, including those with disabilities.

Amendment 194
Curzio Maltese, Jiří Maštálka

Proposal for a directive
Recital 45

Text proposed by the Commission

Amendment

(45) *The conditions that may be* attached to authorisations should cover specific conditions governing accessibility for users with disabilities and the need of public authorities and emergency services to communicate between themselves and with the general public before, during and after major disasters.

(45) *It is essential that the conditions* attached to authorisations should cover specific conditions governing accessibility for users with disabilities and the need of public authorities and emergency services to communicate between themselves and with the general public before, during and after major disasters.

Justification

The turning of the sentence is justified because one of the main purposes of the proposal is to improve consumers' access to universal services, particularly important for users with disabilities. This change is therefore necessary to ensure the internal logic of the text.

Amendment 195
Kaja Kallas**Proposal for a directive**
Recital 47 a (new)*Text proposed by the Commission**Amendment*

(47a) Providers of electronic communication services that operate in more than one Member State are still subject to different rules, requirements and reporting obligations despite having the freedom to provide electronic communications networks and services anywhere in Europe, which hinders the development and growth of the internal market for electronic communications. This should therefore be possible for such providers to be granted on single general authorisation by the Member State indicated in their notification as the provider's main establishment in the EU. The single general authorisation should include the specific conditions that apply in the different Member States of operation to ensure compliance of the service provider with all relevant laws. BEREC should facilitate the coordination and exchange of information to ensure compliance of the service provider with Union and national law. Providers of electronic communication services would still need to obtain specific authorisations for the rights of use for numbers, radio spectrum and for rights to install facilities.

Justification

In order to facilitate the provision of crossborder services and the free flow of data, there is a necessity to reduce the administrative burden undertakings have to face as they are currently confronted with different requests in different formats from 28 different administrations, although they provide services that technologically do not rely on borders.

Amendment 196

Ivan Štefanec

Proposal for a directive

Recital 49

Text proposed by the Commission

(49) Specific obligations which may be imposed on providers of electronic communications networks **and electronic communications services other than number-independent** interpersonal communications services in accordance with Union law by virtue of their significant market power as defined in this Directive should be imposed separately from the general rights and obligations under the general authorisation.

Amendment

(49) Specific obligations which may be imposed on providers of electronic communications networks, **of internet access services and of number-based** interpersonal communications services in accordance with Union law by virtue of their significant market power as defined in this Directive should be imposed separately from the general rights and obligations under the general authorisation.

Or. en

Amendment 197

Kaja Kallas

Proposal for a directive

Recital 57

Text proposed by the Commission

(57) To alleviate reporting and information obligations for network and service providers and the competent authority concerned, such obligations should be proportionate, objectively justified and limited to what is strictly necessary. In particular, duplication of requests for information by the competent

Amendment

(57) To alleviate reporting and information obligations for network and service providers and the competent authority concerned, such obligations should be proportionate, objectively justified and limited to what is strictly necessary. In particular, duplication of requests for information by the competent

authority, and by BEREC and the systematic and regular proof of compliance with all conditions under a general authorisation or a right of use should be avoided. Undertakings should know the intended use of the information sought. Provision of information should not be a condition for market access. For statistical purposes a notification may be required from providers of electronic communications networks or services when they cease activities.

authority, and by BEREC and the systematic and regular proof of compliance with all conditions under a general authorisation or a right of use should be avoided. ***Reporting and information obligations for electronic communication services providers operating in several Member States shall be coordinated through the Member State responsible of granting the single general authorisation, without prejudice to information request related to the granting of rights of use for numbers, radio spectrum and for rights to install facilities. BEREC should facilitate the free flow of information between the concerned Member States. Such information should be requested in a common and standardised format.***

Undertakings should know the intended use of the information sought. Provision of information should not be a condition for market access. For statistical purposes a notification may be required from providers of electronic communications networks or services when they cease activities.

Or. en

Justification

In order to facilitate the provision of crossborder services and the free flow of data, there is a necessity to reduce the administrative burden undertakings have to face as they are currently confronted with different requests in different formats from 28 different administrations, although they provide services that technologically do not rely on borders. logic of the text

Amendment 198

Marlene Mizzi, Nicola Danti, Maria Grapini, Marc Tarabella

Proposal for a directive

Recital 69

Text proposed by the Commission

(69) In the context of a competitive environment, the views of interested parties, including users and consumers,

Amendment

(69) In the context of a competitive environment, the views of interested parties, including users and consumers,

should be taken into account by national regulatory authorities when dealing with issues related to end-users' rights. Out-of-court dispute settlement procedures may constitute a fast and cost-efficient way end-users to enforce their rights, in particular for consumers and micro and small enterprises. For consumer disputes, effective, non-discriminatory and inexpensive procedures to settle their disputes with providers of publicly available electronic communications services are already ensured by Directive 2013/11/EU of the European Parliament and of the Council³¹ in so far as relevant contractual disputes are concerned and the consumer is resident and the undertaking is established within the Union. As many Member States have established dispute resolution procedures also for end-users other than consumers, to whom Directive 2013/11/EU does not apply, it is reasonable to maintain the sector-specific dispute resolution procedure for both consumers and, where Member States extend it, also for other end-users, in particular micro and small enterprises. In view of the deep sectorial expertise of national regulatory authorities, Member States should enable the national regulatory authority to act as dispute settlement entity, through a separate body within that authority which should not be subject to any instructions. Dispute resolution procedures under this Directive that involve consumers should be subject to the quality requirements set out in Chapter II of Directive 2013/11/EU.

³¹ Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for

should be taken into account by national regulatory authorities when dealing with issues related to end-users' rights. Out-of-court dispute settlement procedures may constitute a fast and cost-efficient way end-users to enforce their rights, in particular for consumers and micro and small enterprises. For consumer disputes, effective, non-discriminatory and inexpensive procedures to settle their disputes with providers of publicly available electronic communications services are already ensured by Directive 2013/11/EU of the European Parliament and of the Council³¹ in so far as relevant contractual disputes are concerned and the consumer is resident and the undertaking is established within the Union. As many Member States have established dispute resolution procedures also for end-users other than consumers, to whom Directive 2013/11/EU does not apply, it is reasonable to maintain the sector-specific dispute resolution procedure for both consumers and, where Member States extend it, also for other end-users, in particular micro and small enterprises. ***Consumers should always be allowed to resolve their disputes with undertakings providing electronic communications networks and services through sector-specific dispute resolution procedure, if they wish to do so.*** In view of the deep sectorial expertise of national regulatory authorities, Member States should enable the national regulatory authority to act as dispute settlement entity, through a separate body within that authority which should not be subject to any instructions. Dispute resolution procedures under this Directive that involve consumers should be subject to ***clear and efficient procedures and*** the quality requirements set out in Chapter II of Directive 2013/11/EU.

³¹ Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for

consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).

consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).

Or. en

Justification

This AMs is needed to align the text of the recital with the articles.

Amendment 199

Julia Reda

Proposal for a directive

Recital 89

Text proposed by the Commission

(89) Standardisation should remain primarily a market-driven process. However there may still be situations where it is appropriate to require compliance with specified standards at Union level to *ensure* interoperability in the single market. At national level, Member States are subject to the provisions of Directive 2015/1535/EU. Standardisation procedures under this Directive are without prejudice to the provisions of the Radio Equipment Directive 2014/53/EU, the Low Voltage Directive 2014/35/EU and the Electromagnetic Compatibility Directive 2014/30/EU.

Amendment

(89) Standardisation should remain primarily a market-driven process. However there may still be situations where it is appropriate to require compliance with specified standards at Union level to *in order to improve* interoperability, *freedom of choice for users and encourage interconnectivity* in the single market. At national level, Member States are subject to the provisions of Directive 2015/1535/EU. Standardisation procedures under this Directive are without prejudice to the provisions of the Radio Equipment Directive 2014/53/EU, the Low Voltage Directive 2014/35/EU and the Electromagnetic Compatibility Directive 2014/30/EU.

Or. en

Justification

This amendment is necessary in order to ensure the internal logic and coherence of the text

Amendment 200

Marlene Mizzi, Nicola Danti, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 90

Text proposed by the Commission

(90) Providers of public electronic communications networks or publicly available electronic communications services, or of both, should be required to take measures to safeguard the security of their networks and services, respectively. Having regard to the state of the art, those measures should ensure a level of security of networks and services appropriate to the risks posed. Security measures should take into account, as a minimum, all the relevant aspects of the following elements: as regards security of networks and facilities: physical and environmental security, security of supplies, access control to networks and integrity of networks; as regards incident handling: incident-handling procedures, incident detection capability, incident reporting and communication; as regards business continuity management: service continuity strategy and contingency plans, disaster recovery capabilities; and as regards monitoring, auditing and testing: monitoring and logging policies, exercise contingency plans, network and service testing, security assessments and compliance monitoring; and compliance with international standards.

Amendment

(90) Providers of public electronic communications networks or publicly available electronic communications services, or of both, should be required to take measures to safeguard the security of their networks and services, respectively. Having regard to the state of the art, those measures should ensure a level of security of networks and services appropriate to the risks posed. Security measures should take into account, as a minimum, all the relevant aspects of the following elements: as regards security of networks and facilities: physical and environmental security, security of supplies, access control to networks and integrity of networks; as regards incident handling: incident-handling procedures, incident detection capability, incident reporting and communication; as regards business continuity management: service continuity strategy and contingency plans, disaster recovery capabilities; and as regards monitoring, auditing and testing: monitoring and logging policies, exercise contingency plans, network and service testing, security assessments and compliance monitoring; and compliance with international standards. ***In a situation of security breach, end-users should be informed accordingly of any potential risks and possible protective measures or remedies which they can use.***

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 201
Ivan Štefanec

Proposal for a directive
Recital 91

Text proposed by the Commission

(91) Given the growing importance of number-independent interpersonal communications services, it is necessary to ensure that they are also subject to appropriate security requirements in accordance with their specific nature and economic importance. Providers of such services should thus ensure a level of security commensurate with the degree of risk posed to the security of the electronic communications services they provide.

Given that providers of number-independent interpersonal communications services normally do not exercise actual control over the transmission of signals over networks, the degree of risk for such services can be considered in some respects lower than for traditional electronic communications services. Therefore, whenever it is justified by the actual assessment of the security risks involved, the security requirements for number-independent interpersonal communications services should be lighter. In that context, the providers should be able to decide about the measures they consider appropriate to manage the risks posed to the security of their services. The same approach should apply mutatis mutandis to interpersonal communications services which make use of numbers and which do not exercise actual control over signal transmission.

Amendment

(91) Given the growing importance of number-independent interpersonal communications services, it is necessary to ensure that they are also subject to appropriate security requirements in accordance with their specific nature and economic importance. Providers of such services should thus ensure a level of security commensurate with the degree of risk posed to the security of the electronic communications services they provide.

Or. en

Amendment 202
Julia Reda

Proposal for a directive
Recital 91 a (new)

Text proposed by the Commission

Amendment

(91a) In order to ensure and safeguard the privacy and security of user data and traffic and the security and integrity of networks and services, the use of end-to-end encryption should be promoted and, wherever technically feasible, be mandatory in accordance with the principles of data protection in order to achieve full security and privacy by design; in particular, Member States should not impose any obligation to encryption providers, providers of electronic communications services and all other organisations (at all levels of the supply chain) that would result in the weakening of the security of their networks and services, such as the allowing or facilitation of "backdoors".

Or. en

Justification

This amendment is necessary to ensure the internal logic of the text and its coherence

Amendment 203
Kaja Kallas

Proposal for a directive
Recital 91 a (new)

Text proposed by the Commission

Amendment

(91a) In order to safeguard the security and integrity of networks and services, the use of end-to-end encryption should be promoted and, where necessary, be mandatory in accordance with the principles of security and privacy by design; in particular, Member States should not impose any obligation to encryption providers, providers of

electronic communications services and all other organisations (at all levels of the supply chain) that would result in the weakening of the security of their networks and services, such as the allowing or facilitation of "backdoors".

Or. en

Amendment 204

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 127

Text proposed by the Commission

(127) Massive growth in radio spectrum demand, and in end-user demand for wireless broadband capacity, calls for solutions allowing alternative, complementary, spectrally efficient access solutions, including low-power wireless access systems with a small-area operating range such as radio local area networks (RLAN) and networks of low-power small-size cellular access points. Such complementary wireless access systems, in particular publicly accessible RLAN access points, increase access to the internet for end-users and mobile traffic off-loading for mobile operators. RLANs use harmonised radio spectrum without requiring an individual authorisation or spectrum usage right. Most RLAN access points are so far used by private users as local wireless extension of their fixed broadband connection. End-users, within the limits of their own internet subscription, should not be prevented from sharing access to their RLAN with others, so as to increase the number of available access points, particularly in densely populated areas, maximise wireless data capacity through radio spectrum re-use and create a cost-effective complementary wireless broadband infrastructure accessible to

Amendment

(127) Massive growth in radio spectrum demand, and in end-user demand for wireless broadband capacity, calls for solutions allowing alternative, complementary, spectrally efficient access solutions, including low-power wireless access systems with a small-area operating range such as radio local area networks (RLAN) and networks of low-power small-size cellular access points. Such complementary wireless access systems, in particular publicly accessible RLAN access points, increase access to the internet for end-users and mobile traffic off-loading for mobile operators. RLANs use harmonised radio spectrum without requiring an individual authorisation or spectrum usage right. Most RLAN access points are so far used by private users as local wireless extension of their fixed broadband connection. End-users, within the limits of their own internet subscription, should not be prevented from sharing access to their RLAN with others, so as to increase the number of available access points, particularly in densely populated areas, maximise wireless data capacity through radio spectrum re-use and create a cost-effective complementary wireless broadband infrastructure accessible to

other end-users. ***Therefore, unnecessary restrictions to the deployment and interlinkage of RLAN access points should also be removed.*** Public authorities or public service providers, who use RLANs in their premises for their personnel, visitors or clients, for example to facilitate access to e-Government services or for information on public transport or road traffic management, could also provide access to such access points for general use by citizens as an ancillary service to services they offer to the public on such premises, to the extent allowed by competition and public procurement rules. Moreover, the provider of such local access to electronic communications networks within or around a private property or a limited public area on a non-commercial basis or as an ancillary service to another activity that is not dependant on such access (such as RLAN hotspots made available to customers of other commercial activities or to the general public in that area) can be subject to compliance with general authorisations for rights of use for radio spectrum but should not be subject to any conditions or requirements attached to general authorisations applicable to providers of public communications networks or services or to obligations regarding end-users or interconnection. However, such provider should remain subject to the liability rules of Article 12 of Directive 2000/31/EC on electronic commerce³⁵. Further technologies such as LiFi are emerging that will complement current radio spectrum capabilities of RLANs and wireless access point to include optical visible light-based access points and lead to hybrid local area networks allowing optical wireless communication.

other end-users. ***Providers shall ensure that such access is given with the explicit consent of end-users, is not detrimental to the conditions of an end-users' own access and liability is not born by the end-user giving the access to their network located at the end-user's premises. In addition,*** Public authorities or public service providers, who use RLANs in their premises for their personnel, visitors or clients, for example to facilitate access to e-Government services or for information on public transport or road traffic management, could also provide access to such access points for general use by citizens as an ancillary service to services they offer to the public on such premises, to the extent allowed by competition and public procurement rules. Moreover, the provider of such local access to electronic communications networks within or around a private property or a limited public area on a non-commercial basis or as an ancillary service to another activity that is not dependant on such access (such as RLAN hotspots made available to customers of other commercial activities or to the general public in that area) can be subject to compliance with general authorisations for rights of use for radio spectrum but should not be subject to any conditions or requirements attached to general authorisations applicable to providers of public communications networks or services or to obligations regarding end-users or interconnection. However, such provider should remain subject to the liability rules of Article 12 of Directive 2000/31/EC on electronic commerce³⁵. Further technologies such as LiFi are emerging that will complement current radio spectrum capabilities of RLANs and wireless access point to include optical visible light-based access points and lead to hybrid local area networks allowing optical wireless communication.

³⁵ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), (OJ L 178, 17.7.2000, p.1).

³⁵ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), (OJ L 178, 17.7.2000, p.1).

Or. en

Justification

This Amendment is needed to align the text with the rest of the Articles;

Amendment 205

Julia Reda

Proposal for a directive

Recital 138

Text proposed by the Commission

(138) In case such interoperability issues arise, the Commission may request a BEREC report which should provide a factual assessment of the market situation at the Union and Member States level. On the basis of the BEREC report and other available evidence and taking into account the effects on the internal market, the Commission should decide whether there is a need for regulatory intervention by national regulatory authorities. If the Commission considers that such regulatory intervention should be considered by National Regulatory Authorities, it may adopt implementing measures specifying the nature and scope of possible regulatory interventions by NRAs, including in particular measures to impose the mandatory use of standards or specifications on all or specific providers. The terms 'European standards' and 'international standards' are defined in Article 2 of Regulation (EU) No 1025/2012.³⁶ National regulatory authorities should assess, in the light of the

Amendment

(138) In case such interoperability issues arise, the Commission may request a BEREC report which should provide a factual assessment of the market situation at the Union and Member States level. On the basis of the BEREC report and other available evidence and taking into account the effects on the internal market, the Commission should decide whether there is a need for regulatory intervention by national regulatory authorities. If the Commission considers that such regulatory intervention should be considered by National Regulatory Authorities, it may adopt implementing measures specifying the nature and scope of possible regulatory interventions by NRAs, including in particular measures to impose the mandatory use of standards or specifications on all or specific providers. The terms 'European standards' and 'international standards' are defined in Article 2 of Regulation (EU) No 1025/2012.³⁶ National regulatory authorities should assess, in the light of the specific

specific national circumstances, whether any intervention is necessary and justified to ensure end-to-end-connectivity or access to emergency services, and if so, impose proportionate obligations in accordance with the Commission implementing measures.

³⁶ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council [OJ L 364 of 14.11.2012, p.12]

national circumstances, whether any intervention is necessary and justified to ensure end-to-end-connectivity or access to emergency services, and if so, impose proportionate obligations in accordance with the Commission implementing measures ***and without additional requirements to it.***

³⁶ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council [OJ L 364 of 14.11.2012, p.12]

Or. en

Justification

This amendment is necessary to ensure the internal logic and cohesion of the text

Amendment 206 **Julia Reda**

Proposal for a directive **Recital 143**

Text proposed by the Commission

(143) While it is appropriate in some circumstances for a national regulatory authority to impose obligations on operators that do not have significant market power in order to achieve goals such as end-to-end connectivity or interoperability of services, ***it is however necessary to ensure that such obligations***

Amendment

(143) While it is appropriate in some circumstances for a national regulatory authority to impose obligations on operators that do not have significant market power in order to achieve goals such as end-to-end connectivity or interoperability of services. ***Such obligations must only be imposed where***

are imposed in conformity with the regulatory framework and, in particular, its notification procedures.

justified in order to secure the objectives of this Directive, and where they are objectively justified, transparent, proportionate and non-discriminatory for the purpose of promoting efficiency, sustainable competition, efficient investment and innovation, giving the maximum benefit to end-users and imposed in conformity with the regulatory framework and, in particular, its notification procedures.

Or. en

Justification

This amendment is necessary in order to ensure the internal logic and coherence of the text

Amendment 207

Julia Reda

Proposal for a directive

Recital 194

Text proposed by the Commission

(194) Universal service is a safety net to ensure that a set of minimum services is available to all *end-users* at an affordable price, where a risk of social exclusion arising from the lack of such access prevents citizens from full social and economic participation in society.

Amendment

(194) Universal service is a safety net to ensure that a set of minimum services is available to all *consumers* at an affordable price, where a risk of social exclusion arising from the lack of such access prevents citizens from full social and economic participation in society.

Or. en

Justification

Universal service should be for consumers, not only for end-users

Amendment 208

Marlene Mizzi, Nicola Danti, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 195

Text proposed by the Commission

(195) Basic broadband internet access is virtually universally available across the Union and very widely used for a wide range of activities. However, the overall take-up rate is lower than availability as there are still those who are disconnected by reasons related to awareness, cost, skills and by choice. Affordable **functional** internet access has become of crucial importance to society and the wider economy. It provides the basis for participation in the digital economy and society **through essential online internet services**.

Amendment

(195) Basic broadband internet access is virtually universally available across the Union and very widely used for a wide range of activities. However, the overall take-up rate is lower than availability as there are still those who are disconnected by reasons related to awareness, cost, skills and by choice. Affordable, **accessible and available** internet access has become of crucial importance to society and the wider economy. It provides the basis for participation in the digital economy and society.

Or. en

Justification

This Amendment is needed to align the text with the rest of the Articles;

Amendment 209

Julia Reda

Proposal for a directive

Recital 195

Text proposed by the Commission

(195) Basic broadband internet access is virtually universally available across the Union and very widely used for a wide range of activities. However, the overall take-up rate is lower than availability as there are still those who are disconnected by reasons related to awareness, cost, skills and by choice. Affordable **functional** internet access has become of crucial importance to society and the wider economy. It provides the basis for participation in the digital economy and society through essential online internet services.

Amendment

(195) Basic broadband internet access is virtually universally available across the Union and very widely used for a wide range of activities. However, the overall take-up rate is lower than availability as there are still those who are disconnected by reasons related to awareness, cost, skills and by choice. Affordable internet access has become of crucial importance to society and the wider economy. It provides the basis for participation in the digital economy and society through essential online internet services.

Justification

Affordable is in this case incompatible with a diminished internet access in the form of various "functional" interpretations

Amendment 210**Vicky Ford****Proposal for a directive****Recital 196***Text proposed by the Commission*

(196) A fundamental requirement of universal service is to ensure that all end-users have access at an affordable price to available functional internet access and voice communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability of services not provided at a fixed location but to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations.

Amendment

(196) A fundamental requirement of universal service is to ensure that all end-users have access at an affordable price to available functional internet access and voice communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability of services not provided at a fixed location but to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations. ***This can include delivering the Universal Service Obligation by mobile services. This is in line with the Commission's intention to deliver digitalised rail networks and connectivity for all major transport paths, as outlined in the Commission's Communication 'Connectivity for a Competitive Single Market – Towards a European Gigabit Society' (COM(2016) 587 final). The inclusion of mobile services within the scope of the USO shall compliment conditions applied to spectrum allocation which encourage network coverage in Member States.***

Justification

The Universal Service Obligation can be a mechanism to drive the roll-out of networks and add mobile connections to rural areas and ensure ‘connected commuters’. Member States should have the option to boost mobile coverage on transport paths through the universal service obligation to benefit connected commuters and Internet-connected cars.

Amendment 211**Julia Reda****Proposal for a directive****Recital 196***Text proposed by the Commission*

(196) A fundamental requirement of universal service is to ensure that all end-users *have* access at an affordable price to available functional internet access and *voice* communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability of services not provided at a fixed location but to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations.

Amendment

(196) A fundamental requirement of universal service is to ***follow a Universal Design approach in order to*** ensure that all ***end-users, including*** end-users ***with disabilities, have equal*** access at an affordable price to available functional internet access and ***conversational*** communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability of services not provided at a fixed location but to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations. ***A fundamental requirement of universal service is to ensure that all consumers have access at an affordable price to available internet access and voice communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability to citizens on the move, where they deem this to be necessary to ensure full social and***

Justification

The aim of this Directive should be to make sure that universal services are suitable for all users, including persons with disabilities, on equal footing with others.

Amendment 212

Marlene Mizzi, Maria Grapini, Marc Tarabella, Olga Sehnalová, Kerstin Westphal, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 196

Text proposed by the Commission

(196) A fundamental requirement of universal service is to ensure that all end-users **have access at an affordable price to available functional internet access and voice communications services**, at least at a fixed location. Member States should also have the possibility to ensure affordability **of services not provided at a fixed location but** to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations.

Amendment

(196) A fundamental requirement of universal service is to **follow a Universal Design approach in order to** ensure that all end-users, **including end-users with disabilities, have equal access to** an affordable **and** available internet access and **two-way** communications services, at least at a fixed location **to all citizens, especially for socially disadvantaged communities**. Member States should also have the possibility to ensure affordability, **availability and accessibility of services provided also** to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations.

Justification

This Amendment is needed to align the text with the rest of the Articles;

Amendment 213

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 196

Text proposed by the Commission

(196) A fundamental requirement of universal service is to ensure that all end-users have access at an affordable price to available functional internet access and **voice** communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability of services not provided at a fixed location but to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations.

Amendment

(196) A fundamental requirement of universal service is to ***follow a Universal Design approach in order to*** ensure that all ***end-users, including*** end-users ***with disabilities,*** have access at an affordable price to available functional internet access and ***conversational*** communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability of services not provided at a fixed location but to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society. There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations.

Or. en

Amendment 214

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 197

Text proposed by the Commission

(197) The ***speed of*** Internet access ***experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a***

Amendment

(197) The ***available, affordable and accessible*** internet access ***provided under the universal service obligation should have the capacity to support access to and use of basic*** internet services and

connection is being used. The affordable functional internet access service should be sufficient in order to support access to and use of a minimum set of basic services that reflect the services used by the majority of end-users. This minimum list of services should be further defined by Member States, in order to allow an adequate level of social inclusion and participation in the digital society and economy in their territory.

minimum bandwidth that reflect the needs of the majority of end-users and is needed to allow citizens an adequate level of social inclusion and participation in the digital society and economy in their territory. This would ensure that all consumers have access to what is a standard basic broadband in the Member State. The requirements of Union legislation on open internet, in particular of Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015, should apply to any list of internet access services or minimum bandwidth adopted under the universal service obligation.

Or. en

Justification

This Amendment is needed to align the text with the rest of the Articles;

Amendment 215

Vicky Ford

Proposal for a directive

Recital 197

Text proposed by the Commission

(197) The speed of Internet access experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a connection is being used. ***The*** affordable ***functional*** internet access service should ***be*** sufficient in order to support access to and use of a minimum set of basic services ***that reflect the*** services used by the majority of end-users. ***This*** minimum list of services ***should be further defined by Member States, in order to allow an adequate level of social inclusion and participation in the digital society and economy in their territory.***

Amendment

(197) The speed of Internet access experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a connection is being used. Affordable internet access service should ***have*** sufficient ***functionality*** in order to support access to and use of a minimum set of basic services. ***A minimum list of services should be defined by national regulatory authorities, taking into account the types of services used by the majority of end-users in that Member State and relevant guidance from BEREC. The*** minimum list ***should consist of, at least, video calls***

available in standard quality. This minimum list should be reviewed periodically by national regulatory authorities and guidance provided by BEREC shall be updated on a regular basis.

Or. en

Justification

National regulatory authorities should be able to define the minimum set of services originally listed in Annex V. The minimum list will be reviewed periodically to ensure that they are consistent with the average standard use of basic broadband in that Member State, and should consist of at least video calls in standard quality.

Amendment 216

Julia Reda

Proposal for a directive

Recital 197

Text proposed by the Commission

(197) The speed of Internet access experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a connection is being used. The affordable **functional** internet access service should be sufficient in order to support access to and use of a minimum set of basic services that reflect the services used by the majority of *end-users*. ***This minimum list of services should be further defined by Member States, in order to allow an adequate level of social inclusion and participation in the digital society and economy in their territory.***

Amendment

(197) The speed of Internet access experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a connection is being used. The affordable internet access service should be sufficient in order to support access to and use of a minimum set of basic services that reflect the services used by the majority of ***consumers***. ***This should allow an adequate level of social inclusion and participation in the digital society and economy in the territory of Member States. The requirements of Union law on open internet, in particular as provided for in Regulation (EU) No 2015/2120 of the European Parliament and of the Council, should apply to any such internet access service.***

Or. en

Justification

This recital clarifies the requirements for internet access and underlines that net neutrality rules apply and Member State cannot limit the actual usages.

Amendment 217

Marlene Mizzi, Maria Grapini, Marc Tarabella, Olga Sehnalová, Kerstin Westphal, Lucy Anderson

Proposal for a directive

Recital 200

Text proposed by the Commission

(200) Affordable price means a price defined by Member States at national level in the light of specific national conditions, and may involve special tariff options or packages to deal with the needs of low-income users or users with special social needs, ***including the elderly, the disabled and the end-users*** living in rural or geographically isolated areas. These offers should be provided with basic features, in order to ***avoid distortion of the functioning of the market***. Affordability for individual end-users should be founded upon their right to contract with an undertaking, availability of a number, continued connection of service and their ability to monitor and control their expenditure.

Amendment

(200) Affordable price means a price defined by Member States at national level in the light of specific national conditions, and may involve special tariff options or packages to deal with the needs of low-income users or users with special social needs. ***These end-users may include older people*** living in rural or geographically isolated areas. These offers should be provided with basic features, in order to ***ensure their right to access publicly available electronic communication services***. Affordability for individual end-users should be founded upon their right to contract with an undertaking, availability of a number, continued connection of service and their ability to monitor and control their expenditure.

Or. en

Justification

The AM aims to ensure that everyone have equal right to access the service

Amendment 218

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 200

Text proposed by the Commission

(200) Affordable price means a price defined by Member States at national level in the light of specific national conditions, and may involve special tariff options or packages to deal with the needs of low-income users or users with special social needs, ***including the elderly, the disabled*** and the end-users living in rural or geographically isolated areas. These offers should be provided with basic features, in order to ***avoid distortion of the functioning of the market***. Affordability for individual end-users should be founded upon their right to contract with an undertaking, availability of a number, continued connection of service and their ability to monitor and control their expenditure.

Amendment

(200) Affordable price means a price defined by Member States at national level in the light of specific national conditions, and may involve special tariff options or packages to deal with the needs of low-income users or users with special social needs. ***These end-users may include older people, persons with disabilities*** and the end-users living in rural or geographically isolated areas. These offers should be provided with basic features, in order to ***ensure their right to access publicly available electronic communication services***. Affordability for individual end-users should be founded upon their right to contract with an undertaking, availability of a number, continued connection of service and their ability to monitor and control their expenditure.

Or. en

Amendment 219

Julia Reda

Proposal for a directive

Recital 200

Text proposed by the Commission

(200) Affordable price means a price defined by Member States at national level in the light of specific national conditions, and may involve special tariff options or packages to deal with the needs of low-income users or users with special social needs, ***including the elderly, the disabled*** and the end-users living in rural or geographically isolated areas. These offers should be provided with basic features, in order to ***avoid distortion of the functioning of the market***. Affordability for individual end-users should be founded upon their right to contract with an

Amendment

(200) Affordable price means a price defined by Member States at national level in the light of specific national conditions, and may involve special tariff options or packages to deal with the needs of low-income users or users with special social needs. ***These end-users may include older people, persons with disabilities*** and the end-users living in rural or geographically isolated areas. These offers should be provided with basic features, in order to ***ensure their right to access publicly available electronic communication services***. Affordability for individual end-

undertaking, availability of a number, continued connection of service and their ability to monitor and control their expenditure.

users should be founded upon their right to contract with an undertaking, availability of a number, continued connection of service and their ability to monitor and control their expenditure.

Or. en

Justification

The aim should be to ensure that all persons have equal right to access the service. Having a disability does not intrinsically mean that persons with disabilities will have “special” social needs. People with special social needs should be considered equally regardless of their age, disability or place of residence.

Amendment 220

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 201

Text proposed by the Commission

(201) It should no longer be possible to refuse end-users access to the minimum set of connectivity services. A right to contract with an undertaking should mean that end-users who might face refusal, in particular those with low incomes or special social needs, should have the possibility to enter into a contract for the provision of affordable **functional** internet access and voice communications services at least at a fixed location with any undertaking providing such services in that location. In order to minimise the financial risks such as non-payment of bills, undertakings should be free to provide the contract under pre-payment terms, on the basis of affordable individual pre-paid units.

Amendment

(201) It should no longer be possible to refuse end-users access to the minimum set of connectivity services. A right to contract with an undertaking should mean that end-users who might face refusal, in particular those with low incomes or special social needs, should have the possibility to enter into a contract for the provision of affordable internet access and voice communications services at least at a fixed location with any undertaking providing such services in that location. In order to minimise the financial risks such as non-payment of bills, undertakings should be free to provide the contract under pre-payment terms, on the basis of affordable individual pre-paid units.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 221
Vicky Ford

Proposal for a directive
Recital 203

Text proposed by the Commission

(203) Compensating undertakings providing such services in such circumstances need not result in distortion of competition, provided that such undertakings are compensated for the specific net cost involved and provided that the net cost burden is recovered in a competitively neutral way.

Amendment

(203) Compensating undertakings providing such services in such circumstances need not result in distortion of competition, provided that such undertakings are compensated for the specific net cost involved and provided that the net cost burden is recovered in a competitively neutral way. ***National regulatory authorities may assess each market development on a case-by-case basis to safeguard competition and ensure proportionate obligations in order to ensure that no market distortions are generated over investment and access.***

Or. en

Justification

There is a need to ensure that the universal services obligation shall not cause market distortion or affect competition.

Amendment 222
Jiří Maštálka, Kateřina Konečná

Proposal for a directive
Recital 206

Text proposed by the Commission

(206) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for ***disabled end-users***, including ***equipment with*** assistive technologies. This can be achieved, inter alia, by referring to European standards, or

Amendment

(206) Member States should introduce measures to promote the creation of a market ***following a Universal Design approach*** for affordable ***and accessible*** products and services incorporating facilities for ***end-users with disabilities***, including ***when necessary*** assistive

by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services³⁸ Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for **disabled end-users** under normal economic conditions.

³⁸ OJ C [...], [...], p. [...].

technologies **interoperable with publicly available electronic communication equipment and services**. This can be achieved, inter alia, by referring to European standards, or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services³⁸ Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for **end-users with disabilities** under normal economic conditions.

³⁸ OJ C [...], [...], p. [...].

Or. en

Amendment 223

Marlene Mizzi, Maria Grapini, Marc Tarabella, Olga Sehnalová, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive Recital 206

Text proposed by the Commission

(206) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for **disabled end-users**, including **equipment with** assistive technologies. This can be achieved, inter alia, by referring to European standards, or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations

Amendment

(206) Member States should introduce measures to promote the creation of a market **based on a Universal Design approach** for affordable **and accessible** products and services incorporating facilities for **end-users with disabilities**, including **when necessary** assistive technologies **interoperable with publicly available electronic communication equipment and services**. This can be achieved, inter alia, by referring to

and administrative provisions of the Member States as regards the accessibility requirements for products and services³⁸ Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for **disabled end-users** under normal economic conditions.

³⁸ OJ C [...], [...], p. [...].

European standards, or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services³⁸ Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable **and accessible** products and services incorporating facilities for **end-users with disabilities** under normal economic conditions.

³⁸ OJ C [...], [...], p. [...].

Or. en

Justification

Difference between accessible mainstream products vs assistive technologies (e.g. special devices for deaf, blind persons)

Amendment 224 **Julia Reda**

Proposal for a directive **Recital 206**

Text proposed by the Commission

(206) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for **disabled end-users**, including equipment with assistive technologies. This can be achieved, inter alia, by referring to European standards, or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations

Amendment

(206) Member States should introduce measures to promote the creation of a market for affordable products and services **following a Universal Design approach and** incorporating facilities for **end-users with disabilities**, including **when necessary** equipment with assistive technologies **interoperable with publicly available electronic communication equipment and services**. This can be achieved, inter alia, by referring to European standards, or by

and administrative provisions of the Member States as regards the accessibility requirements for products and services³⁸ Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for **disabled end-users** under normal economic conditions.

³⁸ OJ C [...], [...], p. [...].

introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services³⁸ Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for **end-users with disabilities** under normal economic conditions.

³⁸ OJ C [...], [...], p. [...].

Or. en

Justification

The focus of the provisions for persons with disabilities should be to ensure the availability of assistive technologies enabling them to enjoy electronic communications and to ensure that electronic communication services and products comply with accessibility and interoperability requirements.

Amendment 225

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 207

Text proposed by the Commission

(207) For data communications at data rates that are sufficient to permit **a functional** Internet access, fixed-line connections are nearly universally available and used by a majority of citizens across the Union. The standard fixed broadband coverage and availability in the Union stands at 97% of homes in 2015, with an average take-up rate of 72%, and services based on wireless technologies

Amendment

(207) For data communications at data rates that are sufficient to permit **an** Internet access, fixed-line connections are nearly universally available and used by a majority of citizens across the Union. The standard fixed broadband coverage and availability in the Union stands at 97% of homes in 2015, with an average take-up rate of 72%, and services based on wireless technologies have even greater reach.

have even greater reach. However, there are differences between Member States as regards availability and affordability of fixed broadband across urban and rural areas.

However, there are differences between Member States as regards availability and affordability of fixed broadband across urban and rural areas.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 226

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 208

Text proposed by the Commission

(208) The market has a leading role to play in ensuring availability of broadband internet access with constantly growing capacity. In areas where the market would not deliver, other public policy tools to support availability of *functional* internet access connections appear, in principle, more cost-effective and less market-distortive than universal service obligations, for example recourse to financial instruments such as those available under EFSI and CEF, the use of public funding from the European structural and investment funds, attaching coverage obligations to rights of use for radio spectrum to support the deployment of broadband networks in less densely populated areas and public investment in conformity with Union State aid rules.

Amendment

(208) The market has a leading role to play in ensuring availability of broadband internet access with constantly growing capacity. In areas where the market would not deliver, other public policy tools to support availability of internet access connections appear, in principle, more cost-effective and less market-distortive than universal service obligations, for example recourse to financial instruments such as those available under EFSI and CEF, the use of public funding from the European structural and investment funds, attaching coverage obligations to rights of use for radio spectrum to support the deployment of broadband networks in less densely populated areas and public investment in conformity with Union State aid rules.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 227

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 209

Text proposed by the Commission

(209) If after carrying out a due assessment, taking into account the results of the geographical survey of networks deployment conducted by the national regulatory authority, it is shown that neither the market nor public intervention mechanisms are likely to provide end-users in certain areas with a connection capable of delivering *functional* internet access service as defined by Member States in accordance with Article 79 (2) and voice communications services at a fixed location, the Member State should be able to exceptionally designate different undertakings or sets of undertakings to provide these services in the different relevant parts of the national territory. Universal service obligations in support of availability of functional internet access service may be restricted by Member States to the end-user's primary location or residence. There should be no constraints on the technical means by which the functional internet access and voice communications services at a fixed location are provided, allowing for wired or wireless technologies, nor any constraints on which operators provide part or all of universal service obligations.

Amendment

(209) If after carrying out a due assessment, taking into account the results of the geographical survey of networks deployment conducted by the national regulatory authority, it is shown that neither the market nor public intervention mechanisms are likely to provide end-users in certain areas with a connection capable of delivering internet access service as defined by Member States in accordance with Article 79 (2) and voice communications services at a fixed location, the Member State should be able to exceptionally designate different undertakings or sets of undertakings to provide these services in the different relevant parts of the national territory. Universal service obligations in support of availability of functional internet access service may be restricted by Member States to the end-user's primary location or residence. There should be no constraints on the technical means by which the functional internet access and voice communications services at a fixed location are provided, allowing for wired or wireless technologies, nor any constraints on which operators provide part or all of universal service obligations.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 228

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive
Recital 214

Text proposed by the Commission

(214) ***In order to provide stability and support a gradual transition***, Member States should be able to continue to ensure the provision of universal services in their territory, other than functional internet access and voice communications services at a fixed location, that are included in the scope of their universal obligations on the basis of Directive 2002/22/EC at the entry into force of this Directive, provided the services or comparable services are not available under normal commercial circumstances. Allowing the continuation of the provision of public payphones, directories and directory enquiry services under the universal service regime, as long as the need is still demonstrated, would give Member States the flexibility necessary to duly take into account the varying national circumstances. However, the financing of such services should be done via public funds ***as for the other universal service obligations***.

Amendment

(214) Member States should be able to continue to ensure the provision of universal services in their territory, other than functional internet access and voice communications services at a fixed location, that are included in the scope of their universal obligations on the basis of Directive 2002/22/EC at the entry into force of this Directive, provided the services or comparable services are not available under normal commercial circumstances. ***Public pay telephones and communications access points should be provided in key points, such as airports or train and bus stations, as well as places used by people in cases of emergencies, such as hospitals, police stations and highway emergency areas, to meet the reasonable needs of end-users, including end-users with disabilities*** Allowing the continuation of the provision of public payphones, directories and directory enquiry services under the universal service regime, as long as the need is still demonstrated, would give Member States the flexibility necessary to duly take into account the varying national circumstances. However, the financing of such services should be done via public funds.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 229

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive
Recital 215

Text proposed by the Commission

(215) Member States should monitor the situation of end-users with respect to their use of **functional** internet access and voice communications services and in particular with respect to affordability. The affordability of **functional** internet access and **voice** communications services is related to the information which users receive regarding usage expenses as well as the relative cost of usage compared to other services, and is also related to their ability to control expenditure. Affordability therefore means giving power to consumers through obligations imposed on undertakings. These obligations include a specified level of itemised billing, the possibility for consumers selectively to block certain calls (such as high-priced calls to premium services), the possibility for consumers to control expenditure via pre-payment means and the possibility for consumers to offset up-front connection fees. Such measures may need to be reviewed and changed in the light of market developments.

Amendment

(215) Member States should monitor the situation of end-users with respect to their use of internet access and voice communications services and in particular with respect to affordability **and availability**. The affordability of internet access and **two-way** communications services is related to the information which users receive regarding usage expenses as well as the relative cost of usage compared to other services, and is also related to their ability to control expenditure. Affordability therefore means giving power to consumers through obligations imposed on undertakings. These obligations include a specified level of itemised billing, the possibility for consumers selectively to block certain calls (such as high-priced calls to premium services), the possibility for consumers to control expenditure via pre-payment means and the possibility for consumers to offset up-front connection fees. Such measures may need to be reviewed and changed in the light of market developments.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 230

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 217

Text proposed by the Commission

(217) Where the provision of **functional** internet access and **voice** communications services or the provision of other universal services in accordance with **Article 85**

Amendment

(217) Where the provision of internet access and **two-way** communications services or the provision of other universal services in accordance with **the universal**

result in an unfair burden on an undertaking, taking due account of the costs and revenues as well as the intangible benefits resulting from the provision of the services concerned, that unfair burden can be included in any net cost calculation of universal obligations.

service obligation under this directive result in an unfair burden on an undertaking, taking due account of the costs and revenues as well as the intangible benefits resulting from the provision of the services concerned, that unfair burden can be included in any net cost calculation of universal obligations.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 231 **Vicky Ford**

Proposal for a directive **Recital 221**

Text proposed by the Commission

(221) When a universal service obligation represents an unfair burden on an undertaking, it is appropriate to allow Member States to establish mechanisms for efficiently recovering net costs. The net costs of universal service obligations should be recovered via public funds. Functional internet access brings benefits not only to the electronic communications sector but also to the wider online economy and to society as a whole. Providing a connection which supports broadband speeds to an increased number of end-users enables them to use online services and so actively to participate in the digital society. Ensuring such connections on the basis of universal service obligations serves at least as much the public interest as it serves the interests of electronic communications providers. Therefore Member States should compensate the net costs of such connections supporting broadband speeds as part of the universal service from public funds, which should be understood to

Amendment

(221) When a universal service obligation represents an unfair burden on an undertaking, it is appropriate to allow Member States to establish mechanisms for efficiently recovering net costs. The net costs of universal service obligations should be recovered via public funds, ***contributions from providers of electronic communications networks or services, or a mixture of both mechanisms. Where Member States require a contribution from providers, the Member State shall determine the extent to which those providers are required to contribute to the financing mechanism. This may include electronic communications services which benefit from network connectivity, as deemed appropriate by the Member State.*** Functional internet access brings benefits not only to the electronic communications sector but also to the wider online economy and to society as a whole. Providing a connection which supports broadband speeds to an increased number of end-users

comprise funding from general government budgets.

enables them to use online services and so actively to participate in the digital society. Ensuring such connections on the basis of universal service obligations serves at least as much the public interest as it serves the interests of electronic communications providers. Therefore Member States should compensate the net costs of such connections supporting broadband speeds as part of the universal service from public funds, which should be understood to comprise funding from general government budgets.

Or. en

Justification

Where Member States choose to fund universal service obligations through a sectoral contribution, contributions towards funding can include consideration of market players beyond those providing the networks.

Amendment 232

Marlene Mizzi, Nicola Danti, Maria Grapini, Lucy Anderson

Proposal for a directive

Recital 221

Text proposed by the Commission

(221) When a universal service obligation represents an unfair burden on an undertaking, it is appropriate to allow Member States to establish mechanisms for efficiently recovering net costs. The net costs of universal service obligations should be recovered via public funds. Functional internet access brings benefits not only to the electronic communications sector but also to the wider online economy and to society as a whole. Providing a connection which supports broadband speeds to an increased number of end-users enables them to use online services and so actively to participate in the digital society. Ensuring such connections on the basis of universal service obligations serves at least

Amendment

(221) When a universal service obligation represents an unfair burden on an undertaking, it is appropriate to allow Member States to establish mechanisms for efficiently recovering net costs. The net costs of universal service obligations should be recovered via public funds ***or through a private mechanism***. Functional internet access brings benefits not only to the electronic communications sector but also to the wider online economy and to society as a whole. Providing a connection which supports broadband speeds to an increased number of end-users enables them to use online services and so actively to participate in the digital society. Ensuring such connections on the basis of

as much the public interest as it serves the interests of electronic communications providers. Therefore Member States should compensate the net costs of such connections supporting broadband speeds as part of the universal service from public funds, *which should be understood to comprise funding from general government budgets.*

universal service obligations serves at least as much the public interest as it serves the interests of electronic communications providers. Therefore Member States should compensate the net costs of such connections supporting broadband speeds as part of the universal service from public funds *or through sharing the costs between providers of electronic communication networks and services, and information society services.*

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 233

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 227

Text proposed by the Commission

(227) Considering the particular aspects related to reporting missing children, Member States should maintain their commitment to ensure that a well-functioning service for reporting missing children is actually available in their territories under the number ‘116000’

Amendment

(227) Considering the particular aspects related to reporting missing children, Member States should maintain their commitment to ensure that a well-functioning service for reporting missing children is actually available in their territories under the number ‘116000’.
Member States shall ensure that a review of their national system is carried out regarding transposition and implementation of the Directive, taking into account the measures needed to achieve a sufficient level of service quality in operating the 116 000 number as well as engaging the financial resources necessary to operate the hotline.

Or. en

Justification

This AM is needed to align the text of the code with the articles;

Amendment 234

Marlene Mizzi

Proposal for a directive

Recital 227

Text proposed by the Commission

(227) Considering the particular aspects related to reporting missing children, Member States should maintain their commitment to ensure that a well-functioning service for reporting missing children is actually available in their territories under the number ‘116000’

Amendment

(227) Considering the particular aspects related to reporting missing children, Member States should maintain their commitment to ensure that a well-functioning service for reporting missing children is actually available in their territories under the number ‘116000’. ***The definition of missing children falling under the 116000 number should include the following categories children: runaways, international child abductions, missing children, parental abductions, missing migrant children, criminal abductions and lost, sexual abuses and where the life of a child is at risk.***

Or. en

Amendment 235

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 227 a (new)

Text proposed by the Commission

Amendment

(227a) Even though efforts have been made to raise awareness since the first hotlines became operational after the EC Decision of 2007, hotlines still struggle with varying and often very low awareness in their countries. Strengthening the hotlines' efforts in

raising awareness of the number and the services provided is an important step to better protecting, supporting and preventing missing children. To that end Member States and the Commission shall continue to support efforts promoting the 116 000 number among the general public and among relevant stakeholders in national child protection systems.

Or. en

Justification

This AM is needed to align the text of the code with the articles;

Amendment 236

Marco Zullo, David Borrelli

Proposal for a directive

Recital 229 a (new)

Text proposed by the Commission

Amendment

(229a) In the case of number-based interpersonal communications services, there are significant price differences between national communications and those terminating in a different Member State, on both the mobile and the fixed network. Those differences should be eliminated unless the supplier shows that they are due to objective differences in costs.

Or. it

Amendment 237

Vicky Ford

Proposal for a directive

Recital 230

(230) Divergent implementation of the rules on end-user protection has created significant internal market barriers affecting both providers of electronic communications services and end-users. Those barriers should be reduced by the applicability of the same rules ensuring a high common level of protection across the Union. A calibrated full harmonisation of the end-user rights covered by this Directive should considerably increase legal certainty for both end-users and providers of electronic communications services, and should significantly lower entry barriers and unnecessary compliance burden stemming from the fragmentation of the rules. Full harmonisation helps to overcome barriers to the single market resulting from such national end-user provisions which at the same time protect national providers against competition from other Member States. In order to achieve a high common level of protection, several end-user provisions should be reasonably enhanced in this Directive in the light of best practices in Member States. Full harmonisation of their rights increases the trust of end-users in the internal market as they benefit from an equally high level of protection when using electronic communications services, not only in their Member State but also while living, working or travelling in other Member States. Member States should maintain the possibility to have a higher level of end-user protection where an explicit derogation is provided for in this Directive, ***and*** to act in areas not covered by this Directive.

(230) In order to achieve a high common level of protection, several end-user provisions should be reasonably enhanced in this Directive in the light of best practices in Member States. Full harmonisation of their rights increases the trust of end-users in the internal market as they benefit from an equally high level of protection when using electronic communications services, not only in their Member State but also while living, working or travelling in other Member States. Member States should maintain the possibility to have a higher level of end-user protection ***and*** where an explicit derogation is provided for in this Directive, ***whilst retaining the ability*** to act in areas not covered by this Directive. ***This is essential as National Regulatory Authorities must be given the flexibility to respond to and address new consumer harm as and when they emerge in their national markets.***

Or. en

Justification

Where specific consumer measures in national legislation exist, Member States may maintain

the possibility to have a higher level of end-user protection where they have identified consumer harm or are responding to specific consumer protection concerns arising from national market practices.

Amendment 238

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 232

Text proposed by the Commission

(232) Provisions on contracts in this Directive should apply irrespective the amount of any payment to be made by the customer. They should apply not only to consumers but also to micro and small enterprises as defined in Commission Recommendation 2003/361/EC, whose bargaining position is comparable to that of consumers and which should therefore benefit from the same level of protection. The provisions on contracts, including those contained in Directive 2011/83/EU on consumer rights, should apply automatically to those undertakings unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to micro and small enterprises, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same contractual information requirements as consumers. Other provisions, such as number portability, which are important also for larger enterprises should continue to apply to all end-users.

Amendment

(232) In order to achieve a high level of consumer protection, several end-user provisions should be reasonably enhanced in this Directive in the light of best practices in Member States. Minimum harmonisation of consumers' rights across Europe increases the trust of end-users in the internal market as they benefit from a high level of protection when using electronic communications networks and services. Therefore, Member States should maintain the possibility to have a higher level of end-user protection and to act in areas not covered by this Directive.

Or. en

Justification

This Amendment is needed to align the text with the rest of the Articles

Amendment 239

Marlene Mizzi, Biljana Borzan, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive**Recital 232 a (new)**

Text proposed by the Commission

Amendment

(232a) Very significant price differences continue to prevail, both for fixed and mobile communications, between domestic voice and SMS communications and those terminating in another Member State. While there are substantial variations between countries, operators and tariff packages, and between mobile and fixed services, this continues to affect more vulnerable customer groups and to pose barriers to seamless communication within the EU. Any significant retail price differences between electronic communications services terminating in the same Member State and those terminating in another Member State should therefore be justified by reference to objective criteria.

Or. en

Justification

The prohibition of price differentiation based on the geographical origin and destination of a service is an adequate approach, and telecom providers should therefore never be allowed to have access or pricing policies based on these elements, unless unavoidable and significant additional costs need to be covered to offer the service. In these cases, the proposal foresees a wide exception where “objectively justified” additional costs are present. In that regard, the proposed Directive must include legal clarity as to what should be the general principles to determine exemptions to the non-discrimination rule and mandate BEREC and NRAs to develop more detailed guidelines.

Amendment 240

Vicky Ford

Proposal for a directive**Recital 233**

Text proposed by the Commission

(233) The specificities of the electronic communications sector require, beyond horizontal contract rules, a limited number of additional end-user protection provisions. End-users should inter alia be informed of any quality of service levels offered, conditions for promotions and termination of contracts, applicable tariff plans and tariffs for services subject to particular pricing conditions. That information is relevant for most publicly available electronic communications services but not for number-independent interpersonal communications services. In order to enable the end-user to make a well-informed choice, it is essential that the required relevant information is provided prior to the conclusion of the contract and in clear and understandable language. For the same reason, providers should present a summary of the essential contract terms. In order to facilitate comparability and reduce compliance cost, BEREC should *issue a template for such contract summaries*.

Amendment

(233) The specificities of the electronic communications sector require, beyond horizontal contract rules, a limited number of additional end-user protection provisions. End-users should inter alia be informed of any quality of service levels offered, conditions for promotions and termination of contracts, applicable tariff plans and tariffs for services subject to particular pricing conditions. That information is relevant for most publicly available electronic communications services but not for number-independent interpersonal communications services. In order to enable the end-user to make a well-informed choice, it is essential that the required relevant information is provided prior to the conclusion of the contract and in clear and understandable language. For the same reason, providers should present a summary of the essential contract terms. In order to facilitate comparability and reduce compliance cost, *a common contact summary should be developed by national regulatory authorities, taking into account any relevant BEREC guidance. This summary should be limited in length and should summarise in plain and unambiguous terms the main elements of the contract.*

Or. en

Justification

National regulatory authorities shall develop the contract summary, taking account of any relevant BEREC guidelines

Amendment 241

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

**Proposal for a directive
Recital 233**

Text proposed by the Commission

(233) The specificities of the electronic communications sector require, beyond horizontal contract rules, ***a limited number of*** additional end-user protection provisions. End-users should inter alia be informed of any quality of service levels offered, conditions for promotions and termination of contracts, applicable tariff plans and tariffs for services subject to particular pricing conditions. That information is relevant for most publicly available electronic communications services ***but not for number-independent interpersonal communications services***. In order to enable the end-user to make a well-informed choice, it is essential that the required relevant information is provided prior to the conclusion of the contract and in clear and understandable language. For the same reason, providers should present a summary of the essential contract terms. In order to facilitate comparability and reduce compliance cost, BEREC should issue a template for such contract summaries.

Amendment

(233) The specificities of the electronic communications sector require, beyond horizontal contract rules ***an*** additional end-user protection provisions. End-users should inter alia be informed of any quality of service levels offered, conditions for promotions and termination of contracts, applicable tariff plans and tariffs for services subject to particular pricing conditions. That information is relevant for most publicly available electronic communications services. In order to enable the end-user to make a well-informed choice, it is essential that the required relevant information is provided prior to the conclusion of the contract and in clear and understandable language. For the same reason, providers should present a summary of the essential contract terms. In order to facilitate comparability and reduce compliance cost, BEREC should issue a template for such contract summaries. ***The pre-contractual information as well as the summary template should constitute an integral part of the final contract.***

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 242

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

**Proposal for a directive
Recital 233 a (new)**

Text proposed by the Commission

Amendment

(233a) Providers of electronic communication network and/or internet access service and interpersonal communication services provided for

remuneration should offer to end-users the possibility to set a financial cap on their usage. This should ensure that without the end-user's explicit consent, the accumulated expenditure over the specified billing period does not exceed a specified financial limit set by the end-user and that an appropriate notification shall be sent to the end-user, when consumption of services has reached the financial limit.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 243

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 235

Text proposed by the Commission

(235) With respect to terminal equipment, the customer contract should specify any restrictions imposed by the provider on the use of the equipment, such as by way of ‘SIM-locking’ mobile devices, if such restrictions are not prohibited under national legislation, and any charges due on termination of the contract, whether before or on the agreed expiry date, including any cost imposed in order to retain the equipment. Any charges due at early termination for terminal equipment and other promotional advantages should be calculated on the basis of customary depreciation methods and on a pro rata temporis basis, respectively.

Amendment

(235) Where a compensation linked to subsidised terminal equipment bundled with the contract at the moment of the contract conclusion exists, the maximum compensation that consumers should pay shall be determined based on either the remaining instalments for the terminal equipment bundled with the contract at the moment of the contract conclusion or the remaining part of the service fee until the end of the contract, whichever amount is smaller. Any restriction on the usage of terminal equipment on other networks shall be lifted, free of charge, by the provider at the latest upon payment of such compensation.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 244

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 237

Text proposed by the Commission

(237) The availability of transparent, up-to-date and comparable information on offers and services is a key element for consumers in competitive markets where several providers offer services. End-users should be able to easily compare the prices of various services offered on the market based on information published in an easily accessible form. In order to allow them to make price and service comparisons easily, national regulatory authorities should be able to require from undertakings providing electronic communications networks and/or electronic communications services ***other than number-independent interpersonal communications services*** greater transparency as regards information (including tariffs, quality of service, restrictions on terminal equipment supplied, and other relevant statistics). Any such requirements should take due account of the characteristics of those networks or services. They should also ensure that third parties have the right to use, without charge, publicly available information published by such undertakings, in view of providing comparison tools.

Amendment

(237) The availability of transparent, up-to-date and comparable information on offers and services is a key element for consumers in competitive markets where several providers offer services. End-users should be able to easily compare the prices of various services offered on the market based on information published in an easily accessible form. In order to allow them to make price and service comparisons easily, national regulatory authorities should be able to require from undertakings providing electronic communications networks and/or electronic communications services greater transparency as regards information (including tariffs, quality of service, restrictions on terminal equipment supplied, and other relevant statistics). Any such requirements should take due account of the characteristics of those networks or services. They should also ensure that third parties have the right to use, without charge, publicly available information published by such undertakings, in view of providing comparison tools. ***No internet access or interpersonal communication service provider should be given favourable treatment in search results.***

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 245

Ivan Štefanec

Proposal for a directive

Recital 237

Text proposed by the Commission

(237) The availability of transparent, up-to-date and comparable information on offers and services is a key element for consumers in competitive markets where several providers offer services. **End-users** should be able to easily compare the prices of various services offered on the market based on information published in an easily accessible form. In order to allow them to make price and service comparisons easily, national regulatory authorities should be able to require from undertakings providing electronic communications networks and/or **electronic communications services other than number-independent** interpersonal **communications** services greater transparency as regards information (including tariffs, quality of service, restrictions on terminal equipment supplied, and other relevant statistics). Any such requirements should take due account of the characteristics of those networks or services. They should also ensure that third parties have the right to use, without charge, publicly available information published by such undertakings, in view of providing comparison tools.

Amendment

(237) The availability of transparent, up-to-date and comparable information on offers and services is a key element for consumers in competitive markets where several providers offer services. **Consumers** should be able to easily compare the prices of various services offered on the market based on information published in an easily accessible form. In order to allow them to make price and service comparisons easily, national regulatory authorities should be able to require from undertakings providing electronic communications networks and/or **internet access service or** interpersonal **communication** services greater transparency as regards information (including tariffs, quality of service, restrictions on terminal equipment supplied, and other relevant statistics). Any such requirements should take due account of the characteristics of those networks or services. They should also ensure that third parties have the right to use, without charge, publicly available information published by such undertakings, in view of providing comparison tools.

Or. en

Amendment 246

Ivan Štefanec

Proposal for a directive

Recital 240

(240) Independent comparison tools should be operationally independent from providers of publicly available electronic communications services. They can be operated by private undertakings, or by or on behalf of competent authorities, however they should be operated in accordance with specified quality criteria including the requirement to provide details of their owners, provide accurate and up-to-date information, state the time of the last update, set out clear, objective criteria on which the comparison will be based and include a broad range of offers on publicly available ***electronic communications services other than number-independent interpersonal communications services*** covering a significant part of the market. Member States should be able to determine how often comparison tools are required to review and update the information they provide to end-users, taking into account the frequency with which providers of publicly available ***electronic communications services other than number-independent interpersonal communications services*** generally update their tariff and quality information. Where there is only one tool in a Member State and that tool ceases to operate or ceases to comply with the quality criteria, the Member State should ensure that end-users have access within a reasonable time to another comparison tool at national level.

(240) Independent comparison tools should be operationally independent from providers of publicly available electronic communications services. They can be operated by private undertakings, or by or on behalf of competent authorities, however they should be operated in accordance with specified quality criteria including the requirement to provide details of their owners, provide accurate and up-to-date information, state the time of the last update, set out clear, objective criteria on which the comparison will be based and include a broad range of offers on publicly available ***internet access service and interpersonal communication services***, covering a significant part of the market. Member States should be able to determine how often comparison tools are required to review and update the information they provide to end-users, taking into account the frequency with which providers of publicly available ***internet access service and interpersonal communication services*** generally update their tariff and quality information. Where there is only one tool in a Member State and that tool ceases to operate or ceases to comply with the quality criteria, the Member State should ensure that end-users have access within a reasonable time to another comparison tool at national level.

Or. en

Amendment 247
Vicky Ford

Proposal for a directive
Recital 243

Text proposed by the Commission

(243) National regulatory authorities should be empowered to monitor the quality of services and to collect systematically information on the quality of services, including that related to the provision of services to disabled end-users. This information should be collected on the basis of criteria which allow comparability between service providers and between Member States. Undertakings providing electronic communications services, operating in a competitive environment, are likely to make adequate and up-to-date information on their services publicly available for reasons of commercial advantage. National regulatory authorities should nonetheless be able to require publication of such information where it is demonstrated that such information is not effectively available to the public. National regulatory authorities should also set out the measurement methods to be applied by the service providers in order to improve the comparability of the data provided. ***In order to facilitate comparability across the Union and to reduce compliance cost, BEREC should adopt guidelines on relevant quality of service parameters which national regulatory authorities should take into utmost account.***

Amendment

(243) National regulatory authorities should be empowered to monitor the quality of services and to collect systematically information on the quality of services, including that related to the provision of services to disabled end-users. This information should be collected on the basis of criteria which allow comparability between service providers and between Member States. Undertakings providing electronic communications services, operating in a competitive environment, are likely to make adequate and up-to-date information on their services publicly available for reasons of commercial advantage. National regulatory authorities should nonetheless be able to require publication of such information where it is demonstrated that such information is not effectively available to the public. National regulatory authorities should also set out the measurement methods to be applied by the service providers in order to improve the comparability of the data provided.

Or. en

Amendment 248

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 244

Text proposed by the Commission

(244) In order to take full advantage of the competitive environment, consumers should be able to make informed choices

Amendment

(244) In order to take full advantage of the competitive environment, consumers should be able to make informed choices

and to change providers when it is in their best interest. It is essential to ensure that they are able to do so without being hindered by legal, technical or practical obstacles, including contractual conditions, procedures, charges etc. That does not preclude undertakings from setting reasonable minimum contractual periods of up to 24 months in consumer contracts. However, Member States should have the possibility to set a shorter maximum duration in light of national conditions, such as levels of competition and stability of network investments. Independently from the electronic communications service contract, consumers might prefer and benefit from a longer reimbursement period for physical connections. ***Such consumer commitments can be an important factor in facilitating deployment of very high capacity connectivity networks up to or very close to end-user premises, including through demand aggregation schemes which enable network investors to reduce initial take-up risks.*** However, the rights of consumers to switch between providers of electronic communications services, as established in this Directive, should not be restricted by such reimbursement periods in contracts on physical connections.

and to change providers when it is in their best interest. It is essential to ensure that they are able to do so without being hindered by legal, technical or practical obstacles, including contractual conditions, procedures, charges etc. That does not preclude undertakings from setting reasonable minimum contractual periods of up to 24 months in consumer contracts. However, Member States should have the possibility to set a shorter maximum duration in light of national conditions, such as levels of competition and stability of network investments. Independently from the electronic communications service contract, consumers might prefer and benefit from a longer reimbursement period for physical connections. However, the rights of consumers to switch between providers of electronic communications services, as established in this Directive, should not be restricted by such reimbursement periods in contracts on physical connections.

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 249

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 245

Text proposed by the Commission

(245) Consumers should be able to

Amendment

(245) Consumers should be able to

terminate *their* contract *without incurring any costs also in cases of automatic prolongation after the expiration of the initial contract term.*

terminate *a* contract *with a one-month notice period. No termination penalties shall be due.*

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 250

Vicky Ford

Proposal for a directive

Recital 246

Text proposed by the Commission

(246) Any changes to the contractual conditions imposed by providers of publicly available electronic communications services other than number-independent interpersonal communications services, to the detriment of the end-user, for example in relation to charges, tariffs, data volume limitations, data speeds, coverage, or the processing of personal data should be considered as giving rise to the right of the end-user to terminate the contract without incurring any costs, even if they are combined with some beneficial changes.

Amendment

(246) Any changes to the contractual conditions imposed by providers of publicly available electronic communications services other than number-independent interpersonal communications services, to the *material* detriment of the end-user, for example in relation to charges, tariffs, data volume limitations, data speeds, coverage, or the processing of personal data should be considered as giving rise to the right of the end-user to terminate the contract without incurring any costs, even if they are combined with some beneficial changes.

Or. en

Amendment 251

Marlene Mizzi, Maria Grapini, Marc Tarabella, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 246

Text proposed by the Commission

(246) Any changes to the contractual

Amendment

(246) Any changes to the contractual

conditions ***imposed*** by providers of publicly available electronic communications services other than number-independent interpersonal communications services, to the detriment of the end-user, for example in relation to charges, tariffs, data volume limitations, data speeds, coverage, or the processing of personal data should be considered as giving rise to the right of the end-user to terminate the contract without incurring any costs, ***even if they are combined with some beneficial changes.***

conditions ***proposed*** by providers of publicly available electronic communications services other than number-independent interpersonal communications services, to the detriment of the end-user, for example in relation to charges, tariffs, data volume limitations, data speeds, coverage, or the processing of personal data should be considered as giving rise to the right of the end-user to terminate the contract without incurring any costs. ***Subscription to one or more additional services offered should not re-start or extend the initial contract period unless the initial services or the additional services are offered at a special promotional price conditioned to the renewal of the existing contract, subject to the explicit previous agreement of the consumer to extend or renew the contract.***

Or. en

Justification

This amendment is needed to ensure the internal logic and coherence of the text.

Amendment 252

Vicky Ford

Proposal for a directive

Recital 247

Text proposed by the Commission

(247) The possibility of switching between providers is key for effective competition in a competitive environment. The availability of transparent, accurate and timely information on switching should increase the end-users' confidence in switching and make them more willing to engage actively in the competitive process. ***Service providers*** should ensure continuity of service so that end-users are able to switch providers without being hindered by the risk of a loss of service.

Amendment

(247) The possibility of switching between providers is key for effective competition in a competitive environment. The availability of transparent, accurate and timely information on switching should increase the end-users' confidence in switching and make them more willing to engage actively in the competitive process. ***National regulatory authorities*** should ***adopt measures that seek to*** ensure continuity of service so that end-users are able to switch providers without being

hindered by the risk of a loss of service.

Or. en

Amendment 253

Marco Zullo, David Borrelli

Proposal for a directive

Recital 251

Text proposed by the Commission

(251) Number portability is a key facilitator of consumer choice and effective competition in competitive markets for electronic communications and **should** be implemented with the minimum delay, so that the number is functionally activated within one working day and the user does not experience a loss of service lasting longer than one working day. In order to facilitate a one-stop-shop enabling a seamless switching experience for end-users, the switching process should be led by the receiving provider of electronic communications to the public. National regulatory authorities may prescribe the global process of the porting of numbers, taking into account national provisions on contracts and technological developments. Experience in certain Member States has shown that there is a risk of consumers being switched to another provider without having given their consent. While that is a matter that should primarily be addressed by law enforcement authorities, Member States should be able to impose such minimum proportionate measures regarding the switching process, including appropriate sanctions, as are necessary to minimise such risks, and to ensure that consumers are protected throughout the switching process without making the process less attractive for them.

Amendment

(251) Number portability is a key facilitator of consumer choice and effective competition in competitive markets for electronic communications and **must** be implemented with the minimum delay, so that the number is functionally activated within one working day and the user does not experience a loss of service lasting longer than one working day. In order to facilitate a one-stop-shop enabling a seamless switching experience for end-users, the switching process should be led by the receiving provider of electronic communications to the public. National regulatory authorities may prescribe the global process of the porting of numbers, taking into account national provisions on contracts and technological developments. ***Those provisions must not limit the right to number portability and should also allow users to change the assigned number without changing the associated SIM card.*** Experience in certain Member States has shown that there is a risk of consumers being switched to another provider without having given their consent. While that is a matter that should primarily be addressed by law enforcement authorities, Member States should be able to impose such minimum proportionate measures regarding the switching process, including appropriate sanctions, as are necessary to minimise such risks, and to ensure that consumers are protected throughout the switching process without

making the process less attractive for them.

Or. it

Amendment 254

Marlene Mizzi, Biljana Borzan, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 251

Text proposed by the Commission

(251) Number portability is a key facilitator of consumer choice and effective competition in competitive markets for electronic communications and should be implemented with the minimum delay, so that the number is functionally activated within one working day and the user does not experience a loss of service lasting longer than one working day. In order to facilitate a one-stop-shop enabling a seamless switching experience for end-users, the switching process should be led by the receiving provider of electronic communications to the public. National regulatory authorities may prescribe the global process of the porting of numbers, taking into account national provisions on contracts and technological developments. Experience in certain Member States has shown that there is a risk of consumers being switched to another provider without having given their consent. While that is a matter that should primarily be addressed by law enforcement authorities, Member States should be able to impose such minimum proportionate measures regarding the switching process, including appropriate sanctions, as are necessary to minimise such risks, and to ensure that consumers are protected throughout the switching process without making the process less attractive for them.

Amendment

(251) **Switching and** number portability is a key facilitator of consumer choice and effective competition in competitive markets for electronic communications and should be implemented with the minimum delay, so that the number is functionally activated within one working day and the user does not experience a loss of service lasting longer than one working day. In order to facilitate a one-stop-shop enabling a seamless switching experience for end-users, the switching process should be led by the receiving provider of electronic communications to the public. National regulatory authorities may prescribe the global process of the porting of numbers, taking into account national provisions on contracts and technological developments. Experience in certain Member States has shown that there is a risk of consumers being switched to another provider without having given their consent. While that is a matter that should primarily be addressed by law enforcement authorities, Member States should be able to impose such minimum proportionate measures regarding the switching process, including appropriate sanctions, as are necessary to minimise such risks, and to ensure that consumers are protected throughout the switching process without making the process less attractive for them.

Or. en

Amendment 255

Vicky Ford

Proposal for a directive

Recital 252

Text proposed by the Commission

(252) Bundles comprising publicly available electronic communications services other than number-independent interpersonal communications services, and other services such as linear broadcasting, or goods such as devices, have become increasingly widespread and are an important element of competition. While they often bring about benefits for end-users, they can make switching more difficult or costly and raise risks of contractual "lock-in". Where divergent contractual rules on contract termination and switching apply to the different services, and to any contractual commitment regarding acquisition of products which form part of a bundle, consumers are effectively hampered in their rights under this Directive to switch to competitive offers for the entire bundle or parts of it. The provisions of this Directive regarding contracts, transparency, contract duration and termination and switching should, therefore, apply to all elements of a bundle, except to the extent that other rules applicable to the non-electronic communications elements of the bundle are more favourable to the consumer. Other contractual issues, such as the remedies applicable in the event of non-conformity with the contract, should be governed by the rules applicable to the respective element of the bundle, for instance by the rules of contracts for the sales of goods or for the supply of digital content. For the same reasons consumers should not be locked in with a provider by means of a contractual de facto extension of the initial contract period.

Amendment

(252) Bundles comprising publicly available electronic communications services other than number-independent interpersonal communications services, and other services such as linear broadcasting, or goods such as devices, have become increasingly widespread and are an important element of competition. While they often bring about benefits for end-users, they can make switching more difficult or costly and raise risks of contractual "lock-in". Where divergent contractual rules on contract termination and switching apply to the different services, and to any contractual commitment regarding acquisition of products which form part of a bundle, consumers are effectively hampered in their rights under this Directive to switch to competitive offers for the entire bundle or parts of it. The provisions of this Directive regarding contracts, transparency, contract duration and termination and switching should, therefore, apply to all elements of a bundle, except to the extent that other rules applicable to the non-electronic communications elements of the bundle are more favourable to the consumer. Other contractual issues, such as the remedies applicable in the event of non-conformity with the contract, should be governed by the rules applicable to the respective element of the bundle, for instance by the rules of contracts for the sales of goods or for the supply of digital content. For the same reasons consumers should not be locked in with a provider by means of a contractual de facto extension of the initial contract period. ***Member States should retain the discretion to exempt elements in the bundle in cases where their nature***

implies different regulatory treatment, for example because those elements are addressed by other sector-specific regulation.

Or. en

Amendment 256

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 252

Text proposed by the Commission

(252) Bundles comprising publicly available electronic communications services other than number-independent interpersonal communications services, and other services such as linear broadcasting, or *goods* such as devices, have become increasingly widespread and are an important element of competition. While they often bring about benefits for end-users, they can make switching more difficult or costly and raise risks of contractual "lock-in". Where divergent contractual rules on contract termination and switching apply to the different services, and to any contractual commitment regarding acquisition of products which form part of a bundle, consumers are effectively hampered in their rights under this Directive to switch to competitive offers for the entire bundle or parts of it. The provisions of this Directive regarding contracts, transparency, contract duration and termination and switching should, therefore, apply to all elements of a bundle, except to the extent that other rules applicable to the non-electronic communications elements of the bundle are more favourable to the consumer. Other contractual issues, such as the remedies applicable in the event of non-conformity with the contract, should be governed by the rules applicable to the respective

Amendment

(252) Bundles comprising publicly available electronic communications services other than number-independent interpersonal communications services, and other services such as linear broadcasting, or *terminal equipment* such as devices, have become increasingly widespread and are an important element of competition. While they often bring about benefits for end-users, they can make switching more difficult or costly and raise risks of contractual "lock-in". Where divergent contractual rules on contract termination and switching apply to the different services, and to any contractual commitment regarding acquisition of products which form part of a bundle, consumers are effectively hampered in their rights under this Directive to switch to competitive offers for the entire bundle or parts of it. The provisions of this Directive regarding contracts, transparency, contract duration and termination and switching should, therefore, apply to all elements of a bundle, except to the extent that other rules applicable to the non-electronic communications elements of the bundle are more favourable to the consumer. Other contractual issues, such as the remedies applicable in the event of non-conformity with the contract, should be governed by the rules applicable to the respective

element of the bundle, for instance by the rules of contracts for the sales of goods or for the supply of digital content. For the same reasons consumers should not be locked in with a provider by means of a contractual de facto extension of the initial contract period.

element of the bundle, for instance by the rules of contracts for the sales of goods or for the supply of digital content. For the same reasons consumers should not be locked in with a provider by means of a contractual de facto extension of the initial contract period.

Or. en

Amendment 257
Julia Reda

Proposal for a directive
Recital 254

Text proposed by the Commission

(254) In line with the objectives of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities, the regulatory framework should ensure that all users, including *disabled end-users, the elderly*, and users with special social needs, have easy access to affordable high quality services. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the Union shall take account of the needs of persons with *a disability* in drawing up measures under Article 114 of the TFEU.

Amendment

(254) In line with the objectives of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities, the regulatory framework should ensure that *the electronic communications market follows a Universal Design approach and that* all users, including *end-users with disabilities, older people*, and users with special social needs, have easy *and equal* access to affordable *and accessible* high quality services. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the Union shall take account of the needs of persons with *disabilities* in drawing up measures under Article 114 of the TFEU.

Or. en

Justification

Improvement of the recital, highlighting the importance of universal design.

Amendment 258
Jiří Maštálka, Kateřina Konečná

Proposal for a directive
Recital 254

Text proposed by the Commission

(254) In line with the objectives of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities, the regulatory framework should ensure that all users, including ***disabled end-users, the elderly***, and users with special social needs, have easy access to affordable high quality services. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the Union shall take account of the needs of persons with ***a disability*** in drawing up measures under Article 114 of the TFEU.

Amendment

(254) In line with the objectives of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities, the regulatory framework should ensure that ***the electronic communications market follows a Universal Design approach and that*** all users, including ***end-users with disabilities, older people***, and users with special social needs, have easy ***and equal*** access to affordable ***and accessible*** high quality services. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the Union shall take account of the needs of persons with ***disabilities*** in drawing up measures under Article 114 of the TFEU.

Or. en

Amendment 259

Marlene Mizzi, Nicola Danti, Biljana Borzan, Maria Grapini, Marc Tarabella, Olga Sehnalová, Kerstin Westphal, Lucy Anderson

Proposal for a directive
Recital 254

Text proposed by the Commission

(254) In line with the objectives of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities, the regulatory framework should ensure that all users, including ***disabled end-users, the elderly***, and users with special social needs, have easy access to affordable high quality services. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of

Amendment

(254) In line with the objectives of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities, the regulatory framework should ensure that all users, including ***end-users with disabilities, older people***, and users with special social needs, have easy ***and equal*** access to affordable ***and accessible*** high quality services. Declaration 22 annexed to the final Act of

the Union shall take account of the needs of persons with *a disability* in drawing up measures under Article 114 of the TFEU.

Amsterdam provides that the institutions of the Union shall take account of the needs of persons with *disabilities* in drawing up measures under Article 114 of the TFEU.

Or. en

Justification

Aligning this recital with the rest of the text.

Amendment 260

Marlene Mizzi, Virginie Rozière, Maria Grapini, Marc Tarabella, Olga Sehnalová, Sergio Gutiérrez Prieto, Clara Eugenia Aguilera García, Lucy Anderson

Proposal for a directive Recital 255

Text proposed by the Commission

(255) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables number-based interpersonal communications services, including when using roaming services in a Member State. Emergency communications are means of communication, that include not only voice communications but also *SMS, messaging, video* or other types of communications, that are enabled in a Member State to access emergency services. Emergency communication can be triggered on behalf of a person by the eCall in-vehicle system as defined by Regulation 2015/758/EU of the European Parliament and of the Council⁴¹.

Amendment

(255) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, *pre-registration or pre-installation of any kind of software*, from any device which enables number-based interpersonal communications services, *private telecommunications networks, relay services and total conversation services and where applicable through internal emergency services*, including when using roaming services in a Member State. Emergency communications are means of communication, that include not only voice communications but also *real-time text, including through the use of third party relay services*, that are enabled in a Member State to access emergency services. Emergency communication can be triggered on behalf of a person by the eCall in-vehicle system as defined by Regulation 2015/758/EU of the European Parliament and of the Council⁴¹.

⁴¹ Regulation 2015/758/EU of the European Parliament and of the Council concerning type-approval requirements for the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC(OJ L 123, 19.5.2015, p. 77)

⁴¹ Regulation 2015/758/EU of the European Parliament and of the Council concerning type-approval requirements for the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC(OJ L 123, 19.5.2015, p. 77)

Or. en

Justification

Justification: The AM aim is needed to align the text with Article 102.

Amendment 261

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 255

Text proposed by the Commission

(255) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables number-based interpersonal communications services, including when using roaming services in a Member State. Emergency communications are means of communication, that include not only voice communications but also **SMS, messaging**, video or other types of communications, that are enabled in a Member State to access emergency services. Emergency communication can be triggered on behalf of a person by the eCall in-vehicle system as defined by Regulation 2015/758/EU of the European Parliament and of the Council⁴¹.

⁴¹ Regulation 2015/758/EU of the European Parliament and of the Council concerning type-approval requirements for

Amendment

(255) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, **pre-registration, pre-installation of any kind of software**, from any device which enables number-based interpersonal communications services, including when using roaming services in a Member State. Emergency communications are means of communication, that include not only voice communications but also **real-time text**, video or other types of communications, **including through the use of third party relay services**, that are enabled in a Member State to access emergency services. Emergency communication can be triggered on behalf of a person by the eCall in-vehicle system as defined by Regulation 2015/758/EU of the European Parliament and of the Council⁴¹.

⁴¹ Regulation 2015/758/EU of the European Parliament and of the Council concerning type-approval requirements for

the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC(OJ L 123, 19.5.2015, p. 77)

the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC(OJ L 123, 19.5.2015, p. 77)

Or. en

Amendment 262

Vicky Ford

Proposal for a directive

Recital 256

Text proposed by the Commission

(256) Member States should ensure that undertakings providing end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, taking into account national specifications and criteria. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to ensure that emergency calls made through their service are routed to the most appropriate PSAP with the same reliability. For such network-independent undertakings, namely undertakings which are not integrated with a public communications network provider, providing caller location information may not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision at a level comparable to that required of other providers of such communications services.

Amendment

(256) Member States should ensure that undertakings providing end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, taking into account national specifications and criteria ***and the capabilities of national PSAPs***. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to ensure that emergency calls made through their service are routed to the most appropriate PSAP with the same reliability. For such network-independent undertakings, namely undertakings which are not integrated with a public communications network provider, providing caller location information may not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision at a level comparable to that required of other providers of such communications services. ***This may***

include the designation by a Member State of a single PSAP for receiving such emergency communications. Where such standards and the related PSAP systems have not yet been implemented, network-independent number-based interpersonal communications services should inform end-users when access to emergency services and caller location information is not available.

Or. en

Justification

Access to emergency services for network-independent number-based interpersonal communications services depends on the deployment of new systems by national PSAPs to receive communications from number-based ICS calling services.

Amendment 263

Lambert van Nistelrooij, Carlos Coelho, Mihai Țurcanu, Antonio López-Istúriz White, Ramón Luis Valcárcel Siso, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Recital 256

Text proposed by the Commission

(256) Member States should ensure that undertakings providing end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, taking into account national specifications and criteria. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to ensure that emergency calls made through their service are routed to the most appropriate PSAP with the same reliability. For such network-independent undertakings, namely undertakings which are not integrated with a public communications network provider, providing caller location information may

Amendment

(256) Member States should ensure that undertakings providing end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, taking into account national specifications and criteria **and the capabilities of national PSAPs**. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to ensure that emergency calls made through their service are routed to the most appropriate PSAP with the same reliability. For such network-independent undertakings, namely undertakings which are not integrated with a public communications network provider,

not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision *at a level comparable to that required of other providers of such communications services.*

providing caller location information may not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision. *Where such standards and the related PSAP systems have not yet been implemented, network-independent number-based interpersonal communications services should not be required to provide access to emergency services except in a manner that is technically feasible or economically viable. As an example, this may include the designation by a Member State of a single, central PSAP for receiving emergency communications.*

Or. en

Amendment 264

Marlene Mizzi, Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 256

Text proposed by the Commission

(256) Member States should ensure that undertakings providing end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, taking into account national specifications and criteria. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to ensure that emergency calls made through their service are routed to the most

Amendment

(256) Member States should ensure that undertakings providing end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, *including where possible through total conversation services* taking into account national specifications and criteria. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to

appropriate PSAP with the same reliability. For such network-independent undertakings, namely undertakings which are not integrated with a public communications network provider, providing caller location information may not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision at a level comparable to that required of other providers of such communications services.

ensure that emergency calls made through their service are routed to the most appropriate PSAP with the same reliability. For such network-independent undertakings, namely undertakings which are not integrated with a public communications network provider, providing caller location information may not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision at a level comparable to that required of other providers of such communications services.

Or. en

Amendment 265

Marlene Mizzi, Maria Grapini, Marc Tarabella, Sergio Gutiérrez Prieto, Clara Eugenia Aguilera García, Lucy Anderson

Proposal for a directive Recital 256 a (new)

Text proposed by the Commission

Amendment

(256a) In case of an appreciable threat to effective access to emergency services in the future the Commission might extend the emergency services to all interpersonal communications services. Prior to extending the emergency services to interpersonal communication services, the Commission, shall assess in close consultation with industry, Member States' PSAPs, standardisation bodies and other relevant stakeholders, the feasibility of those services to provide accurate and reliable access to emergency service, including location data, and of the PSAPs

to be capable of receiving such communications through number-independent interpersonal communications services. End-users should be informed by the provider of interpersonal communication services if support access to 112 is not provided and in case they do if the call or text does not go to the PSAPs.

Or. en

Justification

The AM aim is needed to align the text with Article 102.

Amendment 266

Marlene Mizzi, Virginie Rozière, Maria Grapini, Marc Tarabella, Sergio Gutiérrez Prieto, Clara Eugenia Aguilera García, Lucy Anderson

**Proposal for a directive
Recital 256 b (new)**

Text proposed by the Commission

Amendment

(256b) There is a current existing deficit when it comes to the reporting and performance measurement by Member States with respect to the answering and handling of emergency calls. Therefore, the Commission, having consulted the national regulatory authorities and emergency services, shall adopt performance indicators applicable to the Member States emergency services and report back to the European Parliament and the Council on the effectiveness of the implementation of the European emergency call number "112" and on the functioning of the performance indicators.

Or. en

Justification

The AM aim is needed to align the text with Article 102.

Amendment 267

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 257

Text proposed by the Commission

(257) Member States should take specific measures to ensure that emergency services, including ‘112’, are equally accessible to **disabled end-users**, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users. This could involve the provision of special terminal devices for **hearing-impaired users, text relay services, or other specific equipment**.

Amendment

(257) Member States should take specific measures to ensure that emergency services, including ‘112’, are equally accessible to **end-users with disabilities**, in particular deaf, hearing-impaired, speech-impaired, **blind** and deaf-blind users **through real-time text or the use of third party relay services interoperable with the telephony networks across the EU**. This could **also** involve the provision of special terminal devices for **people with disabilities when the abovementioned ways of communication are not suitable for them**.

Or. en

Amendment 268

Julia Reda

Proposal for a directive

Recital 257

Text proposed by the Commission

(257) Member States should take specific measures to ensure that emergency services, including ‘112’, are equally accessible to **disabled end-users**, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users. This could involve the provision of special terminal devices for **hearing-impaired users, text relay services, or other specific equipment**.

Amendment

(257) Member States should take specific measures to ensure that emergency services, including '112', are equally accessible to **end-users with disabilities**, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users **through real-time text or the use of third party relay services interoperable with the telephony networks across the EU**. This could **also** involve the provision of special terminal devices for **people with disabilities when the abovementioned**

ways of communication are not suitable for them.

Or. en

Justification

This amendment is necessary in order to ensure the internal logic and coherence of the text

Amendment 269

Marlene Mizzi, Biljana Borzan, Virginie Rozière, Maria Grapini, Marc Tarabella, Olga Sehnalová, Kerstin Westphal, Sergio Gutiérrez Prieto, Clara Eugenia Aguilera García, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 257

Text proposed by the Commission

(257) Member States should take specific measures to ensure that emergency services, including ‘112’, are equally accessible to *disabled end-users*, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users. This could involve the provision of special terminal devices *for hearing-impaired users, text relay services, or other specific equipment*.

Amendment

(257) Member States should take specific measures to ensure that emergency services, including ‘112’, are equally accessible to *end-users with disabilities*, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users *through real time text or the use of third party relay services interoperable with the telephony networks across the EU*. This could also involve the provision of special terminal devices *people with disabilities when the abovementioned ways of communication are not suitable for them*.

Or. en

Justification

The AM aim is needed to align the text with Article 102.

Amendment 270

Marlene Mizzi, Virginie Rozière, Maria Grapini, Marc Tarabella, Sergio Gutiérrez Prieto, Clara Eugenia Aguilera García, Lucy Anderson

Proposal for a directive

Recital 259

(259) Caller location information improves the level of protection and the security of end-users and assists the emergency services in the discharge of their duties, provided that the transfer of emergency communication and associated data to the emergency services concerned is guaranteed by the national system of PSAPs. The reception and use of caller location information should comply with relevant Union law on the processing of personal data. Undertakings that provide network-based location should make caller location information available to emergency services as soon as the call reaches that service, independently of the technology used. However handset-based location technologies have proven to be significantly more accurate and cost effective due to the availability of data provided by the EGNOS and Galileo Satellite system and other Global Navigation Satellite Systems and Wi-Fi data. Therefore handset-derived caller location information should complement network-based location information even if the handset-derived location may become available only after the emergency communication is set up. Member States should ensure that the PSAPs are able to retrieve and manage the caller location information available. The establishment and transmission of caller location information should be free of charge for both the end-user and the authority handling the emergency communication irrespective of the means of establishment, for example through the handset or the network, or the means of transmission, for example through voice channel, SMS or Internet Protocol-based.

(259) Caller location information improves the level of protection and the security of end-users and assists the emergency services in the discharge of their duties, provided that the transfer of emergency communication and associated data to the emergency services concerned is guaranteed by the national system of PSAPs. The reception and use of caller location information ***which includes both network-based location information and where available, enhanced handset caller location information*** should comply with relevant Union law on the processing of personal data ***and security measures***. Undertakings that provide network-based location should make caller location information available to emergency services as soon as the call reaches that service, independently of the technology used. However handset-based location technologies have proven to be significantly more accurate and cost effective due to the availability of data provided by the EGNOS and Galileo Satellite system and other Global Navigation Satellite Systems and Wi-Fi data. Therefore handset-derived caller location information should complement network-based location information even if the handset-derived location may become available only after the emergency communication is set up. Member States should ensure that the PSAPs are able to retrieve and manage the caller location information available. ***In addition, BEREC, having consulted the stakeholders and in close collaboration with the Commission, shall set up guidelines laying down the criteria for the accuracy and reliability of the caller location information to be provided to the emergency services. The guidelines shall take into account the feasibility of using a mobile terminal equipped with a GNSS devices of mobile terminals in order to***

improve the accuracy and reliability of the caller location information of a 112 call.

The establishment and transmission of caller location information should be free of charge for both the end-user and the authority handling the emergency communication irrespective of the means of establishment, for example through the handset or the network, or the means of transmission, for example through voice channel, SMS or Internet Protocol-based.

Or. en

Justification

The AM aim is needed to align the text with Article 102.

Amendment 271

Vicky Ford

Proposal for a directive

Recital 259

Text proposed by the Commission

(259) Caller location information improves the level of protection and the security of end-users and assists the emergency services in the discharge of their duties, provided that the transfer of emergency communication and associated data to the emergency services concerned is guaranteed by the national system of PSAPs. The reception and use of caller location information should comply with relevant Union law on the processing of personal data. Undertakings that provide network-based location should make caller location information available to emergency services as soon as the call reaches that service, independently of the technology used. However handset-based location technologies have proven to be significantly more accurate and cost effective due to the availability of data provided by the EGNOS and Galileo

Amendment

(259) Caller location information improves the level of protection and the security of end-users and assists the emergency services in the discharge of their duties, provided that the transfer of emergency communication and associated data to the emergency services concerned is guaranteed by the national system of PSAPs. The reception and use of caller location information should comply with relevant Union law on the processing of personal data. Undertakings that provide network-based location should make caller location information available to emergency services as soon as the call reaches that service, independently of the technology used. However handset-based location technologies have proven to be significantly more accurate and cost effective due to the availability of data provided by the EGNOS and Galileo

Satellite system and other Global Navigation Satellite Systems and Wi-Fi data. Therefore handset-derived caller location information should complement network-based location information even if the handset-derived location may become available only after the emergency communication is set up. Member States should ensure that the PSAPs are able to retrieve and manage the caller location information *available*. The establishment and transmission of caller location information should be free of charge for both the end-user and the authority handling the emergency communication irrespective of the means of establishment, for example through the handset or the network, or the means of transmission, for example through voice channel, SMS or Internet Protocol-based.

Satellite system and other Global Navigation Satellite Systems and Wi-Fi data. Therefore handset-derived caller location information should complement network-based location information even if the handset-derived location may become available only after the emergency communication is set up. Member States should ensure that the PSAPs are able to retrieve and manage the caller location information *where feasible*. The establishment and transmission of caller location information should be free of charge for both the end-user and the authority handling the emergency communication irrespective of the means of establishment, for example through the handset or the network, or the means of transmission, for example through voice channel, SMS or Internet Protocol-based.

Or. en

Justification

Caller location information may not always be present when using network-independent number-based interpersonal communications services.

Amendment 272

Marlene Mizzi, Nicola Danti, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive Recital 260 a (new)

Text proposed by the Commission

Amendment

(260a) Currently, a citizen in Country A who has a need to contact the emergency services in Country B cannot do so because the emergency services have no facility to contact each other. The solution is to have an EU-wide, secure database of telephone numbers for a lead emergency service(s) in each country. Therefore, the Commission shall maintain a secure database of E.164 European emergency service numbers in order to ensure that

they can be contacted in one Member State from another.

Or. en

Justification

The AM aim is needed to align the text with Article 102.

Amendment 273

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 260 b (new)

Text proposed by the Commission

Amendment

(260b) Recent terrorist attacks in Europe have highlighted the lack of efficient public warning systems in the Member States and across Europe. It is crucial that Member States can inform all the population in a determined area of ongoing disasters/attacks or upcoming threats, through the use of electronic communications networks and services, the establishment of national efficient 'Reverse-112' communication system for warning and alerting citizens, in case of imminent or developing natural and/or man-made major emergencies and disasters, taking into account existing national and regional systems and without hindering privacy and data protection rules. The Commission should also assess if it is feasible to set up a universal, accessible, cross-border EU-wide "Reverse 112 communication system" in order to alert the public in the event of an imminent or developing disaster or major state of emergency across different Member States.

Or. en

Justification

The AM aim is needed to align the text with Article 102.

Amendment 274

Julia Reda

Proposal for a directive

Recital 261

Text proposed by the Commission

(261) In order to ensure that ***disabled end-users*** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements for ***disabled end-users*** to be met by undertakings providing publicly available electronic communications services. Such requirements can include, in particular, that undertakings ensure that ***disabled end-users*** take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by these undertakings. Other requirements can relate to wholesale arrangements between undertakings. ***In order to avoid creating an excessive burden on service providers national regulatory authorities should verify, whether the objectives of equivalent access and choice can actually be achieved without such*** measures.

Amendment

(261) In order to ensure that ***end-users with disabilities*** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements for ***end-users with disabilities*** to be met by undertakings providing publicly available electronic communications services. Such requirements can include, in particular, that undertakings ensure that ***end-users with disabilities*** take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by these undertakings. Other requirements can relate to wholesale arrangements between undertakings. ***National regulatory authorities should verify in consultation with service providers and representative organisations of persons with disabilities, whether the objectives of equivalent access and choice can actually be achieved with other*** measures.

Or. en

Justification

The objective of equal access and choice for persons with disabilities should be kept in the Directive. Furthermore, consultation with persons with disabilities should be strengthened in

line with article 4.3 of the UNCRPD enshrining the motto of the disability movement “nothing about us without us”.

Amendment 275

Marlene Mizzi, Nicola Danti, Biljana Borzan, Maria Grapini, Marc Tarabella, Olga Sehnalová, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 261

Text proposed by the Commission

(261) In order to ensure that **disabled end-users** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements **for disabled end-users** to be met by undertakings providing publicly available electronic communications services. Such requirements can include, in particular, that undertakings ensure that **disabled** end-users take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by these undertakings. Other requirements can relate to wholesale arrangements between undertakings. **In order to avoid creating an excessive burden on service providers national regulatory authorities should verify**, whether the objectives of equivalent access and choice can actually be achieved **without such** measures.

Amendment

(261) In order to ensure that **end-users with disabilities** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements **end-users with disabilities** to be met by undertakings providing publicly available electronic communications services. Such requirements can include, in particular, that undertakings ensure that end-users **with disabilities** take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by these undertakings. Other requirements can relate to wholesale arrangements between undertakings. **National regulatory authorities should verify in consultation with service providers and representative organisations of persons with disabilities**, whether the objectives of equivalent access and choice can actually be achieved **with other** measures.

Or. en

Justification

Aligning this recital with the rest of the text.

Amendment 276

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 261

Text proposed by the Commission

(261) In order to ensure that **disabled end-users** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements for **disabled end-users** to be met by undertakings providing publicly available electronic communications services. Such requirements can include, in particular, that undertakings ensure that **disabled** end-users take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by these undertakings. **Other requirements can relate to wholesale arrangements between undertakings. In order to avoid creating an excessive burden on service providers national regulatory authorities should verify, whether the objectives of equivalent access and choice can actually be achieved without such measures.**

Amendment

(261) In order to ensure that **end-users with disabilities** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements for **end-users with disabilities** to be met by undertakings providing publicly available electronic communications services. Such requirements can include, in particular, that undertakings ensure that end-users **with disabilities** take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by these undertakings. **National regulatory authorities should verify in consultation with service providers and representative organisations of persons with disabilities, whether the objectives of equivalent access and choice can actually be achieved with other measures.**

Or. en

Amendment 277

Marlene Mizzi, Maria Grapini, Marc Tarabella, Olga Sehnalová, Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 262

Text proposed by the Commission

(262) In addition to the affordability

Amendment

(262) In addition to the affordability

measures for **disabled users** set out in this Directive, Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services sets out several compulsory requirements for the harmonisation of a number of accessibility features for **disabled users** of electronic communications services and related consumer terminal equipment. Therefore the corresponding obligation in this Directive that required Member States to encourage the availability of terminal equipment for **disabled users** has become obsolete and should be repealed.

measures for **users with disabilities** set out in this Directive, Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services sets out several compulsory requirements for the harmonisation of a number of accessibility features for **users with disabilities** of electronic communications services and related consumer terminal equipment. Therefore the corresponding obligation in this Directive that required Member States to encourage the availability of terminal equipment for **users with disabilities** has become obsolete and should be repealed **except for the provision of assistive technologies interoperable with publicly available electronic communication terminal equipment and services, when the latter do not meet the needs of specific groups of persons with disabilities.**

Or. en

Justification

Aligning this recital with the rest of the text.

Amendment 278

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 262

Text proposed by the Commission

(262) In addition to the affordability measures for **disabled users** set out in this Directive, Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services sets

Amendment

(262) In addition to the affordability measures for **users with disabilities** set out in this Directive, Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and

out several compulsory requirements for the harmonisation of a number of accessibility features for **disabled users** of electronic communications services and related consumer terminal equipment. Therefore the corresponding obligation in this Directive that required Member States to encourage the availability of terminal equipment for **disabled** users has become obsolete and should be repealed.

services sets out several compulsory requirements for the harmonisation of a number of accessibility features for **end-users with disabilities** of electronic communications services and related consumer terminal equipment. Therefore the corresponding obligation in this Directive that required Member States to encourage the availability of terminal equipment for **end- users with disabilities** has become obsolete and should be repealed, **except for the provision of assistive technologies interoperable with publicly available electronic communication terminal equipment and services, when the latter do not meet the needs of specific groups of persons with disabilities.**

Or. en

Amendment 279
Julia Reda

Proposal for a directive
Recital 262

Text proposed by the Commission

(262) In addition to the affordability measures for **disabled users** set out in this Directive, Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services sets out several compulsory requirements for the harmonisation of a number of accessibility features for **disabled users** of electronic communications services and related consumer terminal equipment. Therefore the corresponding obligation in this Directive that required Member States to encourage the availability of terminal equipment for **disabled users** has become

Amendment

(262) In addition to the affordability measures for **end-users with disabilities** set out in this Directive, Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services sets out several compulsory requirements for the harmonisation of a number of accessibility features for **end-users with disabilities** of electronic communications services and related consumer terminal equipment. Therefore the corresponding obligation in this Directive that required Member States to encourage the availability of terminal equipment for **end-**

obsolete and should be repealed.

users with disabilities has become obsolete and should be repealed, **except for the provision of assistive technologies interoperable with publicly available electronic communication terminal equipment and services, when the latter do not meet the needs of specific groups of persons with disabilities.**

Or. en

Justification

Persons with disabilities have the right to use the same products and services as anybody else. In specific cases, further assistive solutions will be needed, and these solutions should be compatible with the mainstream services and products.

Amendment 280

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 262 a (new)

Text proposed by the Commission

Amendment

(262a) In case of emergency like a natural disaster or a manmade disaster the electric power supply and the mobile network might be shut down or overloaded. Mobile phones might be the only battery charged means to receive information. Radio is possibly the only remaining tool to inform the public during this time. For this reason the presence of analogue and digital broadcast reception capability should be enabled in all devices and automatically activated in case of emergency. In case of natural or manmade disasters the radio signal shall be turned on automatically on consumer radio equipment

Or. en

Amendment 281
Curzio Maltese, Jiří Maštálka

Proposal for a directive
Recital 262 a (new)

Text proposed by the Commission

Amendment

(262a) In case of emergency, like natural disasters, the electric power supply as well as the mobile network might be shut down or overloaded. Mobile phones might therefore be the only means to receive information. As result, radio may be the only remaining tool to inform the public. Therefore, it is necessary to enable analogue and digital broadcast reception capabilities in all devices, which will be automatically activated in case of emergency. Moreover, the radio signal should be turned on automatically on consumer radio equipment.

Or. en

Amendment 282
Marlene Mizzi, Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive
Recital 265

Text proposed by the Commission

Amendment

(265) End-users should be able to enjoy a guarantee of interoperability in respect of all equipment sold in the Union for the reception of digital television. Member States should be able to require minimum harmonised standards in respect of such equipment. Such standards could be adapted from time to time in the light of technological and market developments.

(265) End-users should be able to enjoy a guarantee of interoperability in respect of all equipment sold in the Union for the reception of ***radio and*** digital television. Member States should be able to require minimum harmonised standards in respect of such equipment. Such standards could be adapted from time to time in the light of technological and market developments.

Or. en

Amendment 283
Dita Charanzová

Proposal for a directive
Recital 266

Text proposed by the Commission

(266) It is desirable to enable consumers to achieve the fullest connectivity possible to digital television sets. Interoperability is an evolving concept in dynamic markets. Standards bodies should do their utmost to ensure that appropriate standards evolve along with the technologies concerned. It is likewise important to ensure that connectors are available on digital television sets that are capable of passing all the necessary elements of a digital signal, including the audio and video streams, conditional access information, service information, application program interface (API) information and copy protection information. This Directive should therefore ensure that the functionality associated to and/or implemented in connectors is not limited by network operators, service providers or equipment manufacturers and continue to evolve in line with technological developments. For display and presentation of connected television services, the realisation of a common standard through a market-driven mechanism is recognised as a consumer benefit. Member States and the Commission may take policy initiatives, consistent with the Treaty, to encourage this development.

Amendment

(266) It is desirable to enable consumers to achieve the fullest connectivity possible to digital **radio and** television sets. Interoperability is an evolving concept in dynamic markets. Standards bodies should do their utmost to ensure that appropriate standards evolve along with the technologies concerned. It is likewise important to ensure that connectors are available on digital television sets that are capable of passing all the necessary elements of a digital signal, including the audio and video streams, conditional access information, service information, application program interface (API) information and copy protection information. This Directive should therefore ensure that the functionality associated to and/or implemented in connectors is not limited by network operators, service providers or equipment manufacturers and continue to evolve in line with technological developments. For display and presentation of connected television services, the realisation of a common standard through a market-driven mechanism is recognised as a consumer benefit. Member States and the Commission may take policy initiatives, consistent with the Treaty, to encourage this development. ***A radio set should be understood as a device whose primary functions include the receiving of radio broadcasts, even when combined with other functions. Purely ancillary receivers should not be deemed as making a device, a radio set. For example, a vehicle headset unit combining a navigation system and radio receiver should be included within this understanding, while a mobile telephone with a FM receiver***

would not have radio reception as a primary function.

Or. en

(See Amendment 53 of the Rapporteur)

Justification

Further clarification on what is included in the concept of a radio set. This should include car radios even when now combined with many other functions (navigation, internet, hand-free calling, etc.). Purely ancillary receivers, like in a smartphone, would not be included.

Amendment 284

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 266 a (new)

Text proposed by the Commission

Amendment

(266a) All consumer equipment enabling the reception of radio and audio signals is to possess the capability to receive radio in a technology neutral manner, by analogue and digital broadcasting, and via IP networks. The radio landscape in Europe is very divergent. FM is still the main broadcasting standard for radio. In order to make listeners enjoy radio when travelling across Europe independently from the standard used in each Member State, all consumer equipment enabling the reception of radio and audio signals, especially radio receivers and in-car devices shall contain and enable chips for analogue and digital radio reception, and via IP networks. If markets decide to switch from analogue radio to digital, the availability of a multi-standard receiver equipment/environment will save radio stations from losing audience reach. This should not apply to low price and smallest consumer electronics.

Or. en

Justification

Annex X should be changed in combination with an additional provision in Article 105. Member States have different agendas for radio. Some believe in digital broadcasting, others believe in analogue broadcasting combined with internet services/hybrid radio. Travelling citizens should enjoy listening to the radio across Europe. For this reason, radio receivers and also tablets, mobile phones and other future devices should have a chip which enables the citizen to listen to the radio via the means available in the Member State he/she is located. Integrating a broadcast chip into smartphones, tablets etc. will reduce the need for bandwidth since broadcast as a one-to-many technology helps saving bandwidth. In cases of emergencies there might be a cut of the electric supply as well as a cut of the internet connections. The most probable battery charged receiving device will be the mobile phone. The only remaining source of information requiring only little energy supply will be broadcast radio. In addition, the possibility to activate radio reception in cases of emergencies can save lives. The feature to activate certain apps is technically feasible and works well e.g. with weather warnings.

Amendment 285

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 266 a (new)

Text proposed by the Commission

Amendment

(266a) Radio sets should be capable of receiving radio by analogue and digital broadcasting and/or IP networks in order to ensure that interoperability in the digital age is maintained. This will also improve public safety by allowing listeners to receive information in case of emergency of natural or manmade disaster, as well as traffic information when travelling between Member States, irrespective of the technology used. For this reason the presence of analogue and digital broadcast reception capability should be enabled in all devices and, if technically possible, automatically activated in case of emergency.

Or. en

Justification

This new recital is needed to ensure interoperability of related radio equipment.

Amendment 286
Curzio Maltese, Jiří Maštálka

Proposal for a directive
Recital 266 a (new)

Text proposed by the Commission

Amendment

(266a) Users should enjoy radio services across the Union irrespective of the transmission standards used in the different Member States. Radio sets should therefore be capable of receiving radio by digital broadcasting or IP networks, in order to ensure that interoperability, which currently relies on FM radio, is maintained. This may also improve public safety, by enabling users to access and receive emergency information irrespective of the technology used wherever they are in the Member States.

Or. en

Justification

This new recital is necessary because one of the main purposes of the proposal is to improve consumers' access to universal services as well as interoperability of the related equipment. Considering radio remains an important form of media today, enhancing media pluralism as well as public safety, this addition is necessary to ensure the internal logic of the text.

Amendment 287
Curzio Maltese, Jiří Maštálka

Proposal for a directive
Recital 266 b (new)

Text proposed by the Commission

Amendment

(266b) All consumer equipment enabling the reception of radio and audio signals should be able to receive radio in a technology neutral manner, by analogue and digital broadcasting, and via IP

networks. The radio landscape in the Union is still heterogeneous, whilst FM still used as the main broadcasting standard for radio. In order to make listeners enjoy radio when travelling across the Union independently from the standard used in each Member State, all consumer equipment enabling the reception of radio and audio signals, especially radio receivers, should be able to receive both analogue and digital radio signals, as well as via IP networks. If markets decide to switch from analogue radio to digital, the availability of a multi-standard receiver equipment will save radio stations from losing audience reach.

Or. en

Amendment 288

Marlene Mizzi, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 266 b (new)

Text proposed by the Commission

Amendment

(266b) Consumer equipment enabling the reception of radio and audio signals is to possess the capability to receive radio in a technology neutral manner. Therefore, independently from the standard used in each Member State, all consumer equipment enabling the reception of radio and audio signals should be able to receive analogue and digital radio reception, and via IP networks. This should not apply to low price and smallest consumer electronics.

Or. en

Justification

This recital is needed to ensure cross-border interoperability of devices and that if markets or Member States decide to switch from analogue radio to digital, the availability of a multi standard receiver, equipment/environment will ensure that citizens have access to different

radio stations.

Amendment 289

Lambert van Nistelrooij

Proposal for a directive

Recital 269

Text proposed by the Commission

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be proportionate and transparent. ‘Must carry’ obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. The obligations should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision for proportionate remuneration.

Amendment

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be proportionate and transparent. ‘Must carry’ obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives. ***In order for these criteria to be met, Member States should ensure that radio and TV broadcasters provide access to the defined channels and related accessibility services or information necessary in a non-discriminatory manner ('must-offer'). Respective entitlements should include on-demand platforms, in particular circumstances, such as where access to the above mentioned content may be restricted by rights holders.*** Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. The obligations should be designed in a way which provides sufficient incentives for efficient

investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision for proportionate remuneration.

Or. en

Amendment 290

Marlene Mizzi, Nicola Danti, Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson

Proposal for a directive

Recital 269

Text proposed by the Commission

(269) *Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be proportionate and transparent.* ‘Must carry’ obligations may be applied to specified radio and *television broadcast channels* and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. *The obligations should be designed in a way which provides sufficient incentives for efficient*

Amendment

(269) *‘Must carry’ obligations are a safety net provided in the interest of citizens to safeguard the principles of media pluralism and cultural diversity through ensuring access to a wide range of information and public value content; ‘Must carry’ obligations may be applied to specified radio and audiovisual media services and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives of the public, such as media pluralism and cultural diversity and in line with the evolution of media distribution systems, consumer trends and related business models.* Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. Obligations should be subject to periodic review at least every five years in order to

investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision for proportionate remuneration.

keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision **and rules** for proportionate remuneration. **Any 'must carry' obligation remains independent from, and does not prejudice, the entitlement of holders of copyright or related rights to obtain fair remuneration for the use of their works or protected subject matter on the network concerned.**

Or. en

Justification

Any must carry obligations shall be without prejudice to copyright protection as harmonised in EU law and provided for in international treaties. The must carry rules have a direct impact on the availability of content and information and therefore they are a necessary safeguard to ensure media pluralism and cultural diversity in Europe;

Amendment 291

Curzio Maltese, Jiří Maštálka

Proposal for a directive

Recital 269

Text proposed by the Commission

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be proportionate and transparent. 'Must carry' obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of

Amendment

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations; but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be proportionate and transparent. 'Must carry' obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of

clearly defined general interest objectives. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. ***The obligations should be designed in a way which provides sufficient incentives for efficient investment in infrastructure.*** Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision for proportionate remuneration.

clearly defined general interest objectives, ***for instance, media pluralism and cultural diversity.*** Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where ***appropriate, entail a provision for proportionate remuneration.***

Or. en

Justification

This amendment is tabled by Curzio Maltese, draftsman for the CULT opinion, on behalf of the CULT committee. This amendment reflects the CULT position on this article, as adopted in its vote on the opinion on 4 May 2017. The legitimacy of ‘must carry’ rules should not be reduced to whether they can help to generate investment in infrastructure. These objectives are not only economic in nature, but also relate to social and cultural policy. They help ensure media pluralism, cultural diversity and democratic participation.

Amendment 292

Andreas Schwab, Pascal Arimont, Roberta Metsola, Eva Maydell

Proposal for a directive

Recital 269

Text proposed by the Commission

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be

Amendment

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be

proportionate and transparent. ‘Must carry’ obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. The obligations should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision for proportionate remuneration.

proportionate and transparent. ‘Must carry’ obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives, *for instance media pluralism*. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. The obligations should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision for proportionate remuneration.

Or. de

Amendment 293
Anneleen Van Bossuyt

Proposal for a directive
Recital 269

Text proposed by the Commission

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be

Amendment

(269) Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be

proportionate and transparent . ‘Must carry’ obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. The obligations should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations *could*, where appropriate, entail a provision for proportionate remuneration.

proportionate and transparent . ‘Must carry’ obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. The obligations should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations *must*, where appropriate, entail a provision for proportionate remuneration.

Or. nl

Amendment 294

Marlene Mizzi, Nicola Danti, Virginie Rozière, Maria Grapini, Marc Tarabella

Proposal for a directive

Recital 270

Text proposed by the Commission

(270) Networks used for the distribution of radio or *television* broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and *television broadcasts*. Must carry obligations *can* include the transmission of services

Amendment

(270) *Must-carry obligations should be applied in a technologically neutral manner taking into account evolving media distribution systems and consumer trends. Electronic communications networks and services* used for the distribution of radio or *audiovisual media services* broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also

specifically designed to enable **appropriate** access by **disabled users**. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data **supporting those functionalities can** be included in must carry obligations.

include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and **audiovisual media services**. Must carry obligations **should** include the transmission of services specifically designed to enable **equivalent** access by **users with disabilities**. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling **for the deaf and hard of hearing**, audio description, **spoken subtitles** and sign language **interpretation**. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of **accessible** programme-related data **should** be included in must carry obligations.

Or. en

Justification

The data supporting the electronic programming guides (EPGs) should be transmit in such a way that can be rendered by the equipment (TVs) in an accessible manner for persons with disabilities. The requirements for TVs to be able to display the access services and the EPGs are covered by the proposed Accessibility Act.

Amendment 295 **Julia Reda**

Proposal for a directive **Recital 270**

Text proposed by the Commission

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television

Amendment

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television

broadcasts. Must carry obligations **can** include the transmission of services specifically designed to enable **appropriate** access by **disabled users**. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data **supporting those functionalities can** be included in must carry obligations.

broadcasts. Must carry obligations **should** include the transmission of services specifically designed to enable **equivalent** access by **users with disabilities**. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling **for the deaf and hard of hearing**, audio description, **spoken subtitles** and sign language **interpretation**. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of **accessible** programme-related data **should** be included in must carry obligations.

Or. en

Justification

The network operators must carry the main access services provided by the audiovisual media services providers, in particular, but not limited to, the ones referred to in the Audiovisual Media Services Directive, namely: audio description, subtitles for the deaf and hard of hearing, spoken subtitles and sign language interpretation. Additionally, the data supporting the electronic programming guides (EPGs) should be transmitted in such a way that can be rendered by the equipment (TVs) in an accessible manner for persons with disabilities.

Amendment 296

Jiří Maštálka, Kateřina Konečná

Proposal for a directive

Recital 270

Text proposed by the Commission

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations **can**

Amendment

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations **should**

include the transmission of services specifically designed to enable **appropriate** access by **disabled users**. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data supporting those functionalities **can** be included in must carry obligations.

include the transmission of services specifically designed to enable **equivalent** access by **users with disabilities**. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling **for the deaf and hard of hearing**, audio description, **spoken subtitles** and sign language **interpretation**. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of **accessible** programme-related data supporting those functionalities **should** be included in must carry obligations.

Or. en

Amendment 297
Curzio Maltese, Jiří Maštálka

Proposal for a directive
Recital 270

Text proposed by the Commission

(270) Networks used for the distribution of radio or **television broadcasts** to the public include cable, IPTV, satellite and terrestrial broadcasting **networks**. They might also include other networks **to the extent that** a significant number of end-users **use such networks as their principal means** to receive radio and **television broadcasts**. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued

Amendment

(270) **Must-carry obligations should be applied in the respect of the principle of technological neutrality taking due account of the rapid evolution of distribution systems and business models affecting the media sector. Electronic communications networks and services** used for the distribution of radio or **audiovisual media services** to the public include cable, IPTV, satellite and terrestrial broadcasting. They might also include other networks **and services used by** a significant number of end-users to receive radio and **audiovisual media services**. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst

importance of electronic programme guides for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations.

others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides *and other navigation facilities* for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations *to enable end-users to access connect TV services*.

Or. en

Justification

This recast is designed to adapt the current legal framework to the rapid changes affecting the media sector. In this regard, technological neutrality must be guaranteed. The proposed addition therefore ensures the internal logic of the text. Moreover, must-carry rules obligations should be extended to audiovisual media service and not limited to television broadcasts in order to ensure that one of the main purposes of this Directive – to properly safeguard media pluralism and cultural diversity – is respected.

Amendment 298

Ivan Štefanec

Proposal for a directive

Recital 270

Text proposed by the Commission

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve

Amendment

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve

accessibility for *end-users* with disabilities, such as videotext, subtitling, audio description and sign language. ***Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations.***

accessibility for *consumers* with disabilities, such as videotext, subtitling, audio description and sign language.

Or. en

Amendment 299
Anneleen Van Bossuyt

Proposal for a directive
Recital 270

Text proposed by the Commission

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. ***Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations.***

Amendment

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language.

Or. nl

Amendment 300

Vicky Ford

Proposal for a directive

Recital 270

Text proposed by the Commission

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations.

Amendment

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides, ***and other navigation facilities***, for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations ***to enable end-users to access the connected TV services, which may include elements such as audiovisual media services, radio and audio services, interactive services including applications, games and voting, clips, text, images and graphics.***

Or. en

Justification

We must ensure that all the required data for ancillary services is captured in provisions under “must carry” rules, for example red button and catch up services, which form part of the PSB service but are not delivered via a linear mechanism.

Amendment 301

Andreas Schwab, Pascal Arimont, Eva Maydell

Proposal for a directive

Recital 270

Text proposed by the Commission

(270) Networks used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations.

Amendment

(270) ***Electronic communications*** networks ***and services*** used for the distribution of radio or television broadcasts to the public include cable, IPTV, satellite and terrestrial broadcasting networks. They might also include other networks ***and services*** to the extent that a significant number of end-users use such networks as their principal means to receive radio and television broadcasts. Must carry obligations can include the transmission of services specifically designed to enable appropriate access by disabled users. Accordingly complementary services include, amongst others, services designed to improve accessibility for end-users with disabilities, such as videotext, subtitling, audio description and sign language. Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data supporting those functionalities can be included in must carry obligations.

Or. de