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Committee on the Internal Market and Consumer Protection

2007/0248(COD)

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AMENDMENTS 61 - 292

Draft report
Malcolm Harbour
(PE404.659v01-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on consumer protection cooperation

Proposal for a directive – amending act
(COM(2007)0698 – C6-0420/2007 – 2007/0248(COD))

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Amendment 61

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The universal service is a protective network for people whose financial resources, geographical location or special social needs do not permit them to access the basic services available to the great majority of citizens. The basic universal service obligation laid down in the current directive is to provide users who so request with a connection to the public telephone network from a fixed location and at an affordable price. As a result, it does not determine the speed of access to the Internet for a given user, being confined to permitting, in this case, the transmission of voice and data at speeds sufficient to access such online services as are available via the public Internet. This obligation, which has in the past been limited to a single connection to the narrow-band network, is now confronted by developments in the technology and the market in which networks are increasingly adopting the technology associated with mobile and broadband communications, raising a need to assess whether the technical, social and economic conditions justifying the inclusion of mobile communications and broadband access in the universal service obligation are fulfilled. To this end, the next review of implementation of the Directive should include an analysis, in the light of the trend in social, commercial and technological conditions, of the risk of social exclusion involved in not having access to these facilities, and of the technical and economic viability, estimated cost and its allocation, in the

event of their provision.

Or. es

Justification

To ensure that the next report on the functioning of the directive, to which Article 36(3) refers, includes an analysis, updated in the light of the trend in social, commercial and technological conditions, of the risk of social exclusion involved in not having access to these facilities, and of the technical and economic viability, estimated cost and its allocation, in the event of their provision.

Amendment 62
Bernadette Vergnaud

Proposal for a directive – amending act
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Member States should introduce measures to promote the creation of a market for widely available products and services incorporating facilities for disabled users. One way among others of achieving this is with reference to European standards, introducing electronic accessibility (eAccessibility) requirements for public procurement procedures and tendering services, in accordance with legislation upholding the rights of the disabled.

Or. fr

Justification

All users can benefit from the incorporation in currently available products of facilities improving accessibility compatible with all services provided. Mainstreamed electronic accessibility based on European standards coupled with an across-the-board approach to discrimination based on disability initiated by the Commission (eAccessibility) must facilitate the development of innovative solutions. Member States have a role to play by implementing these measures and stimulating the market, for example by means of public tendering procedures.

Amendment 63
Malcolm Harbour

Proposal for a directive – amending act
Recital 5

Text proposed by the Commission

(5) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. In particular, conditions for the provision of a service should be separated from the actual definitional elements of a publicly available telephone service, i.e. **a** service available to the public for originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national and/or international calls through a number or numbers in a national or international telephone numbering plan. A service which does not fulfil all these conditions is not a publicly available telephone service.

Amendment

(5) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. In particular, conditions for the provision of a service should be separated from the actual definitional elements of a publicly available telephone service, i.e. **an electronic communications** service available to the public for originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national and/or international calls through a number or numbers in a national or international telephone numbering plan, **whether such a service is based on circuit switched or packet switched technology. It is in the nature of such a service that it is bi-directional, enabling both parties to the call 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 a publicly available telephone service.

Or. en

Justification

Replaces AM 2 of the draft report. The AM serves to provide additional guidance on the definition of publicly available telephone service in Article 2. As a general rule, when NRAs consider whether a service is a publicly available telephone service, they should take due account of technological developments and in particular consider whether the service is perceived by users to be a substitute for traditional telephony service.

Amendment 64
Bernadette Vergnaud

Proposal for a directive – amending act
Recital 5

Text proposed by the Commission

(5) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. In particular, conditions for the provision of a service should be separated from the actual definitional elements of a publicly available telephone service, i.e. a service available to the public for originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national and/or international calls through a number or numbers in a national or international telephone numbering plan. A service which does not fulfil all these conditions is not a publicly available telephone service.

Amendment

(5) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. In particular, conditions for the provision of a service should be separated from the actual definitional elements of a publicly available telephone service, i.e. ***an electronic communications*** service available to the public for originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national and/or international calls ***and means of communication specifically intended for disabled users using text relay or total conversation services*** 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 is not a publicly available telephone service.

Or. fr

Justification

The notion of a publicly accessible telephone service is more clearly defined and expressly includes services specifically tailored to the needs of disabled users.

Amendment 65
Heide Rühle

Proposal for a directive – amending act
Recital 11

Text proposed by the Commission

Amendment

(11) Continuing to impose carrier selection and carrier pre-selection directly by Community legislation could hamper technological progress. These remedies should rather be imposed by national regulatory authorities as a result of market analysis in accordance with the procedures in Directive 2002/21/EC.

deleted

Or. de

Justification

Auch bei einem technologischen Wandel kann die Betreiberauswahl und Betreibervorauswahl ohne großen technischen Aufwand beibehalten werden, wie die Implementierung und Realisierung u.a. in der Schweiz zeigt. Betreiberauswahl und Betreibervorauswahl haben wesentlich zur Entwicklung des Wettbewerbs und damit günstigen Tarifen für die Verbraucher beigetragen. Es muss daher durch die EU-Vorgaben sichergestellt werden, dass die Betreiberauswahl auch künftig marktmächtigen Unternehmen unabhängig von der Art der verwendeten Anschluss-technologie auferlegt wird. Hierbei handelt es sich um eine Leistung für Endnutzer, die zur Sicherstellung der bisher erreichten Vorteile für Endnutzer weiter gewährleistet sein muss. Aus diesem Grund ist die Regelung aus systematischen Gründen in der Universaldienstrichtlinie beizubehalten.

Amendment 66
Bernadette Vergnaud

Proposal for a directive – amending act
Recital 12

Text proposed by the Commission

Amendment

(12) Providers of electronic communications services should ensure that their customers are adequately informed ***as to whether or not*** access to

(12) Providers of electronic communications services should ensure that their customers are adequately informed ***as to the level of reliability they***

emergency services **is provided**, and are given clear and transparent information in the initial customer contract and at regular intervals thereafter, for example in customer billing information. Customers should also be kept well informed of possible actions that the provider of electronic communications service may take to address security threats or in response to a security or integrity incident, since such actions could have a direct or indirect impact on the customer's data, privacy or other aspects of the service provided.

are able to ensure regarding access to emergency services **in the light of current technology and existing standards** and are given clear and transparent information in the initial customer contract and at regular intervals thereafter, for example in customer billing information. Customers should also be kept well informed of possible actions that the provider of electronic communications service may take to address security threats or in response to a security or integrity incident, since such actions could have a direct or indirect impact on the customer's data, privacy or other aspects of the service provided.

Or. fr

Justification

Since access to emergency services must be provided by all operators, the question of the need to provide information concerning the availability of such services does not apply. However, certain suppliers, particularly independent network suppliers are not currently able to guarantee access to emergency services which is 100% reliable and consumers should be clearly informed of this.

Amendment 67 **Stefano Zappalà**

Proposal for a directive – amending act **Recital 12**

Text proposed by the Commission

(12) Providers of electronic communications services should ensure that their customers are adequately informed as to whether or not access to emergency services is provided, and are given clear and transparent information in the initial customer contract and at regular intervals thereafter, for example in customer billing information. Customers should also be kept well informed of

Amendment

(12) Providers of electronic communications services should ensure that their customers are adequately informed as to whether or not access to emergency services is provided, and are given clear and transparent information in the initial customer contract and at regular intervals thereafter, for example in customer billing information. **Moreover, customers should be offered the possibility**

possible actions that the provider of electronic communications service may take to address security threats or in response to a security or integrity incident, since such actions could have a direct or indirect impact on the customer's data, privacy or other aspects of the service provided.

not only to be included or not in the directory database by access operators, but also to have their information included in the directory database without that information being disclosed to users of directory services, hence facilitating more comprehensive directory services without compromising privacy. Customers should also be kept well informed of possible actions that the provider of electronic communications service may take to address security threats or in response to a security or integrity incident, since such actions could have a direct or indirect impact on the customer's data, privacy or other aspects of the service provided.

Or. en

Justification

Currently, systems are being employed which permit information to be included in databases and used in directory enquiry services without that data being disclosed to users of directory services. Directory enquiry providers can, in this way, facilitate communications with ECS customers without compromising privacy concerns (since the customer's data is not disclosed) and hence the dual goals of inclusion and privacy are better fulfilled. It is necessary to put in place mechanisms which guarantee the exercise of the right of end-users to be included in directory databases in these ways and thereby ensure the comprehensiveness of directory services in accordance with Recital 11 of the Universal Service Directive.

Amendment 68 **Othmar Karas**

Proposal for a directive – amending act **Recital 12**

Text proposed by the Commission

(12) Providers of electronic communications services should ensure that their customers are adequately informed as to whether or not access to emergency services is provided, and are given clear and transparent information in

Amendment

(12) Providers of electronic communications services should ensure that their customers are adequately informed as to whether or not access to emergency services is provided, and are given clear and transparent information in

the initial customer contract and at regular intervals thereafter, for example in customer billing information. Customers should also be kept well informed of possible actions that the provider of electronic communications service may take to address security threats or in response to a security or integrity incident, since such actions could have a direct or indirect impact on the customer's data, privacy or other aspects of the service provided.

the initial customer contract and at regular intervals thereafter, for example in customer billing information. Customers *who so request* should also be kept well informed of possible actions that the provider of electronic communications service may take to address security threats or in response to a security or integrity incident, since such actions could have a direct or indirect impact on the customer's data, privacy or other aspects of the service provided.

Or. de

Justification

Information of this kind can be perceived as irksome if the customer is not particularly interested in it, and should therefore be provided only on request.

Amendment 69 **Cristian Silviu Buşoi**

Proposal for a directive – amending act **Recital 14**

Text proposed by the Commission

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to *particular types of* content

Amendment

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to content, *services* or

or applications is not unreasonably restricted.

applications is not unreasonably restricted *in a way which is a de facto limitation of consumer choice of services available in the online marketplace. National regulatory authorities must act in a timely manner that is compatible with the needs of their national market to ensure transparency and non-discrimination in access to services and applications over public communications networks.*

Or. en

Amendment 70
Malcolm Harbour

Proposal for a directive – amending act
Recital 14

Text proposed by the Commission

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to particular types of content or applications is not unreasonably restricted.

Amendment

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to particular types of content or applications is not unreasonably restricted. *It should also be possible to take action under Directive 2002/22/EC in case restrictions are unreasonably imposed. Management of networks in order to address congestion and capacity constraints and to enable new services should not per se be considered an*

example of an unreasonable restriction, and due account should be taken of the right of network and service operators to diversify their offerings in a competitive market. Since inconsistent remedies will significantly impair the achievement of the internal market, national regulatory authorities should initially set guidelines for operators to overcome any identified problems. The Commission should assess these guidelines as a basis for regulatory intervention to give effect to the guidelines across the Community.

Or. en

Justification

Replaces AM 4 of the draft report. To provide background and guidance on the changes to 22(3).

Amendment 71 **Bill Newton Dunn**

Proposal for a directive – amending act **Recital 14**

Text proposed by the Commission

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that

Amendment

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that

users' access to particular types of content or applications is not unreasonably restricted.

users' access to particular types of content or applications is not unreasonably restricted. ***National regulatory authorities should be able to take action under Directive 2002/22/EC in case restrictions are unreasonably imposed in circumstances other than a lack of effective competition. Management of networks, for example in order to address congestion and capacity constraints and to enable new services, should never be considered an example of an unreasonable restriction.***

Or. en

Amendment 72

André Brie, Marco Rizzo

Proposal for a directive – amending act Recital 14

Text proposed by the Commission

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to particular types of content or applications is not unreasonably restricted.

Amendment

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to particular types of content or applications is not unreasonably restricted. ***National regulatory authorities should be able to take action under Directive 2002/22/EC in case restrictions are unreasonably imposed in***

circumstances other than a lack of effective competition. Management of networks, in order to address congestion and capacity constraints, should not per se be considered an example of an unreasonable restriction.

Or. en

Amendment 73
Stefano Zappalà

Proposal for a directive – amending act
Recital 14

Text proposed by the Commission

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to particular types of content or applications is not unreasonably restricted.

Amendment

(14) A competitive market should ensure that end-users are able to access and distribute any lawful content and to use any lawful applications and/or services of their choice, as stated in Article 8 of Directive 2002/21/EC. Given the increasing importance of electronic communications for consumers and businesses, users should in any case be fully informed of any restrictions and/or limitations imposed on the use of electronic communications services by the service and/or network provider. Where there is a lack of effective competition, national regulatory authorities should use the remedies available to them in Directive 2002/19/EC to ensure that users' access to particular types of content, **services** or applications is not unreasonably restricted **and, for instance, that unreasonable wholesale access terms be addressed.**

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users and for users in general (as recognised by the Universal Service Directive). Currently unregulated access

operators charge exorbitant prices for connecting directory enquiry calls and also impede the ability of the directory enquiry providers to set their own retail prices (see, for instance, page 41 of the Commission's new Markets Recommendation). These problems need to be addressed in order to permit the end users the full benefits of competition in directory enquiry services and allow the complete removal of retail regulation (USO).

Amendment 74
Stefano Zappalà

Proposal for a directive – amending act
Recital 15

Text proposed by the Commission

(15) The availability of transparent, up-to-date and comparable tariffs is a key element for consumers in competitive markets with several providers offering services. Consumers of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency and to ensure that third parties have the right to use without charge publicly available tariffs published by undertakings providing electronic communications services. They should also make price guides available where the market has not provided them. Operators should not be entitled to any remuneration for such use of tariffs which had already been published and thus belong to the public domain. ***In addition, users should be adequately informed of the price involved or the type of service offered before they purchase a service, in particular if a freephone number is subject to any additional charges. The Commission should be able to adopt technical implementing measures to ensure that end-users benefit from a***

Amendment

(15) The availability of transparent, up-to-date and comparable tariffs is a key element for consumers in competitive markets with several providers offering services. Consumers of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency and to ensure that third parties have the right to use without charge publicly available tariffs published by undertakings providing electronic communications services. They should also make price guides available where the market has not provided them. Operators should not be entitled to any remuneration for such use of tariffs which had already been published and thus belong to the public domain. ***Freephone numbers should not be*** subject to any additional charges. The Commission should adopt measures to ensure that ***access operators provide reasonable terms for access in order to ensure that*** end-users benefit ***fully*** from ***competition in services, in particular directory enquiries.***

consistent approach to tariff transparency in the Community.

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users and for users in general (as recognised by the Universal Service Directive). Currently unregulated access operators charge exorbitant prices for connecting directory enquiry calls and also impede the ability of the directory enquiry providers to set their own retail prices (see, for instance, page 41 of the Commission's new Markets Recommendation). These problems need to be addressed in order to permit the end users the full benefits of competition in directory enquiry services and allow the complete removal of retail regulation (USO).

Amendment 75
Bill Newton Dunn

Proposal for a directive – amending act
Recital 15

Text proposed by the Commission

(15) The availability of transparent, up-to-date and comparable tariffs is a key element for consumers in competitive markets with several providers offering services. Consumers of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency ***and to ensure that third parties have the right to use without charge publicly available tariffs published by undertakings providing electronic communications services. They should also make price guides available where the market has not provided them. Operators should not be entitled to any remuneration for such use of tariffs***

Amendment

(15) The availability of transparent, up-to-date and comparable tariffs is a key element for consumers in competitive markets with several providers offering services. Consumers of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency. In addition, users should be adequately informed of the price involved or the type of service offered before they purchase a service, in particular if a free phone number is subject to any additional charges. The Commission should be able to adopt technical implementing measures to ensure that end-users benefit from a consistent approach to tariff transparency

which had already been published and thus belong to the public domain. In addition, users should be adequately informed of the price involved or the type of service offered before they purchase a service, in particular if a free phone number is subject to any additional charges. The Commission should be able to adopt technical implementing measures to ensure that end-users benefit from a consistent approach to tariff transparency in the Community.

in the Community.

Or. en

Justification

Simplification

Amendment 76 **Heide Rühle**

Proposal for a directive – amending act **Recital 15**

Text proposed by the Commission

(15) The availability of transparent, up-to-date and comparable tariffs *is* a key element for consumers in competitive markets with several providers offering services. *Consumers* of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency and to ensure that third parties have the right to use without charge publicly available tariffs published by undertakings providing electronic communications services. They should also

Amendment

(15) The availability of transparent, up-to-date and comparable tariffs *and information on parameters affecting the quality of services are* a key element for consumers *and Small and Medium-sized Enterprises* in competitive markets with several providers offering services. *End-users* of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency and to ensure that third parties have the right to use without charge publicly

make price guides available where the market has not provided them. Operators should not be entitled to any remuneration for such use of tariffs which had already been published and thus belong to the public domain. In addition, users should be adequately informed of the price involved or the type of service offered before they purchase a service, in particular if a free phone number is subject to any additional charges. The Commission should be able to adopt technical implementing measures to ensure that end-users benefit from a consistent approach to tariff transparency in the Community.

available tariffs published by undertakings providing electronic communications services. They should also make price guides available where the market has not provided them. Operators should not be entitled to any remuneration for such use of tariffs which had already been published and thus belong to the public domain. In addition, users should be adequately informed of the price involved or the type of service offered before they purchase a service, in particular if a free phone number is subject to any additional charges. The Commission should be able to adopt technical implementing measures to ensure that end-users benefit from a consistent approach to tariff transparency in the Community.

Or. en

Justification

First, clear information on all parameters affecting the quality level of services is crucial for end-users. Second, not only consumers but all end-users with limited negotiation power need to benefit from transparency.

Amendment 77

Bernadette Vergnaud

Proposal for a directive – amending act

Recital 15

Text proposed by the Commission

(15) The availability of transparent, up-to-date and comparable tariffs is a key element for consumers in competitive markets with several providers offering services. Consumers of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to

Amendment

(15) The availability of transparent, up-to-date and comparable tariffs is a key element for consumers in competitive markets with several providers offering services. Consumers of electronic communications services should be able to easily compare prices of various services offered on the market based on tariff information published in an easily accessible form. In order to allow them to

make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency and to ensure that third parties have the right to use without charge publicly available tariffs published by undertakings providing electronic communications services. They should also make price guides available where the market has not provided them. Operators should not be entitled to any remuneration for such use of tariffs which had already been published and thus belong to the public domain. In addition, users should be adequately informed of the price involved or the type of service offered before they purchase a service, in particular if a freephone number is subject to any additional charges. The Commission should be able to adopt technical implementing measures to ensure that end-users benefit from a consistent approach to tariff transparency in the Community.

make price comparisons easily, national regulatory authorities should have powers to require from operators better tariff transparency and to ensure that third parties have the right to use without charge publicly available tariffs published by undertakings providing electronic communications services. They should also make price guides available where the market has not provided them. Operators should not be entitled to any remuneration for such use of tariffs which had already been published and thus belong to the public domain. In addition, users should be adequately informed of the price involved or the type of service offered before they purchase a service, in particular if a freephone number is subject to any additional charges. The Commission should be able to adopt technical implementing measures to ensure that end-users benefit from a consistent approach to tariff transparency in the Community, *particularly through the introduction of a standard form for use by all operators in harmonising the presentation of bills, thereby facilitating a direct comparison of tariffs and services.*

Or. fr

Justification

Genuine harmonisation of the presentation of bills with an identical classification system used by all operators would be an effective means of enabling prices and services to be compared.

Amendment 78
Bernadette Vergnaud

Proposal for a directive – amending act
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to provide better

information and guarantee the rights of end-users, the Commission is called on to submit an electronic communications services consumer charter following the adopting of this directive. The charter must be given to users subscribing to contracts. It must set out the obligations of operators regarding universal service, service quality and tariff transparency and include information on the rights of consumers.

Or. fr

Justification

The introduction of such a charter must make it possible to guarantee the rights of consumers and ensure that they are clearly informed of these rights, particularly through the introduction of single national consumer information points.

Amendment 79
Bernadette Vergnaud

Proposal for a directive – amending act
Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) The Member States shall introduce single information points for all user queries. These information points, which could be administered by the national regulatory authorities together with consumer associations, shall also be able to provide legal assistance in case of disputes with operators. Access to these information points must be free of charge and users must be informed of their existence by regular information campaigns through a reference thereto in the charter of rights of electronic telecommunications services users.

Or. fr

Justification

The introduction of such information points will, together with the new charter, enable users to obtain information independently of operators and, if necessary, legal assistance in case of dispute.

Amendment 80 **Cristian Silviu Buşoi**

Proposal for a directive – amending act **Recital 16**

Text proposed by the Commission

(16) A competitive market should ensure that users are able to have the quality of service they require, but in particular cases it may be necessary to ensure that public communications networks attain minimum quality levels so as to prevent degradation of service, the blocking of access and the slowing of traffic over the networks. In particular, the Commission should be able to adopt implementing measures with a view to identifying the quality standards to be used by the national regulatory authorities.

Amendment

(16) A competitive market should ensure that users are able to have the quality of service they require, but in particular cases it may be necessary to ensure that public communications networks attain minimum quality levels so as to prevent degradation of service, the blocking of access and the slowing of traffic over the networks. In particular, the Commission should be able to adopt implementing measures with a view to identifying the quality standards to be used by the national regulatory authorities. ***National regulatory authorities shall be required to introduce any quality of service measures adopted by the Commission in a timely manner.***

Or. en

Amendment 81 **Bill Newton Dunn**

Proposal for a directive – amending act **Recital 16**

Text proposed by the Commission

(16) A competitive market should ensure that users are able to have the quality of service they require, but in particular cases it may be necessary to ensure that public

Amendment

(16) A competitive market should ensure that users are able to have the quality of service they require, but in particular cases it may be necessary to ensure that public

communications networks attain minimum quality levels so as to prevent degradation of service, the blocking of access *and the slowing of traffic over the networks*. *In particular, the Commission should be able to adopt implementing measures with a view to identifying the quality standards to be used by the national regulatory authorities.*

communications networks attain minimum quality levels so as to prevent degradation of service *and* the blocking of access.

Or. en

Amendment 82
Heide Rühle

Proposal for a directive – amending act
Recital 16

Text proposed by the Commission

(16) A competitive market should ensure that users are able to have the quality of service they require, but in particular cases it may be necessary to ensure that public communications networks attain minimum quality levels so as to prevent degradation of service, the blocking of access and the slowing of traffic over the networks. In particular, the Commission should be able to adopt implementing measures with a view to identifying the quality standards to be used by the national regulatory authorities.

Amendment

(16) A competitive market should ensure that *all* users are able to have the quality of service they require, but in particular cases it may be necessary to ensure that public communications networks attain minimum quality levels so as to prevent degradation of service, the blocking of access and the slowing of traffic over the networks. In particular, the Commission should be able to adopt implementing measures with a view to identifying the quality standards to be used by the national regulatory authorities.

Or. en

Justification

Quality of services is a crucial parameter for end-users, especially the ones using electronic communication for their business like SMEs.

Amendment 83
Stefano Zappalà

Proposal for a directive – amending act
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Directory enquiry services should be, and frequently are, provided in competition, pursuant to Article 5 of Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services¹. Wholesale measures ensuring the inclusion of end-user data (both fixed and mobile) in databases, the cost-oriented supply of that data to service providers and the provision of network access in cost-oriented, reasonable and transparent conditions should be in place in order to ensure end users the full benefit of competition with the aim ultimately of enabling the removal of retail regulation from this service.

¹ ***OJ L 249, 17.9.2002, p. 21.***

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users, and for users in general. Currently, there are two key factors which are impeding consumers receiving the full benefit of competition in directory enquiry services:

- (i) limitations on the inclusion of end-user data in databases (particularly, mobile telephone information) which affects the comprehensiveness of services.*
- (ii) unfair wholesale access conditions.*

The imposition of wholesale obligations on operators controlling access are justified in order to ensure users the full benefit of competition in directory enquiry services and would permit the removal of heavy retail universal service regulation.

Amendment 84

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act Recital 19

Text proposed by the Commission

(19) End-users should be able to call and access the emergency services **provided** using any telephone service capable of originating voice calls through a number or numbers in the national or international telephone numbering plans. Emergency authorities should be able to handle and answer calls to the number “112” at least as expeditiously and effectively as calls to other national emergency numbers. It is important to increase awareness of “112” in order to improve the level of protection and security of citizens **travelling in** the European Union. To this end, citizens should be made fully aware that “112” can be used as a single emergency number **when travelling in any Member States, in particular through information provided in international bus terminals, train stations, ports or airports and in telephone directories, payphone kiosks, subscriber and billing material**. The obligation to provide caller location information should be strengthened so as to increase the protection of citizens of the European Union. In particular, operators should provide caller location information to emergency services in a “push” mode. In order to respond to technological developments, including those leading to increasingly precise accuracy of location information, the Commission should be able to adopt technical implementing measures in order to ensure the effective implementation of “112” in the Community for the benefit of citizens of the European Union.

Amendment

(19) **All** end-users should be able to call and access the emergency services **from any place within the territory of the EU** by using any telephone service capable of originating voice calls through a number or numbers in the national or international telephone numbering plans. Emergency authorities should be able to handle and answer calls to the number “112” at least as expeditiously and effectively as calls to other national emergency numbers, **on the basis of commonly agreed quality standards**. It is important to increase **citizens' awareness about the existence and use of the** “112” in order to improve the level of protection and security of **all** citizens **of** the European Union, **and optimize the use of resources at the “112” call centres**. To this end, **all EU** citizens should be made fully aware that **the** “112” can be used as a single emergency number in any Member **State by 2013 especially through the promotion of the 112 and its optimal use, in parallel with national emergency numbers. Furthermore the Commission should support and supplement information actions of Member States concerning the 112**. The obligation to provide caller location information should be strengthened so as to increase the protection of citizens of the European Union. In particular, operators should provide caller location information to emergency services in a “push” mode, **for all calls to the 112**. In order to respond to technological developments, including those leading to increasingly precise accuracy of location information, the Commission should be able to adopt technical implementing measures in order

to ensure the effective implementation of “112” in the Community for the benefit of *all the* citizens of the European Union.

Or. en

Amendment 85
Bernadette Vergnaud

Proposal for a directive – amending act
Recital 19

Text proposed by the Commission

(19) End-users should be able to call and access the emergency services provided using any *telephone service capable of originating voice calls through a number or numbers in the national or international telephone numbering plans*. Emergency authorities should be able to handle and answer calls to the number “112” at least as expeditiously and effectively as calls to other national emergency numbers. It is important to increase awareness of “112” in order to improve the level of protection and security of citizens travelling in the European Union. To this end, citizens should be made fully aware that “112” can be used as a single emergency number when travelling in any Member States, in particular through information provided in international bus terminals, train stations, ports or airports and in telephone directories, payphone kiosks, subscriber and billing material. The obligation to provide caller location information should be strengthened so as to increase the protection of citizens of the European Union. In particular, operators should provide caller location information to emergency services in a “push” mode. In order to respond to technological developments, including those leading to increasingly precise accuracy of location

Amendment

(19) End-users should be able to call and access the emergency services provided using any *electronic communications* service. Emergency authorities should be able to handle and answer calls to the number “112” at least as expeditiously and effectively as calls to other national emergency numbers. It is important to increase awareness of “112” in order to improve the level of protection and security of citizens travelling in the European Union. To this end, citizens should be made fully aware that “112” can be used as a single emergency number when travelling in any Member States, in particular through information provided in international bus terminals, train stations, ports or airports and in telephone directories, payphone kiosks, subscriber and billing material. The obligation to provide caller location information should be strengthened so as to increase the protection of citizens of the European Union. In particular, operators should provide caller location information to emergency services in a “push” mode. In order to respond to technological developments, including those leading to increasingly precise accuracy of location information, the Commission should be able to adopt technical implementing measures in order to ensure the effective

information, the Commission should be able to adopt technical implementing measures in order to ensure the effective implementation of “112” in the Community for the benefit of citizens of the European Union.

implementation of “112” in the Community for the benefit of citizens of the European Union.

Or. fr

Justification

Access to emergency services must be accessible to all users, whatever operator is chosen and whatever technology is used.

Amendment 86 Malcolm Harbour

Proposal for a directive – amending act Recital 21

Text proposed by the Commission

(21) *The countries to which the International Telecommunications Union assigned the international code “3883” have delegated administrative responsibility for the European Telephony Numbering Space (ETNS) to the electronic communications committee (ECC) of the European Conference of Postal and Telecommunications Administrations (CEPT). Technological and market developments show that ETNS represents an opportunity for pan-European services to develop, but that it is currently prevented from realising its potential by overly bureaucratic procedural requirements and a lack of coordination between national administrations. In order to foster the development of ETNS, its administration (which includes assignment, monitoring and development) should be transferred to the European Electronic Communications Market Authority established by Regulation (EC)*

Amendment

(21) *Development of the international code “3883” (the European Telephony Numbering Space (ETNS)) is currently hindered by lack of demand, overly bureaucratic procedural requirements and insufficient awareness. In order to foster the development of ETNS, the Commission should delegate responsibility for its management, number assignment and promotion either to [xxx] or, following the example of the implementation of the “.eu” top level domain, to a separate organisation, designated by the Commission on the basis of an open, transparent and non-discriminatory selection procedure, and with operating rules which form part of Community law.*

No.../... of the European Parliament and of the Council of [...], hereinafter referred to as “the Authority”. The Authority should ensure coordination with those countries that share “3883” but are not Member States on behalf of the Member States to which “3883” has been assigned.

Or. en

(References to the European Electronic Communications Market Authority are replaced by [xxx] throughout, without further specific AMs.)

Justification

Replaces AM 7 of the draft report. See justification to 27(2).

Amendment 87 **Bernadette Vergnaud**

Proposal for a directive – amending act **Recital 22**

Text proposed by the Commission

(22) A single market implies that end-users are able to access all numbers included in the national numbering plans of other Member States, and to access services, including Information Society services, using non-geographic numbers within the Community, including among others freephone and premium rate numbers. End-users should also be able to access numbers from the European Telephone Numbering Space (ETNS) and universal international freephone numbers (UIFN). Cross-border access to numbering resources and to the associated service should not be prevented except in objectively justified cases, such as when this is necessary to combat fraud, and abuse e.g. in connection with certain premium-rate services, or when the number is defined as having a national scope only (e.g. national short code). Users should be

Amendment

(22) A single market implies that end-users are able to access all numbers included in the national numbering plans of other Member States, and to access services, including Information Society services, using non-geographic numbers within the Community, including among others freephone and premium rate numbers. End-users should also be able to access numbers from the European Telephone Numbering Space (ETNS) and universal international freephone numbers (UIFN). Cross-border access to numbering resources and to the associated service should not be prevented except in objectively justified cases, such as when this is necessary to combat fraud, and abuse e.g. in connection with certain premium-rate services, or when the number is defined as having a national scope only (e.g. national short code). Users should be

fully informed in advance in a clear manner of any charges applicable to freephone numbers, such as international call charges for numbers accessible through standard international dialling codes. In order to ensure that end-users have effective access to numbers and services in the Community, the Commission should be able to adopt implementing measures.

fully informed in advance in a clear manner of any charges applicable to freephone numbers, such as international call charges for numbers accessible through standard international dialling codes. In order to ensure that end-users have effective access to numbers and services in the Community, the Commission should be able to adopt implementing measures. ***End users should also be able to connect to any other end user (especially via IP numbers) in order to exchange data, regardless of the operator they choose.***

Or. fr

Justification

This amendment seeks to ensure that users of any electronic communication service are able to connect to any users of another service and vice-versa, regardless of the technology being used.

Amendment 88 **Heide Rühle**

Proposal for a directive – amending act **Recital 22**

Text proposed by the Commission

(22) A single market implies that end-users are able to access all numbers included in the national numbering plans of other Member States, and to access services, including Information Society services, using non-geographic numbers within the Community, including among others freephone and premium rate numbers. End-users should also be able to access numbers from the European Telephone Numbering Space (ETNS) and universal international freephone numbers (UIFN). Cross-border access to numbering resources and to the associated service should not be prevented

Amendment

(22) A single market implies that end-users are able to access all numbers included in the national numbering plans of other Member States, and to access services, including Information Society services, using non-geographic numbers within the Community, including among others freephone and premium rate numbers. End-users should also be able to access numbers from the European Telephone Numbering Space (ETNS) and universal international freephone numbers (UIFN). Cross-border access to numbering resources and to the associated service should not be prevented

except in objectively justified cases, such as when this is necessary to combat fraud, and abuse e.g. in connection with certain premium-rate services, or when the number is defined as having a national scope only (e.g. national short code). Users should be fully informed in advance in a clear manner of any charges applicable to freephone numbers, such as international call charges for numbers accessible through standard international dialling codes. In order to ensure that end-users have effective access to numbers and services in the Community, the Commission should be able to adopt implementing measures.

except in objectively justified cases, such as when this is necessary to combat fraud, and abuse e.g. in connection with certain premium-rate services, or when the number is defined as having a national scope only (e.g. national short code). Users should be fully informed in advance in a clear manner of any charges applicable to freephone numbers, such as international call charges for numbers accessible through standard international dialling codes. In order to ensure that end-users have effective access to numbers and services in the Community, the Commission should be able to adopt implementing measures. ***End-users should also be able to connect to any end-user (especially via IP numbers) in order to exchange data regardless of the operator they choose. The necessary operator interconnection should be free of charge.***

Or. en

Justification

A subscriber to operator A shall be able to contact a subscriber to operator B without any problem whatever the technology used by the operator. Electronic communications are essential for SME daily activities. Hence, they should be able to contact and be contacted whenever needed without additional cost, need for extra subscription and other time and administrative burden.

Amendment 89 **Heide Rühle**

Proposal for a directive – amending act **Recital 23**

Text proposed by the Commission

(23) 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 interest. It is essential to ensure that they

Amendment

(23) 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 interest. It is essential to ensure that they

can do so without being hindered by legal, technical or practical obstacles, including contractual conditions, procedures, charges etc. This does not preclude imposing reasonable minimum contractual periods in consumer contracts. 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 of delay. In order to be able to adapt number portability to market and technological evolution, including the possible porting of subscriber's personal directories and profile information stored within the network, the Commission should be able to take technical implementing measures in this area. Assessment of whether technology and market conditions are such as to allow for porting of numbers between networks providing services at a fixed location and mobile networks should in particular take into account prices for users and switching costs for undertakings providing services at fixed locations and mobile networks.

can do so without being hindered by legal, technical or practical obstacles, including contractual conditions, procedures, charges etc. This does not preclude imposing reasonable minimum contractual periods in consumer contracts. ***In particular account should be taken of the possibility of a simple transfer of market power by the former monopoly through offering packages of products that make competition impossible.*** 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 of delay, ***taking account of the technical conditions.*** In order to be able to adapt number portability to market and technological evolution, including the possible porting of subscriber's personal directories and profile information stored within the network, the Commission should be able to take technical implementing measures in this area. Assessment of whether technology and market conditions are such as to allow for porting of numbers between networks providing services at a fixed location and mobile networks should in particular take into account prices for users and switching costs for undertakings providing services at fixed locations and mobile networks.

Or. de

Justification

Die Möglichkeit des Anbieterwechsels ist eine der erfolgreichsten Errungenschaften der Marktliberalisierung und hat zur Entwicklung des Wettbewerbs maßgeblich mit beigetragen. Es hat sich jedoch gezeigt, dass es den ehemaligen Monopolisten aufgrund der erheblichen Marktanteile im Bereich der Endkundenanschlüsse durch einfaches Umstellen des Vertrages auf ein Bündelprodukt gelingt, dem Wettbewerb für eine längere Zeit die Kunden zu entziehen. Die Festlegung zumutbarer Mindestvertragslaufzeiten sollte daher unter Berücksichtigung differenzierter und präziserer Rahmenbedingungen (z.B. Berücksichtigung von Marktanteilen) erfolgen.

Amendment 90

André Brie, Marco Rizzo

Proposal for a directive – amending act Recital 24

Text proposed by the Commission

(24) ***A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels).*** Legal “must-carry” obligations may be applied, ***but only*** to specified ***broadcast channels*** supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations ***in their national law*** so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. ***Given the rapid change in technology and market conditions such a full review would need to be carried out at least every three years and would require a public consultation of all stakeholders. One or more broadcast channels may be complemented by*** services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign

Amendment

(24) Legal “must-carry” obligations may be applied, to specified ***radio and audiovisual media services and complementary services*** supplied by a specified media service provider. ***Audiovisual media services are defined in the Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities¹.*** Member States should provide a clear justification for the “must carry” obligations so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. ***Complementary services include, but are not limited to,*** services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

language.

¹ OJ L 332, 18.12.2007, p. 27.

Or. en

Amendment 91
Jacques Toubon

Proposal for a directive – amending act
Recital 24

Text proposed by the Commission

(24) *A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels).* Legal “must-carry” obligations may be applied, **but only** to specified **broadcast channels** supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations **in their national law** so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. **Given the rapid change in technology and market conditions such a full review would need to be carried out at least every three years and would require**

Amendment

(24) Legal “must-carry” obligations may be applied to specified **radio and audiovisual media services and ancillary services** supplied by a specified media service provider. **Audiovisual media services are defined by Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in the Member States concerning the pursuit of television broadcasting activities¹.** Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. **Ancillary services include** services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio

a public consultation of all stakeholders. One or more broadcast channels may be complemented by services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

description or sign language.

¹ OJ L 332, 18.12.2007, p. 27.

Or. fr

Amendment 92
Bernadette Vergnaud

Proposal for a directive – amending act
Recital 24

Text proposed by the Commission

(24) A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels). Legal “must-carry” obligations may be applied, but only to specified broadcast channels supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with

Amendment

(24) Legal “must-carry” obligations may be applied to specified *radio and audiovisual media services and ancillary services* supplied by a specified media service provider. *Audiovisual media services are defined in Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in the Member States concerning the pursuit of television broadcasting activities*¹. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in

technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. ***Given the rapid change in technology and market conditions such a full review would need to be carried out at least every three years and would require a public consultation of all stakeholders. One or more broadcast channels may be complemented*** by services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

order to ensure that they continue to be proportionate to the objectives to be achieved. ***Ancillary services include*** services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

¹ OJ L 332, 18.12.2007, p. 27.

Or. fr

Justification

In order to ensure access for all viewers and listeners to the entire range of available linear or non-linear services, the potential field of application of this provision must be widened to include audiovisual media services such as those set out in the new Directive 2007/65/EC. Reference to 'national legislation' could cause difficulties in certain Member States with certain legal traditions or with federal power sharing.

Amendment 93
Anja Weisgerber

Proposal for a directive – amending act
Recital 24

Text proposed by the Commission

(24) A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual

Amendment

(24) Legal “must-carry” obligations may be applied, to specified radio and audiovisual media services and complementary services supplied by a specified media service provider. Audiovisual media services are defined in the Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination

programme schedules (channels). Legal “must-carry” obligations may be applied, **but only** to specified **broadcast channels** supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations **in their national law** so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. **Given the rapid change in technology and market conditions such a full review would need to be carried out at least every three years and would require a public consultation of all stakeholders. One or more broadcast channels may be complemented by** services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities¹.

Member States should provide a clear justification for the “must carry” obligations so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. **Complementary services include, but are not limited to,** services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

¹ OJ L 332, 18.12.2007, p. 27.

Or. en

Justification

In order to strengthen European citizens rights, the scope of Must Carry rules should be in line with the new Audiovisual Media Services Directive and therefore should ensure access to linear and non-linear services alike. This should include supplementary services such as radiotext, teletext and programme information. The reference to national law is deleted as in some Member States must-carry is not regulated by legislation and in some it is not regulated on a national level.

Amendment 94
Marco Cappato

Proposal for a directive – amending act
Recital 24

Text proposed by the Commission

(24) A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels). Legal “must-carry” obligations may be applied, but only to specified broadcast channels supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. Given the rapid change in technology and market conditions such a full review would need to be carried out at least every three years and would require a public consultation of all stakeholders. **One or more** broadcast channels **may** be complemented by services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

Amendment

(24).A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels). Legal “must-carry” obligations may be applied, but only to specified broadcast channels supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. Given the rapid change in technology and market conditions such a full review would need to be carried out at least every three years and would require a public consultation of all stakeholders. **All** broadcast channels **should** be complemented by services to improve accessibility - **at least in the case of public service programmes such as television news and current affairs programmes** - for users with disabilities, such as a videotext service, subtitling service, an

audio description or sign language.

Or. it

Amendment 95
Heide Rühle

Proposal for a directive – amending act
Recital 24

Text proposed by the Commission

(24) A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels). Legal “must-carry” obligations may be applied, but only to specified broadcast channels supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. Given the rapid change in technology and market conditions such a full review would need to be carried out at least every *three years* and would require a

Amendment

(24) A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels). Legal “must-carry” obligations may be applied, but only to specified broadcast channels supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry” rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. Given the rapid change in technology and market conditions such a full review would need to be carried out at least every *18 months* and would require a

public consultation of all stakeholders. One or more broadcast channels may be complemented by services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

public consultation of all stakeholders. One or more broadcast channels may be complemented by services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

Or. en

Justification

Amendment 96 **Bill Newton Dunn**

Proposal for a directive – amending act **Recital 24**

Text proposed by the Commission

(24) A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels). Legal “must-carry” obligations may be applied, but only to specified broadcast channels supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry”

Amendment

(24) A television broadcast is a linear audiovisual media service as defined in the Audiovisual Media Services Directive of the European Parliament and of the Council of [...] 2007, which is provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule; a media service provider may provide a number of audio or audio visual programme schedules (channels). Legal “must-carry” obligations may be applied, but only to specified broadcast channels supplied by a specified media service provider. Member States should provide a clear justification for the “must carry” obligations in their national law so as to ensure that such obligations are transparent, proportionate and properly defined. In that regard, “must carry” rules should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. “Must carry”

rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. Given the rapid change in technology and market conditions such a full review would need to be carried out at least every **three years** and would require a public consultation of all stakeholders. One or more broadcast channels may be complemented by services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

rules should be periodically reviewed in order to keep them up-to-date with technological and market evolution in order to ensure that they continue to be proportionate to the objectives to be achieved. Given the rapid change in technology and market conditions such a full review would need to be carried out at least every **18 months** and would require a public consultation of all stakeholders. One or more broadcast channels may be complemented by services to improve accessibility for users with disabilities, such as a videotext service, subtitling service, an audio description or sign language.

Or. en

Justification

A periodical review taking place every 3 years is too long and should happen more frequently, preferably every 18 months.

Amendment 97 Malcolm Harbour

Proposal for a directive – amending act Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The procedure for out-of-court dispute resolution should be strengthened by ensuring that independent dispute resolution bodies are used, and that the procedure conforms at least to the minimum principles established in Commission Recommendation 98/257/EC of 30 March 1998 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes¹. Member States may either use existing dispute resolution bodies for that purpose, provided those bodies meet the

applicable requirements, or they may establish new bodies.

¹ *OJ L 115, 17.4.1998, p. 31.*

Or. en

Justification

See justification to 34(1).

Amendment 98

Othmar Karas

Proposal for a directive – amending act

Recital 29

Text proposed by the Commission

(29) A breach of security resulting in the loss or compromising personal data of an individual subscriber may, if not addressed in an adequate and timely manner, result in substantial economic loss and social harm, including identity fraud. Therefore, subscribers concerned by such security incidents should be notified without delay and informed in order to be able to take the necessary precautions. ***The*** notification should include information about measures taken by the provider to address the breach, as well as recommendations for the users affected.

Amendment

(29) A breach of security resulting in the loss or compromising personal data of an individual subscriber may, if not addressed in an adequate and timely manner, result in substantial economic loss and social harm, including identity fraud. Therefore, subscribers concerned by such security incidents should be notified without delay and informed in order to be able to take the necessary precautions, ***if the national regulatory authorities consider this necessary after notification by the service provider concerned, and after consultation with other responsible authorities. A notification under these circumstances*** should include information about measures taken by the provider to address the breach, as well as recommendations for the users affected, ***as appropriate for each individual case.***

Or. de

Amendment 99
Jacques Toubon

Proposal for a directive – amending act
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) When implementing measures transposing Directive 2002/58/EC, the authorities and the courts of the Member States must not only interpret their national law in a manner consistent with the Directive, but also make sure that they do not rely on an interpretation thereof which would be in conflict with those fundamental rights or with the other general principles of Community law, such as the principle of proportionality.

Or. fr

Justification

This amendment seeks to incorporate the wording of the recent 'Promusicae-telefonica' judgment of the ECJ (29 January 2008), requiring Member States, when transposing directives, to take care to rely on an interpretation of them which allows a fair balance to be struck between the various fundamental rights protected by the Community legal order.

Amendment 100
André Brie, Marco Rizzo

Proposal for a directive – amending act
Recital 30 b (new)

Text proposed by the Commission

Amendment

(30b) The Commission should collaborate with the consumer protection associations whenever it reviews this directive and ensure they are regularly consulted concerning the results and means of implementing these rules in the various Member States.

Amendment 101
André Brie, Marco Rizzo

Proposal for a directive – amending act
Recital 34

Text proposed by the Commission

(34) Software that surreptitiously monitors actions of the user and/or subverts operation of the user’s terminal equipment for the benefit of a third party (so-called “spyware”) poses a serious threat to users’ privacy. A high and equal level of protection of the private sphere of users needs to be ensured, regardless of whether unwanted spying programmes are inadvertently downloaded via electronic communications networks or are delivered and installed hidden in software distributed on other external data storage media, such as CDs, CD-ROMs, USB keys.

Amendment

(34) Software that surreptitiously monitors actions of the user and/or subverts operation of the user’s terminal equipment for the benefit of a third party (so-called “spyware”) poses a serious threat to users’ privacy. A high and equal level of protection of the private sphere of users needs to be ensured, regardless of whether unwanted spying programmes are inadvertently downloaded via electronic communications networks or are delivered and installed hidden in software distributed on other external data storage media, such as CDs, CD-ROMs, USB keys. ***The controls in question will, moreover, require the fullest possible cooperation with the big software producers.***

Amendment 102
Bill Newton Dunn

Proposal for a directive – amending act
Recital 39

Text proposed by the Commission

(39) In particular power should be conferred on the Commission to adopt implementing measures on tariff transparency, ***minimum quality of service requirements***, effective implementation of “112” services, effective access to numbers and services, improvement of accessibility

Amendment

(39) In particular power should be conferred on the Commission to adopt implementing measures on tariff transparency, effective implementation of “112” services, effective access to numbers and services, improvement of accessibility by disabled end-users as well as

by disabled end-users as well as amendments to adapt the Annexes to technical progress or changes in market demand.

amendments to adapt the Annexes to technical progress or changes in market demand.

Or. en

Amendment 103

Cristian Silviu Buşoi, Adina-Ioana Vălean

**Proposal for a directive – amending act
Recital 39 a (new)**

Text proposed by the Commission

Amendment

(39a) Several recent disasters have shown that early warning and alert of citizens in case of imminent or developing major emergencies and disasters is necessary in view of reducing suffering and the loss of life. The European Parliament has repeatedly requested the establishment of such systems¹ while their implementation is provided for in several EU directives². Therefore Member States should take the appropriate steps to implement a general, multilingual, simplified and efficient system for alerting citizens, given that such a system concerns several EU policies including environment, health, internal security, civil protection, transport, energy, and tourism. Such a system should be established before 2013.

¹ See European Parliament Resolutions on *Priorities in EU road safety* (OJ C 262, 18.9.2001, p. 236), on *Prevention, Preparedness and Consequence Management of Terrorism (Programme on Security and Safeguarding Liberties)* (OJ C 317 E, 23.12.2006, p. 678), on *Community civil protection mechanism* (OJ C 313 E, 20.12.2006, p. 100), on *Natural Disasters - agricultural aspects* (OJ C 297 E, 7.12.2006, p. 363), on *Rapid response and preparedness instrument for major emergencies* (OJ C 291 E, 30.11.2006, p. 104), on *Natural disasters (fires and floods)* (OJ C 193 E, 17.8.2006, p. 322) and on *EU aid for Tidal wave victims in the Indian Ocean* (OJ C 247 E, 6.10.2005, p. 147), and *Declaration on*

early warning for citizens in major emergencies (P6_TA(2008)0088).

² *Safety and health signs at work (92/58/EEC); Major chemical installations (96/82/EC; Seveso Directive); Radiological Emergencies (89/618/Euratom); Assessment and management of floods (2007/60/EC); transport of dangerous goods.*

Or. en

Amendment 104
Jacques Toubon

Proposal for a directive – amending act
Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) It should be remembered regarding this Directive that recital 3 of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, points out that, without effective means of enforcing intellectual property rights, innovation and creativity are discouraged and investment diminished. It is therefore necessary to ensure that the substantive law on intellectual property, which is nowadays largely part of the *acquis communautaire*, is applied effectively in the Community. In this respect, the means of enforcing intellectual property rights are of paramount importance for the success of the internal market.

Or. fr

Justification

The reference to Directive 2004/48/EC is intended to justify keeping Article 20(6), which states that, where contracts are concluded between subscribers and undertakings providing electronic communications services, subscribers shall be clearly informed of their obligations with respect to copyright and related rights on the electronic communications networks.

Amendment 105

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 1

Directive 2002/22/EC

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The provisions of this Directive shall apply without prejudice to Community rules on consumer protection, in particular Directives 93/13/EC and 97/7/EC, and national rules in conformity with Community law.

Or. es

Justification

Consistency with other amendments.

Amendment 106

André Brie, Marco Rizzo

Proposal for a directive – amending act

Article 1 – point 2 – point b

Directive 2002/22/EC

Article 2 – point (c)

Text proposed by the Commission

Amendment

(c) “publicly available telephone service” means ***a*** service available to the public ***for*** originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national ***and/or*** international calls through a number or numbers in a national or international telephone numbering plan;

(c) “publicly available telephone service” means ***an electronic communications*** service available to the public ***consisting wholly or mainly in*** originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national ***and*** international ***real-time, bi-directional voice*** calls through a number or numbers in a national or international telephone numbering plan;

Amendment 107
Bernadette Vergnaud

Proposal for a directive – amending act
Article 1 – point 2 – point b
Directive 2002/22/EC
Article 2 – point (c)

Text proposed by the Commission

(c) “publicly available telephone service” means a service available to the public for originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national and/or international calls through a number or numbers in a national or international telephone numbering plan;

Amendment

(c) “publicly available telephone service” means a service available to the public for originating and receiving, directly or indirectly via carrier selection or pre-selection or resale, national and/or international calls **and means of communication specifically intended for disabled users utilising text relay or total conversation services** through a number or numbers in a national or international telephone numbering plan;

Justification

The directive should not exclude users unable to make voice 'calls'. The definition should therefore include specific services intended for certain disabled user categories.

Amendment 108
Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act
Article 1 – point 2 – point b
Directive 2002/22/EC
Article 2 – point (c)

Text proposed by the Commission

(c) “publicly available telephone service” means a service available to the public for originating **and** receiving, directly or

Amendment

(c) “publicly available telephone service” means a service available to the public for originating **and/or** receiving, directly or

indirectly via carrier selection or pre-selection or resale, national and/or international calls through a number or numbers in a national or international telephone numbering plan;

indirectly via carrier selection or pre-selection or resale, national and/or international calls through a number or numbers in a national or international telephone numbering plan;

Or. es

Justification

To prevent excluding telephone services provided by operator selection or preselection, or those provided via payphones which only allow calls to be received.

Amendment 109

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 2 – point b a (new)

Directive 2002/22/EC

Article 2 – point (d)

Text proposed by the Commission

Amendment

(ba) Point (d) shall be replaced by the following:

(d) ‘geographic number’ means a number from the national telephone numbering plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point (NTP);

Or. es

Justification

To clarify the definition, as there may be other national numbering plans apart from those for telephony, as in fact is recognised in the definition of publicly available telephone services in point (c) or Article 25(2).

Amendment 110

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 2 – point b b (new)

Directive 2002/22/EC

Article 2 – point (e)

Text proposed by the Commission

Amendment

(bb) Point (e) shall be deleted.

Or. es

Justification

Consistency with the proposal to include the concept of ‘network termination point’ in the definition of ‘public communications network’ in the framework directive.

Amendment 111

Andreas Schwab

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network are met by at least one undertaking. ***deleted***

Or. en

Justification

The current Art 4 is preferable. The review of the telecoms package should not anticipate the upcoming USO review.

Amendment 112
Heide Rühle

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network are met by at least one undertaking.

Amendment

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public telephone network **and for access to publicly available telephone services at a fixed location** are met by at least one undertaking. **The connection to such a network shall allow for the transfer between network termination points of speech communications and also other forms of communication, such as facsimile and data with at least a quality comparable to legacy telephone networks.**

Or. en

Justification

When there still was a telephone network the user had a guaranteed end-to-end functionality, i.e. he had the possibility to make connections between network termination points. In the proposal of the European Commission, the user has only the guarantee to a connection to the publicly available network. This connection (and only the connection) must be capable of supporting voice, facsimile and data communications. For the transmission performance within the network there is no similar minimum objective. Thus an end-user cannot be sure - even if his connection is in working order - that he is able to establish connection to other end users that are supporting e.g. voice communication. In order to ensure a sufficient quality level, it is important that the transmission is also guaranteed.

Amendment 113
Maria Matsouka

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network are met by at least one undertaking.

Amendment

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network ***or connection to a cellular network*** are met by at least one undertaking.

Or. el

Amendment 114

Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network are met by at least one undertaking.

Amendment

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network ***or connection to a cellular network*** are met by at least one undertaking.

Or. fr

Justification

This amendment seeks to widen the scope of application of the Directive, not only to fixed lines but also cellular services and high-output connections throughout the territory.

Amendment 115

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network are met by at least one undertaking.

1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network **or connection to a cellular network** are met by at least one undertaking.

Or. en

Justification

Based on the criteria set out in the Annex 5 of the Universal Service Directive, the ability to be connected to a mobile network and the ability to have a broadband access to the internet are necessary. Furthermore, access to the internet through a mobile network is the solution for those consumers in remote areas where there is no access to a fixed network. In relation to access to the internet it is important to note that the internet has rapidly moved to a video bases platform where users generate their own content and companies offer video based services. Functional access to the internet does not suffice anymore. It is therefore needed to ensure the access guarantees data rates which are comparable the rates used by a majority of subscribers. Since the data rates refer to the average rates used, the obligation takes into account the level of broadband roll-out in the respective Member State. Furthermore, not only telephone services should be guaranteed, but also data communication service.

Amendment 116
Andreas Schwab

Proposal for a directive – amending act
Article 1 – point 3
Directive 2002/22/EC
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.

deleted

Justification

The current Art 4 is preferable. The review of the telecoms package should not anticipate the upcoming USO review.

Amendment 117

Marco Cappato

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 2

Text proposed by the Commission

2. The connection provided shall be capable of supporting voice, facsimile and data communications, **at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.**

Amendment

2. The provision of broadband capable of supporting voice, facsimile and data communications **shall be ensured throughout the territory.**

Or. it

Amendment 118

Maria Matsouka

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 2

Text proposed by the Commission

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are **sufficient to permit functional Internet access, taking into account prevailing technologies** used by the majority of

Amendment

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are **comparable with average rates** used by the majority of subscribers and **taking into account** technological feasibility.

subscribers and technological feasibility.

Or. el

Amendment 119

Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 2

Text proposed by the Commission

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.

Amendment

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.

Or. fr

Justification

This amendment seeks to widen the scope of application of the Directive to not only fixed lines but also cellular services and high-output connections on a territory-wide basis.

Amendment 120

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 2

Text proposed by the Commission

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing

Amendment

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are sufficient to permit functional Internet access ***comparable to average rates used***

technologies used by the majority of subscribers and technological feasibility.

by the majority of subscribers taking into account the prevailing technologies and technological feasibility.

Or. en

Justification

Based on the criteria set out in the Annex 5 of the Universal Service Directive, the ability to be connected to a mobile network and the ability to have a broadband access to the internet are necessary. Furthermore, access to the internet through a mobile network is the solution for those consumers in remote areas where there is no access to a fixed network. In relation to access to the internet it is important to note that the internet has rapidly moved to a video bases platform where users generate their own content and companies offer video based services. Functional access to the internet does not suffice anymore. It is therefore needed to ensure the access guarantees data rates which are comparable the rates used by a majority of subscribers. Since the data rates refer to the average rates used, the obligation takes into account the level of broadband roll-out in the respective Member State. Furthermore, not only telephone services should be guaranteed, but also data communication service.

Amendment 121 **Marco Cappato**

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 2

Text proposed by the Commission

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.

Amendment

2. The connection provided shall be capable of supporting voice, facsimile and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility, **but may not be below 7/Mbit/s.**

Or. it

Amendment 122

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Member States may take measures to ensure that all reasonable requests as referred to in paragraph 1 for functional Internet provision by connection to the network are met by at least one undertaking.

Or. es

Justification

To ensure that all users have access to the Internet, there is a need not only to ensure network connection but also that in every case of access to the network at least one operator is available to provide functional Internet access.

Amendment 123

Andreas Schwab

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that all reasonable requests for provision of a telephone service over the network connection referred to in paragraph 1, allowing originating and receiving of national and international calls and calls to emergency services via the number "112", are met by at least one undertaking.'

deleted

Justification

The current Art 4 is preferable. The review of the telecoms package should not anticipate the upcoming USO review.

Amendment 124

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all reasonable requests for provision of a telephone service over the network connection referred to in paragraph 1, allowing originating and receiving of national and international calls and calls to emergency services via the number “112”, are met by at least one undertaking.’

Amendment

3. Member States shall ensure that all reasonable requests for provision of a telephone service over the network connection referred to in paragraph 1, allowing originating and receiving of national and international calls and calls to emergency services via the number “112” ***from any place within the territory of the EU***, are met by at least one undertaking.’

Amendment 125

Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all reasonable requests for provision of a telephone service over the network connection referred to in paragraph 1, allowing originating and receiving of

Amendment

3. Member States shall ensure that all reasonable requests for provision of a telephone ***and data communication*** service over the network connection referred to in paragraph 1, allowing

national and international calls and calls to emergency services via the number “112”, are met by at least one undertaking.

originating and receiving of national and international calls **and data** and calls to emergency services via the number “112”, are met by at least one undertaking.

Or. fr

Justification

This amendment seeks to widen the scope of application of the Directive to not only fixed lines but also cellular services and high-output connections on a territory-wide basis.

Amendment 126 **Heide Rühle**

Proposal for a directive – amending act

Article 1 – point 3

Directive 2002/22/EC

Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all reasonable requests for provision of a telephone service over the network connection referred to in paragraph 1, allowing originating and receiving of national and international calls and calls to emergency services via the number “112”, are met by at least one undertaking.

Amendment

3. Member States shall ensure that all reasonable requests for provision of a telephone **and data communication** service over the network connection referred to in paragraph 1, allowing originating and receiving of national and international calls, **data** and calls to emergency services via the number “112”, are met by at least one undertaking.

Or. en

Justification

Based on the criteria set out in the Annex 5 of the Universal Service Directive, the ability to be connected to a mobile network and the ability to have a broadband access to the internet are necessary. Furthermore, access to the internet through a mobile network is the solution for those consumers in remote areas where there is no access to a fixed network. In relation to access to the internet it is important to note that the internet has rapidly moved to a video bases platform where users generate their own content and companies offer video based services. Functional access to the internet does not suffice anymore. It is therefore needed to ensure the access guarantees data rates which are comparable the rates used by a majority of subscribers. Since the data rates refer to the average rates used, the obligation takes into

account the level of broadband roll-out in the respective Member State. Furthermore, not only telephone services should be guaranteed, but also data communication service.

Amendment 127
Malcolm Harbour

Proposal for a directive – amending act

Article 1 – point 5

Directive 2002/22/EC

Article 7 – paragraph 2

Text proposed by the Commission

2. Member States **shall** take specific measures, in the light of national conditions, to ensure that disabled end-users can **also** take advantage of the choice of undertakings and service providers available to the majority of end-users.

Amendment

2. Member States **may** take specific measures, ***shown through an assessment by the national regulatory authorities to be needed*** in the light of national conditions ***and specific disability requirements***, to ensure that disabled end-users can take advantage of the choice of undertakings and service providers available to the majority of end-users, ***and to promote the availability of appropriate terminal equipment. They shall ensure that in any event the needs of specific groups of disabled users are met by at least one undertaking.***

Or. en

Justification

Replaces AM 15 of the draft report. The AM adds a specific reference to promoting availability of terminal equipment. Also, measures under this paragraph should not be obligatory, as that may require NRAs to designate several universal service providers solely to enable choice. The new Article 31a enables NRAs to take more effective action in favour of disabled users in that respect.

Amendment 128
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 5

Directive 2002/22/EC

Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall take *specific* measures, *in the light of national conditions*, to ensure that disabled end-users can also take advantage of the choice of undertakings and service providers available to the majority of end-users.

Amendment

2. Member States shall take *all appropriate* measures to ensure that disabled end-users can also take advantage of the choice of undertakings and service providers available to the majority of end-users.

Or. fr

Justification

The reference to national conditions is deleted for reasons of harmonisation and coherence with the new paragraph 3.

Amendment 129
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 5

Directive 2002/22/EC

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In taking the measures referred to above, Member States shall encourage compliance with the relevant standards or specifications published in accordance with the provisions of Article s 17, 18 and 19 of Directive 2002/21/EC.

Or. fr

Justification

Given the current fragmentation of the markets, the solutions and standards used differ from one country to another, which constitutes a barrier to accessibility and interoperability. In order to address this problem, Member States should encourage the adoption of European standards, where they exist.

Amendment 130

Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 5

Directive 2002/22/EC

Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. In order to be able to adopt and implement specific arrangements for disabled users, Member States shall encourage the production and availability of terminal equipment offering the necessary services and functions.

Or. fr

Justification

In order for services to be provided to disabled users, appropriate terminal equipment needs to be made available.

Amendment 131

Marco Cappato

Proposal for a directive – amending act

Article 1 – point 5

Directive 2002/22/EC

Article 7 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Member states shall adopt specific

provisions to ensure that SMS messages or video calls are provided free or at cost price (partial exemption) for people with hearing impairments or other users with serious disabilities.

Or. it

Amendment 132
Zuzana Roithová

Proposal for a directive – amending act

Article 1 – point 6

Directive 2002/22/EC

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. When an operator designated in accordance with paragraph 1 intends to dispose of a substantial part or all of its local access network assets to a separate legal entity under different ownership, it shall inform in advance the national regulatory authority in a timely manner, in order to allow the national regulatory authority to assess the effect of the intended transaction on the provision of access at a fixed location and of telephone services pursuant to Article 4. The national regulatory authority may impose conditions in accordance with Article 6 (2) of Directive 2002/20/EC (Authorisation Directive).

deleted

Or. en

Justification

The voluntary decision of an undertaking with SMP to transfer its local access network assets to a separate legal entity under different ownership, or to establish a separate business entity in order to provide fully equivalent access products is a business/strategic company decision not subject to ex ante regulation. The information requirements should be proportionate and in accordance with the information regulation of NRA's.

Amendment 133

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 7

Directive 2002/22/EC

Article 9 – paragraph 2

Text proposed by the Commission

2. Member States may, in the light of national conditions, require that designated undertakings provide tariff options or packages to consumers which depart from those provided under normal commercial conditions, in particular to ensure that those on low incomes or with special social needs are not prevented from accessing or using the network access referred to in Article 4(1), or the services identified in Articles 4(3), 5, 6 and 7 as falling under the universal service obligations and provided by designated undertakings.

Amendment

2. Member States may, in the light of national conditions, require that designated undertakings provide tariff options or packages to consumers which depart from those provided under normal commercial conditions, in particular to ensure that those on low incomes or with special social needs are not prevented from accessing or using the network access referred to in Article 4(1), or the services identified in Articles **4(2)(a)**, 4(3), 5, 6 and 7 as falling under the universal service obligations and provided by designated undertakings.

Or. es

Justification

For consistency with the amendment to Article 4(2(a), on functional Internet access.

Amendment 134

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 7 a (new)

Directive 2002/22/EC

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(7a) The following new paragraph shall be inserted:

3a. ‘National regulatory authorities may

require other undertakings to provide specific systems for monitoring expenditure, in accordance with Annex I, Part A.'

Or. es

Justification

The directive should recognise the ability of Member States to extend to other communications services some of the user rights at present only recognised for services included in the concept of universal service.

Amendment 135
Cristian Silviu Buşoi

Proposal for a directive – amending act

Article 1 – point 7 b (new)

Directive 2002/22/EC

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

(7b) In Article 10, paragraph 2 is amended as follows:

2. 'Member States shall ensure that [...] undertakings [...] offering telecommunication services as defined in article 2 of directive 2002/21/EC provide the specific facilities and services set out in Annex I, Part A, in order that subscribers can monitor and control expenditure and avoid unwarranted disconnection of service.'

Or. en

Amendment 136
Heide Rühle

Proposal for a directive – amending act
Article 1 – point 7 b (new)
Directive 2002/22/EC
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

(7b) In Article 10, paragraph 2 is amended as follows:

2. 'Member States shall ensure that [...] undertakings [...] offering telecommunication services as defined in article 2 of directive 2002/21/EC provide the specific facilities and services set out in Annex I, Part A, in order that subscribers can monitor and control expenditure and avoid unwarranted disconnection of service.'

Or. en

Justification

Many consumers have been confronted with exceptionally high telecom expenditures due to a lack of knowledge of tariffs, in many cases linked to data services and international voice or data roaming. It is thus necessary to offer them the means to have greater control over all their communications' services through cost control measures.

Amendment 137
Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act
Article 1 – point 7 c (new)
Directive 2002/22/EC
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

(7c) In Article 11, paragraph 1 is amended as follows:

'1. National regulatory authorities shall ensure that all designated undertakings

with obligations under Articles 4, 5, 6, 7 and 9(2) publish adequate and up-to-date information concerning their performance in the provision of universal service, based on the quality of service parameters, definitions and measurement methods set out in Annex III. The published information shall [...] on request be supplied to the national regulatory authority.'

Or. xm

Justification

To avoid excessive bureaucracy for the operators concerned.

Amendment 138

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 7 d (new)

Directive 2002/22/EC

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

(7d) In Article 11, paragraph 3 is amended as follows:

'3. National regulatory authorities may, in addition, specify the content, form and manner of information to be published, in order to ensure that end-users and consumers have access to comprehensive, [...] reliable, high-quality and user-friendly information.'

Or. xm

Justification

Comparing service quality data makes sense only in a context of competitive services, and not that of the universal service. Besides, it is more important that these authorities should ensure that the data are reliable and of high quality.

Amendment 139

Nickolay Mladenov, Andreas Schwab

Proposal for a directive – amending act

Article 1 – point 10 – point a

Directive 2002/22/EC

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

(a) Paragraph 1 is replaced by the following: ***deleted***

‘1. Member States shall ensure that national regulatory authorities impose appropriate regulatory obligations on undertakings identified as having significant market power on a given retail market in accordance with Article 14 of Directive 2002/21/EC (Framework Directive):

(a) where as a result of a market analysis carried out in accordance with Article 16 of Directive 2002/21/EC (Framework Directive) a national regulatory authority determines that a given retail market identified in accordance with Article 15 of Directive 2002/21/EC (Framework Directive) is not effectively competitive, and

(b) where the national regulatory authority concludes that obligations imposed under Directive 2002/19/EC (Access Directive), would not result in the achievement of the objectives set out in Article 8 of Directive 2002/21/EC (Framework Directive).’

Or. en

Justification

To delete Art. 17 would be a consequential first step in the transition to competition law in the sector and in line with better regulation principles. To maintain retail obligations in the framework would mean that the development of new retail services could continue to be

hampered due to ex-ante controls even though wholesale regulation and general competition law can effectively remedy competition problems in case these might still arise.

Amendment 140

Nickolay Mladenov, Andreas Schwab

Proposal for a directive – amending act

Article 1 – point 10 – point a a (new)

Directive 2002/22/EC

Article 17 – paragraph 2

Text proposed by the Commission

Amendment

(aa) Paragraph 2 is deleted

Or. en

Justification

The same reasoning as for the deletion of Art.17 paragraph 1 is also valid for the deletion of paragraph 2 of the existing text.

Amendment 141

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 11

Directive 2002/22/EC

Article 18

Text proposed by the Commission

Amendment

(11) Articles 18 and 19 are deleted.

(11) Article 18 is deleted.

Or. en

Amendment 142

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. This Article shall apply without prejudice to Community rules on consumer protection, in particular Directives 93/13/EC and 97/7/EC, and national rules in conformity with Community law.

deleted

Or. es

Justification

Wording already included in Amendment 1.

Amendment 143

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that, where subscribing to services providing connection to a public communications network and/or publicly available telephone services, **consumers** have a right to a contract with an undertaking or undertakings providing such services and/or connection. The contract shall specify at least:

Member States shall ensure that, where subscribing to services providing connection to a public communications network and/or publicly available telephone services, **end-users** have a right to a contract with an undertaking or undertakings providing such services and/or connection. The contract shall specify at least:

Or. en

Justification

All end users should at least benefit from this information. In addition quality of services is a crucial parameter for end-users, especially the ones using electronic communication for their business like SMEs.

Amendment 144
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 – subparagraph 1 – point (b)

Text proposed by the Commission

(b) the services provided, the service quality levels offered, **as well as** the time for the initial connection;

Amendment

(b) the services provided, **including in particular:**

- the level of reliability with which the operator can provide access to emergency services in the light of current technology and existing standards,

- information on the inclusion of subscriber information in directories,

- the service quality levels and types of maintenance services offered,

- the time for the initial connection, and

- any restrictions on the use of terminal equipment imposed by the provider;

Or. fr

Justification

This amendment would bring together in a single provision the information to be included at the time of subscription, which the Commission proposes to include in the new paragraphs 4 and 5, address information in directories and restrictions on the use of terminal equipment, such as SIM-locked handsets, and also allow point (c) on maintenance to be deleted as a separate point.

Amendment 145
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 – subparagraph 1 – point (d)

Text proposed by the Commission

d) particulars of prices and tariffs and *the* means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

Amendment

d) particulars of prices and tariffs and means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

Or. de

Justification

Deleting the definite article no longer limits the possibilities to a particular point in time and leaves open the possibility that future developments may offer even more efficient ways of obtaining tariff information.

Amendment 146
Arlene McCarthy

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 – subparagraph 1 – point (h)

Text proposed by the Commission

(h) the action that might be taken by the undertaking providing connection and/or services in reaction to security or integrity incidents or threats and vulnerabilities.

Amendment

(h) the action that might be taken by the undertaking providing connection and/or services in reaction to security or integrity incidents or threats and vulnerabilities *or the use of the service to commit unlawful activities.*

Or. en

Justification

To ensure consumer protection consumers should be fully made aware of any actions that

may be undertaken by the service provider, whether to tackle use threatening security or integrity, or for illegal activity.

Amendment 147

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 – subparagraph 1 – point (h) (a) (new)

Text proposed by the Commission

Amendment

(ha) the performances of the parameters affecting the quality of services.

Or. en

Justification

All end users should at least benefit from this information. In addition quality of services is a crucial parameter for end-users, especially the ones using electronic communication for their business like SMEs.

Amendment 148

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 – subparagraph 1 – point (h b) (new)

Text proposed by the Commission

Amendment

(hb) the customer services available, and ways of contacting such services.

Or. es

Justification

Contracts should include a reference to customer services, to facilitate complaints by users to service providers.

Amendment 149
Malcolm Harbour

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The contract shall also include any information provided by the relevant public authorities on the legally impermissible uses of electronic communications networks and the means of protection against risks to personal security, privacy and personal data referred to in Article 21(4a) and relevant to the service provided.

Or. en

Justification

Replaces AM 23 of the draft report. This AM clarifies that the public service information which the NRAs may require operators to include in contracts (i) may have been produced by any relevant national authority, (ii) relates to impermissible, i.e. illegal, use, and (iii) adds a specific reference to information relating to personal security, for example with respect to inadvisable disclosure of personal data by minors. The AM should be read with the revised AM establishing Article 21(4a).

Amendment 150
Maria Matsouka

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a (new)The Member States shall ensure that the minimum period of contracts concluded between subscribers and

electronic communication service providers does not exceed 12 months. For longer periods, subscribers shall be able, without extra charge, to change supplier or cancel the contract.

Or. el

Amendment 151
Maria Matsouka

Proposal for a directive – amending act
Article 1 – point 3
Directive 2002/22/EC
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all reasonable requests for provision of a telephone service over the network connection referred to in paragraph 1, allowing originating and receiving of national and international calls and calls to emergency services via the number “112”, are met by at least one undertaking.’

Amendment

3. Member States shall ensure that all reasonable requests for provision of a telephone **and data communication** service over the network connection referred to in paragraph 1, allowing originating and receiving of national and international calls, **data** and calls to emergency services via the number “112”, are met by at least one undertaking

Or. el

Amendment 152
Heide Rühle

Proposal for a directive – amending act
Article 1 – point 12
Directive 2002/22/EC
Article 20 – paragraph 3

Text proposed by the Commission

3. The information listed in paragraph 2 shall also be included in contracts concluded between **consumers** and electronic communications services

Amendment

3. The information listed in paragraph 2 shall also be included in contracts concluded between **end-users** and electronic communications services

providers other than those providing connection to a public communications network and/or publicly available telephone services. **Member States may extend this obligation to cover other end-users.**

providers other than those providing connection to a public communications network and/or publicly available telephone services.

Or. en

Justification

Not only consumers but all end-users, especially the ones with limited negotiation power like SMEs, shall benefit from this provision.

Amendment 153

André Brie, Marco Rizzo

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services that allow **voice communication**, subscribers are clearly informed whether or not access to emergency services is provided. Providers of electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and **regularly thereafter**.

Amendment

4. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services **available to the public** that allow **the origination of real-time bi-directional voice calls through a number or numbers in a national telephone numbering plan**, subscribers are clearly informed whether or not access to emergency services is provided. Providers of **such** electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and **upon renewal of such contract**.

Or. en

Amendment 154
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services that allow voice communication, subscribers are clearly informed ***whether or not*** access to emergency services ***is provided***. Providers of electronic communications services shall ensure that customers are clearly informed of the ***lack*** of access to emergency services in advance of the conclusion of a contract and regularly thereafter.

Amendment

4. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services that allow voice communication, subscribers are clearly informed ***as to the level of reliability with which the operator can provide*** access to emergency services ***in the light of current technology and existing standards***. Providers of electronic communications services shall ensure that customers are clearly informed ***as to the level of reliability of*** access to emergency services in advance of the conclusion of a contract and regularly thereafter.

Or. fr

Justification

As all operators are required to provide access to emergency services, there is no reason to provide information on the unavailability of these services. However, certain providers, particularly those that are independent of networks, are not currently able to guarantee 100% reliable access to emergency services; consumers should be clearly informed of this.

Amendment 155
Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that where

Amendment

4. Member States shall ensure that where

contracts are concluded between subscribers and undertakings providing electronic communications services that allow voice communication, subscribers are clearly informed whether or not access to emergency services is provided. Providers of electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and regularly thereafter.

contracts are concluded between subscribers and undertakings providing electronic communications services that allow voice communication, subscribers are clearly informed whether or not access to emergency services is provided. Providers of electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and regularly thereafter, *especially when entering areas which may not be covered by any communication service.*

Or. en

Amendment 156
Othmar Karas

Proposal for a directive – amending act
Article 1 – point 12
Directive 2002/22/EC
Article 20 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services that allow voice communication, subscribers are clearly informed whether or not access to emergency services is provided. Providers of electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and **regularly** thereafter.

Amendment

4. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services that allow voice communication, subscribers are clearly informed whether or not access to emergency services is provided. Providers of electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and thereafter.

Or. de

Justification

The requirement for ‘regular’ information raises the question ‘how often is regularly?’ and thus entails legal uncertainty. Information should be provided only when the occasion demands, to avoid an excess of information which would also be unwelcome to the end user.

Amendment 157

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that where contracts are concluded between **subscribers** and undertakings providing electronic communications services that allow voice communication, **subscribers** are clearly informed whether or not access to emergency services is provided. Providers of electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and regularly thereafter.

Amendment

4. Member States shall ensure that where contracts are concluded between **end-users** and undertakings providing electronic communications services that allow voice communication, **end-users** are clearly informed whether or not access to emergency services is provided. Providers of electronic communications services shall ensure that customers are clearly informed of the lack of access to emergency services in advance of the conclusion of a contract and regularly thereafter.

Or. es

Justification

This article forms part of Title IV, ‘End-user interests and rights’.

Amendment 158

Maria Matsouka

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and regularly thereafter of any limitations imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice.

Amendment

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and regularly thereafter of any limitations imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice. ***The national regulatory authorities must ensure that any limits imposed by providers on the scope for subscribers to have access to or distribute legal content is legally justified and does not lead to discrimination.***

Or. el

Amendment 159

Karin Riis-Jørgensen

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and regularly thereafter of any limitations imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice.

Amendment

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and regularly thereafter of any limitations imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice. ***Where an operator or internet service provider actively uses traffic prioritisation in network traffic and differentiate between the quality of***

service, whether by service type, specific application or source, the end user should be given the opportunity to choose which services have priority.

Or. en

Justification

It is crucial that the consumer is informed if their access to certain Internet based services, applications or content are being blocked or degraded. This will allow the consumer to react, and thus let market forces come to work.

New innovative services thrive when accessible for a big audience from the first day of launch, as is the case on the Internet today. If there is limited access the innovation of the internet can be at risk. EU will not be a dominant market for fostering new and competitive services and applications in a fragmented market with only limited access to their potential customers. Future EU based innovation will suffer from this. One should also consider that consumers should be able to access content from public service providers provided over the Internet. Not just for the sake of innovation, but for the sake of media pluralism and cultural diversity as well.

Amendment 160 **Cristian Silviu Buşoi**

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services ***and/or networks***, subscribers are clearly informed in advance of the conclusion of a contract and regularly thereafter of any limitations imposed by the provider on their ability to access or distribute lawful content or ***run*** any lawful applications and services of their choice.

Amendment

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services ***offering a connection to a public communications network***, subscribers are clearly informed in advance of the conclusion of a contract and regularly thereafter of any limitations imposed by the provider on their ability to access or distribute lawful content or ***to access or use*** any lawful applications and services of their choice.

Or. en

Amendment 161
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and **regularly** thereafter of any limitations imposed by the provider on their ability to access or distribute **lawful** content or run any **lawful** applications and services of their choice.

Amendment

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and thereafter of any limitations imposed by the provider on their ability to access or distribute content or run any applications and services of their choice.

Or. de

Justification

The requirement for ‘regular’ information raises the question of how frequent this should be and thus entails legal uncertainty. Information should be provided only when the occasion demands. The reference to the content being ‘lawful’ implies that service providers monitor and check the content of communications and would be able to categorise them, which is generally not the case. This is misleading, because it is forbidden by law. To avoid misinterpretation, these adjectives should be removed.

Amendment 162

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that where

Amendment

5. Member States shall ensure that where

contracts are concluded between **subscribers** and undertakings providing electronic communications services and/or networks, **subscribers** are clearly informed in advance of the conclusion of a contract and regularly thereafter of any limitations imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice.

contracts are concluded between **end-users** and undertakings providing electronic communications services and/or networks, **end-users** are clearly informed in advance of the conclusion of a contract and regularly thereafter of any **explicit** limitations imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice.

Or. es

Justification

The limits on access to certain services and content may not depend on the nature of the electronic communications service provided, but on the service to which access is sought, knowledge of which may be beyond the operator's reach.

Amendment 163

Šarūnas Birutis

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and **regularly thereafter** of any limitations imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice.

Amendment

5. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of a contract and **in case of any change** of any limitations **explicitly** imposed by the provider on their ability to access or distribute lawful content or run any lawful applications and services of their choice.

Or. en

Justification

Removal of unnecessary burden for service providers to spam subscribers with worthless information.

Amendment 164
Zuzana Roithová

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of the contract and regularly thereafter of their obligations to respect copyright and related rights. Without prejudice to Directive 2000/31/EC on electronic commerce, this includes the obligation to inform subscribers of the most common acts of infringements and their legal consequences. **deleted**

Or. en

Justification

It is highly disproportionate to require e-communication providers to ensure extensive customer education to the benefit of the copyright holders and as their interest bailee. Also, the success, acknowledgement and adherence, is very indistinct. It is difficult to justify, providers of e-communication should be obliged to take specific actions to the monetary benefit of copyright holders but not in the case of infringements on intangible property rights of other right holders (e.g. infringements on personal privacy, intervention in existing business operations). As a matter of fact, any such information requirements are often subject to contractual agreements between those providing content to customers and content providers. Further on, customer contracts (in their general terms and conditions) generally do already contain obligations to respect law and often fair use policies are applied. Therefore such a provision should not be obligatory.

Amendment 165
Bill Newton Dunn

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of the contract and regularly thereafter of their obligations to respect copyright and related rights. Without prejudice to Directive 2000/31/EC on electronic commerce, this includes the obligation to inform subscribers of the most common acts of infringements and their legal consequences. **deleted**

Or. en

Justification

The review of the Universal Service Directive is not the most opportune legislative act to review the rules on liability of undertakings providing electronic communications services and networks. The proposed wording would be contrary to the rules as foreseen in Directive 2000/31/EC on e-commerce and in Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the Information Society. The language used by the EC, referring to “most common acts of infringements” would create legal uncertainty for the undertakings as the interpretation of this concept differs among the Member States.

Amendment 166
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of the contract and **regularly** thereafter of their obligations to respect copyright and related rights.

Without prejudice to Directive 2000/31/EC on electronic commerce, this includes the obligation to inform subscribers of the most common acts of infringements and their legal consequences.

Amendment

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of the contract and thereafter of their obligations to respect copyright and related rights.

Or. de

Justification

The requirement for 'regular' information raises the question 'how often is regularly?' and thus entails legal uncertainty. Information should be provided only when the occasion demands, to avoid an excess of information which would also be unwelcome to the end user. The detailed obligation laid down in the last sentence would place an unreasonable burden on service providers and in extreme cases could bring them into conflict with professional legal advisers and should therefore be deleted.

Amendment 167
Bill Newton Dunn

Proposal for a directive – amending act
Article 1 – point 12
Directive 2002/22/EC
Article 20 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are **clearly** informed

Amendment

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are informed, in

in advance of the conclusion of the contract **and regularly thereafter** of their obligations to respect copyright and related rights. ***Without prejudice to Directive 2000/31/EC on electronic commerce, this includes the obligation to inform subscribers of the most common acts of infringements and their legal consequences.***

advance of the conclusion of the contract, of their **general** obligations to respect copyright and related rights.

Or. en

Justification

The proposed wording of the European Commission would place responsibility for copyright liability infringements on the providers of electronic communications services and networks. This is contrary to the limitations on liability of network operators and ISPs as set out in articles 12-15 of Directive 2000/31/EC on electronic commerce in which network based communications providers are considered as not the source of the content they convey, but solely the mediator.

Amendment 168 **Šarūnas Birutis**

Proposal for a directive – amending act
Article 1 – point 12
Directive 2002/22/EC
Article 20 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are **clearly** informed in advance of the conclusion of the contract **and regularly thereafter** of their obligations to respect copyright and related rights. ***Without prejudice to Directive 2000/31/EC on electronic commerce, this includes the obligation to inform subscribers of the most common acts of infringements and their legal consequences.***

Amendment

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are informed, in advance of the conclusion of the contract, of their **general** obligations to respect copyright and related rights.

Justification

Copyrights and related rights should not become subject of USO and unjustified responsibility of electronic communications services providers. These rights do not directly determine quality of service delivery and are well covered with other legal acts.

Amendment 169

Jacques Toubon

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of the contract and regularly thereafter of their obligations to respect copyright and related rights. Without prejudice to Directive 2000/31/EC on electronic commerce, this includes the obligation to inform subscribers of the most common acts of infringements and their legal consequences.

Amendment

6. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, subscribers are clearly informed in advance of the conclusion of the contract and regularly thereafter of their obligations to respect copyright and related rights. Without prejudice to Directive 2000/31/EC on electronic commerce, this includes the obligation to inform subscribers of the most common acts of infringements and their legal consequences ***in a clear, comprehensive and easily accessible form.***

Or. fr

Justification

In the spirit of Directive 2004/48/EC on the enforcement of intellectual property rights, it is important to ensure that intellectual property rights are effectively enforced in the Community to ensure the success of the internal market. To that end, consumers should be clearly informed of their obligations with respect to copyright and related rights concerning the use of electronic communications networks.

Amendment 170
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Member States are required to ensure that the duration of contracts concluded between users and undertakings providing electronic communications services does not exceed 24 months. They shall also ensure that the possibility for users to subscribe to a contract with a maximum duration of 12 months is guaranteed for all types of service and equipment.

Or. fr

Justification

Contracts lasting 24 months can be beneficial to consumers in terms of cost. However, consumers must be able to subscribe for a shorter, less binding period for all the services offered.

Amendment 171
Arlene McCarthy

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. Member States shall ensure that where contracts are concluded between subscribers and undertakings providing electronic communications services and/or networks, those contracts provide for contractual sanctions to be applied and enforced against subscribers who misuse their connection to carry out

unlawful and harmful activities.

Or. en

Justification

Contracts with subscribers currently include clauses for the operator to apply sanctions where a subscription is misused to commit unlawful acts. Enforcement of such clauses is an efficient way to tackle unlawful and harmful content on the internet, such as the marketing of counterfeit goods, the sale of illegal weaponry, and the diffusion of racist material.

Amendment 172

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6 c (new)

Text proposed by the Commission

Amendment

6c. Member States shall ensure that the maximum duration of contracts concluded between subscribers and undertakings providing electronic communications services do not exceed 12 months. Beyond this period subscribers shall be able to change operator or withdraw from the contract free of charge.

Or. en

Justification

Many operators "lock" consumers into lengthy contracts. These practices have an adverse effect on competition as consumers are prevented from freely changing operators whenever they find a better offer in the market. Also provisions on number portability would be meaningless should operators provide for excessively lengthy contracts.

Amendment 173
Cristian Silviu Buşoi

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6 d (new)

Text proposed by the Commission

Amendment

6d. Member States shall ensure that subscriber contracts provide for a system of warnings and sanctions to be enforced against the subscriber if his connection is used for unlawful purposes.

Or. en

Amendment 174
Heide Rühle

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 6 e (new)

Text proposed by the Commission

Amendment

6e. Member States shall ensure that national regulatory authorities prevent undertakings providing electronic communication services from offering tied-in services including “blocked” cell phones.

Or. en

Justification

In some Member States (e.g. Spain) mobile terminals are primarily subsidised by operators, with the consequence that undertakings offer services which are “tied” to a particular type of device, handset or terminal equipment. This should be considered as an unfair contract term under the Unfair Contractual Terms directive 93/13/EEC.

Amendment 175
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 7

Text proposed by the Commission

7. Subscribers shall have a right to withdraw from their contracts without penalty ***upon notice*** of modifications in the contractual conditions proposed by operators. Subscribers shall be given adequate notice, not shorter than one month, ahead of any such modifications and shall be informed at the same time of their right to withdraw, without penalty, from such contracts, if they do not accept the new conditions.

Amendment

7. Subscribers shall have a right to withdraw from their contracts without penalty ***in the event*** of modifications in the contractual conditions by operators, ***if the modifications as a whole are disadvantageous to them***. Subscribers shall be given adequate notice, not shorter than one month, ahead of any such modifications and shall be informed at the same time of their right to withdraw, without penalty, from such contracts, if they do not accept the new conditions.

Or. de

Justification

The right to withdraw because of modifications should not start when the proposed modifications are announced, but when they take effect. And in principle due premium provision should not be made for every case where the end user is a customer of a provider which adjusts its conditions to a changed environment, but should only apply if the new conditions as a whole actually mean that the end user is in a worse position than under the original conditions.

Amendment 176

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 7

Text proposed by the Commission

7. Subscribers shall have a right to withdraw from their contracts without

Amendment

7. Subscribers shall have a right to withdraw from their contracts without

penalty upon notice of modifications in the contractual conditions proposed by operators. Subscribers shall be given adequate notice, not shorter than one month, ahead of any such modifications and shall be informed at the same time of their right to withdraw, without penalty, from such contracts, if they do not accept the new conditions.

penalty upon notice of modifications in the contractual conditions proposed by operators. ***Except in cases permitted by the national regulatory authorities,*** subscribers shall be given adequate notice, not shorter than one month, ahead of any such modifications and shall be informed at the same time of their right to withdraw, without penalty, from such contracts, if they do not accept the new conditions.

Or. es

Justification

The national regulatory authorities must be allowed to authorise modifications in contracts at less than one month's notice, at least in those cases where such modifications are beneficial to users (price cuts or service increases).

Amendment 177

Šarūnas Birutis

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 20 – paragraph 7

Text proposed by the Commission

7. Subscribers shall have a right to withdraw from their contracts without penalty upon notice of modifications in the contractual conditions proposed by operators. Subscribers shall be given adequate notice, not shorter than one month, ahead of any such modifications and shall be informed at the same time of their right to withdraw, without penalty, from such contracts, if they do not accept the new conditions.

Amendment

7. Subscribers shall have a right to withdraw from their contracts without penalty upon notice of modifications in the contractual conditions proposed by operators. Subscribers shall be given adequate notice ***by the undertakings providing electronic communications networks and/or services,*** not shorter than one month, ahead of any such modifications and shall be informed at the same time of their right to withdraw, without penalty, from such contracts, if they do not accept the new conditions.

Or. en

Justification

Indication on notifying party should be given.

Amendment 178

Maria Matsouka

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that transparent, comparable, adequate and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, ***in respect of access to and use of the services identified in Articles 4, 5, 6, and 7 is available to end-users and consumers***, in accordance with the provisions of Annex II..

Amendment

1. Member States shall ensure that transparent, comparable, adequate and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in accordance with the provisions of Annex II. ***Such information shall be published in an easily accessible form.***

Or. el

Amendment 179

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that transparent, comparable, adequate and up-to date information on applicable prices and tariffs, ***and*** on standard terms and conditions, in respect of access to and use of the services identified in Articles 4, 5, 6, and 7 is available to end-users and consumers, in accordance with the

Amendment

1. Member States shall ensure that transparent, comparable, adequate and up-to date information on applicable prices and tariffs, on standard terms and conditions, ***and on the level of quality of services*** in respect of access to and use of the services identified in Articles 4, 5, 6, and 7 is available to end-users and consumers, in accordance with the

provisions of Annex II.

provisions of Annex II.

Or. en

Justification

Quality of services is a crucial parameter for end-users, especially the ones using electronic communication for their business like SMEs.

Amendment 180
Šarūnas Birutis

Proposal for a directive – amending act
Article 1 – point 12
Directive 2002/22/EC
Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***transparent, comparable, adequate and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of the services identified in Articles 4, 5, 6, and 7 is available to end-users and consumers, in accordance with the provisions of Annex II.***

Amendment

1. Member States shall ensure that ***national regulatory authorities are able to oblige undertakings providing electronic communications networks and/or services publish transparent, comparable, adequate and up-to-date information as set out in Annex II, on applicable prices and tariffs and on standard terms and conditions in respect of access and use of their services provided to consumers. National regulatory authorities may specify additional requirements regarding the form in which such information shall be published to ensure transparency and accessibility for the benefit of consumers.***

Or. en

Justification

More specific mechanism to apply this article should be envisaged. Since NRAs are directly involved in electronic communications market supervision, they must be enabled to follow after the requirements.

Amendment 181
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that transparent, **comparable, adequate** and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of the services identified in Articles 4, 5, 6, and 7 is available to end users and consumers, in accordance with the provisions of Annex II

Amendment

1. Member States shall ensure that transparent and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of the services identified in Articles 4, 5, 6, and 7 is available to end users and consumers, in accordance with the provisions of Annex II.

Or. de

Justification

If operators ensure that prices are comparable they would unnecessarily put themselves at risk of being suspected of price-fixing (contrary to the law on cartels); this should therefore be deleted. Up-to-date and transparent information is sufficient to provide responsible adult consumers with a solid basis for their decision as to which operator best fulfils their communications services requirements. The provisions in paragraph 6 are not necessary; the activities that the NRAs have already developed in this area are sufficient.

Amendment 182
Šarūnas Birutis

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing public electronic communications networks and/or services publish comparable, adequate and up-to-date information on applicable prices and

Amendment

deleted

tariffs in respect of access and use of their services provided to consumers. Such information shall be published in an easily accessible form.

Or. en

Justification

More specific mechanism to apply this article should be envisaged. Since NRAs are directly involved in electronic communications market supervision, they must be enabled to follow after the requirements.

Amendment 183
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing public electronic communications networks and/or services publish ***comparable, adequate and*** up-to-date information on applicable prices and tariffs in respect of access and use of their services provided to consumers. Such information shall be published in an easily accessible form.

Amendment

2. Member States shall ensure that undertakings providing public electronic communications networks and/or services publish up-to-date information on applicable prices and tariffs in respect of access and use of their services provided to consumers. Such information shall be published in an easily accessible form.

Or. de

Justification

If operators ensure that prices are comparable they would unnecessarily put themselves at risk of being suspected of price-fixing (contrary to the law on cartels); this should therefore be deleted. Up-to-date and transparent information is sufficient to provide responsible adult consumers with a solid basis for their decision as to which operator best fulfils their communications services requirements. The provisions in paragraph 6 are not necessary; the activities that the NRAs have already developed in this area are sufficient.

Amendment 184
Heide Rühle

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing public electronic communications networks and/or services publish comparable, adequate and up-to-date information on applicable prices and tariffs in respect of access and use of their services provided to **consumers**. Such information shall be published in an easily accessible form.

Amendment

2. Member States shall ensure that undertakings providing public electronic communications networks and/or services publish comparable, adequate and up-to-date information on applicable prices and tariffs in respect of access and use of their services provided to **end-users**. Such information shall be published in an easily accessible form.

Or. en

Justification

Not only consumers but all end-users, especially the ones with limited negotiation power like SMEs, shall benefit from this provision.

Amendment 185

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing public electronic communications networks and/or services publish comparable, adequate and up-to-date information on applicable prices and tariffs in respect of access and use of their services provided to consumers. Such

Amendment

2. Member States shall ensure that undertakings providing public electronic communications networks and/or services publish **clear**, comparable, adequate and up-to-date information on applicable prices and tariffs **and the standard terms and conditions** in respect of access and use of

information shall be published in an easily accessible form.

their services provided to consumers *in accordance with Annex II*. Such information shall be published in an easily accessible form. *To that end the national regulatory authorities may extend the provisions of Annex II to those undertakings.*

Or. es

Justification

The directive should recognise the ability of Member States to extend to other communications services some of the user rights at present only recognised for services included in the concept of universal service.

Amendment 186

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 3

Text proposed by the Commission

3. National regulatory authorities shall encourage the provision of information to enable end users and consumers to make an independent evaluation of the cost of alternative usage patterns, by means of interactive guides or similar techniques. ***Member States shall ensure that*** national regulatory authorities make such guides or techniques available, when these are not available on the market. Third parties shall have a right to use without charge the tariffs published by undertakings providing electronic communications networks and/or services, for the purposes of selling or making available such interactive guides or similar techniques.

Amendment

3. National regulatory authorities shall encourage the provision of information to enable end users and consumers to make an independent evaluation of the cost of alternative usage patterns, by means of interactive guides or similar techniques. National regulatory authorities ***may*** make such guides or techniques available, when these are not available on the market. Third parties shall have a right to use without charge the tariffs published by undertakings providing electronic communications networks and/or services, for the purposes of selling or making available such interactive guides or similar techniques.

Or. es

Justification

It is for the NRAs to judge whether, in the light of market circumstances, the lack of available guides or applications for comparing the prices, tariffs and contractual conditions of different service providers really does obstruct the growth of competition and users' ability to choose, and if so, to take on the production task themselves.

Amendment 187 **Bill Newton Dunn**

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 3

Text proposed by the Commission

3. National regulatory authorities shall encourage the provision of information to enable end-users and consumers to make an independent evaluation of the cost of alternative usage patterns, by means of interactive guides or similar techniques. Member States shall ensure that national regulatory authorities make such guides or techniques available, when these are not available on the market. ***Third parties shall have a right to use without charge the tariffs published by undertakings providing electronic communications networks and/or services, for the purposes of selling or making available such interactive guides or similar techniques.***

Amendment

3. National regulatory authorities shall encourage the provision of information to enable end-users and consumers to make an independent evaluation of the cost of alternative usage patterns, by means of interactive guides or similar techniques. Member States shall ensure that national regulatory authorities make such guides or techniques available, when these are not available on the market.

Or. en

Justification

Improvements must be made to the consumer protection proposals so that they strike a balance between respecting of consumer rights and providing market players with appropriate legal and economic conditions to continue to offer the best market driven products. Whilst consumers should be able to easily compare prices of services offered on the market, the rules for doing so should not be overly prescriptive as the market already provides for interactive tariff comparison.

Amendment 188
Andreas Schwab

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing electronic communications services to provide applicable tariff information to customers **at the time** and point of purchase to **ensure that** customers **are** fully **informed** of pricing conditions.

Amendment

4. Member States shall ensure that national regulatory authorities are able to oblige, **if self- and/or co-regulatory measures have proven ineffective**, undertakings providing electronic communications services to provide applicable tariff information to customers **before** and at the point of purchase to **allow** customers **to** fully **inform themselves** of pricing conditions.

Or. en

Justification

It is of utmost importance that consumers are enabled to check all contract conditions and especially pricing before concluding a contract. This wording would also be in line with Recital 15 of the Commission proposal. Especially for value added services the requirement of price information at the exact time and point of purchase is not only highly complicated and costly to implement, but does also annoy customers and as a consequence has a negative impact on revenues.

Amendment 189
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing electronic communications services to provide applicable tariff information to customers

Amendment

4. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing electronic communications services to provide applicable tariff information to customers

at the time and point of purchase to ensure that customers are **fully** informed of pricing conditions.

at the time and point of purchase to ensure that customers are informed **in a transparent manner** of pricing conditions.

Or. de

Justification

If operators ensure that prices are comparable they would unnecessarily put themselves at risk of being suspected of price-fixing (contrary to the law on cartels); this should therefore be deleted. Up-to-date and transparent information is sufficient to provide responsible adult consumers with a solid basis for their decision as to which operator best fulfils their communications services requirements. The provisions in paragraph 6 are not necessary; the activities that the NRAs have already developed in this area are sufficient.

Amendment 190

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing electronic communications services to provide applicable tariff information to customers at the time and point of purchase to ensure that customers are fully informed of pricing conditions.

Amendment

4. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing electronic communications services to provide applicable tariff information to customers at the time and point of purchase to ensure that customers are fully informed of pricing conditions **or other relevant aspects**.

Or. es

Justification

When concluding a service contract there are other conditions that may be relevant apart from the price, such as minimum subscription periods, the requirement to purchase certain service packages in order to qualify for a particular offer, and so on.

Amendment 191
Malcolm Harbour

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that national regulatory authorities oblige the undertakings referred to in paragraph 4 to distribute public interest information to existing and new subscribers. Such information shall be produced by the relevant public authorities in a standardised format and may inter alia cover the following topics:

(a) legally impermissible usage of electronic communications services, including infringement of copyright and related rights;

(b) the most common legally impermissible uses of electronic communications services, including copyright infringement, and their consequences; and

(c) means of protection against risks to personal security, privacy and personal data in using electronic communications services.

Any additional costs incurred by an undertaking in complying with these obligations shall be reimbursed by the national regulatory authority.

Or. en

Justification

Replaces AM 32 of the draft report. See justification to Article 20(2) subparagraph 1a (new).

Amendment 192
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing electronic communications services and/or networks to provide information required in accordance with Article 20(5) to customers in a clear, comprehensive and easily accessible form.

Amendment

5. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing electronic communications services and/or networks to provide information required in accordance with Article 20(5) **and (6)** to customers **on a regular basis and** in a clear, comprehensive and easily accessible form.

National regulatory authorities shall ensure in particular that undertakings providing electronic communications services and/or networks provide regular information to their subscribers on:

(a) the unlawful use of electronic communications services, particularly where it may prejudice respect for the rights and freedoms of others, and

(b) the means of protection and limitations concerning personal data and privacy in the use of electronic communications services.

Or. fr

Justification

National regulatory authorities must ensure that undertakings providing electronic communications networks and/or services disseminate to subscribers on a regular basis the information which the NRAs provide on the unlawful use of communications and on the protection of personal data, in order to ensure that subscribers are aware of the issues at stake and of the rapid development in electronic communications.

Amendment 193

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 12

Directive 2002/22/EC

Article 21 – paragraph 6

Text proposed by the Commission

Amendment

6. In order to ensure that end-users can benefit from a consistent approach to tariff transparency, as well as to the provision of information in accordance with Article 20(5) in the Community, the Commission may, having consulted the European Electronic Communications Market Authority (hereinafter referred to as “the Authority”), take the appropriate technical implementing measures in this area, such as specify the methodology or procedures. Those measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3). *deleted*

Or. es

Justification

There is no justification for adopting measures to harmonise the provision of information and transparent contract terms; firstly, these are subject to each country’s own general trading rules, and secondly, any divergences between countries do not constitute a barrier to the growth of the internal market, since they do not affect users’ ability to choose, as users always choose between offers in the same country, presented to them in a homogeneous form as required by the national law.

Amendment 194
Marco Cappato

Proposal for a directive – amending act
Article 1 – point 13 – point a
Directive 2002/22/EC
Article 22 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that national regulatory authorities are, after taking account of the views of interested parties, able to require undertakings that provide publicly available electronic communications networks and/or services to publish comparable, adequate and up-to-date information for end-users on the quality of their services, including equivalent access for disabled end-users. The information shall, on request, also be supplied to the national regulatory authority in advance of its publication.

Amendment

1. Member States shall ensure that national regulatory authorities are, after taking account of the views of interested parties, able to require undertakings that provide publicly available electronic communications networks and/or services to publish comparable, adequate and up-to-date information for end-users on the quality of their services, including equivalent access for disabled end-users. The information shall, on request, also be supplied to the national regulatory authority in advance of its publication.
There shall be a requirement for invoices for telecommunications services to be issued at regular intervals (at least every six months) and clearly state any concessions, with particular reference to partial exemptions for people with serious disabilities.

Or. it

Amendment 195
Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act
Article 1 – point 13 – point a a (new)
Directive 2002/22/EC
Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) The following paragraph shall be inserted:

'2a. National regulatory authorities may request independent audits or similar reviews of the functioning of the information, to be paid for by the undertaking in question, to safeguard the accuracy, reliability and comparison of the information that the undertakings have provided.'

Or. es

Justification

To safeguard the accuracy, reliability and comparability of the information on the quality of service published by the various operators, there is a need for it to be subject to an independent auditing process or some other kind of similar review by an independent third party, similar to that required by Article 11 concerning the accuracy of information submitted by the operator designated for the universal service.

Amendment 196 Malcolm Harbour

Proposal for a directive – amending act

Article 1 – point 13 – point b

Directive 2002/22/EC

Article 22 – paragraph 3

Text proposed by the Commission

3. In order to prevent degradation of service and slowing of traffic over networks, ***the Commission*** may, ***having consulted the Authority, adopt technical implementing measures concerning*** minimum quality of service requirements ***to be set by the national*** regulatory authority on undertakings providing public communications networks. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). ***On imperative grounds of urgency, the Commission may use the urgency***

Amendment

3. In order to prevent ***anti-competitive blocking***, degradation of service and slowing of traffic over networks, ***and to ensure that the ability of users to access or distribute lawful content or to run lawful applications and services of their choice is not unreasonably restricted***, national regulatory authorities may issue ***guidelines setting*** minimum quality of service requirements. ***National*** regulatory authorities may consider a restriction to be unreasonable if it is based on source, destination, content, or type of application, and if it cannot be rendered ineffective by transparency requirements imposed pursuant to Article 21(4)(c) and

procedure referred to in Article 37(3).

competition law remedies. The Commission may, having examined such guidelines and consulted [xxx], adopt technical implementing measures concerning minimum quality of service requirements. These measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2).

Or. en

Justification

Replaces AM 37 of the draft report. The AM serves to clarify the conditions under which a national regulatory authority may take action against restrictions of access or use, modifies the procedure for taking such action and reinstates a possibility for harmonising technical implementation measures. AM 6 of the draft report, deleting a recital reference to such measures, would be withdrawn.

Amendment 197

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 13 – point b

Directive 2002/22/EC

Article 22 – paragraph 3

Text proposed by the Commission

Amendment

(b) The following paragraph 3 is added:

deleted

‘3. In order to prevent degradation of service and slowing of traffic over networks, the Commission may, having consulted the Authority, adopt technical implementing measures concerning minimum quality of service requirements to be set by the national regulatory authority on undertakings providing public communications networks. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in

accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).'

Or. es

Justification

In a competitive scenario quality of service is, along with price, a determining factor and should not be subject to regulation of a general nature, beyond the requirements for transparency that enable users to choose their service provider.

Amendment 198
Andreas Schwab

Proposal for a directive – amending act
Article 1 – point 13 – point b
Directive 2002/22/EC
Article 22 – paragraph 3

Text proposed by the Commission

3. In order to prevent degradation of service and slowing of traffic over networks, the Commission may, ***having consulted the Authority, adopt technical implementing measures concerning minimum quality of service requirements to be set by the national regulatory authority on undertakings providing public communications networks. These measures designed to amend nonessential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2).***

Amendment

3. In order to prevent degradation of service and slowing of traffic over networks, the Commission ***and national regulatory authorities*** may ***propose for the best possible service provision, including for ‘voice-over IP’ services. The proposals should take account of internationally recognised standards.***

Or. en

Justification

New IP networks allow for an increasing differentiation of quality of service and for innovative services in line with consumer demand. Network management tools tend to

enhance consumer welfare by creating customer choice and improving the quality of those choices. Only in case anti-competitive degradation of quality occurs which cannot be tackled under the regulatory framework and by competition law the Commission should propose minimum quality of service requirements.

Amendment 199
Cristian Silviu Buşoi

Proposal for a directive – amending act

Article 1 – point 13 – point b

Directive 2002/22/EC

Article 22 – paragraph 3

Text proposed by the Commission

3. In order to prevent degradation of service and slowing of traffic over networks, the Commission may, having consulted the Authority, adopt technical implementing measures concerning minimum quality of service requirements to be set by the national regulatory authority on undertakings providing public communications networks. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

Amendment

3. Member States shall ensure that national regulatory authorities must act in a timely manner that is compatible with the needs of their national market to ensure transparency and non-discrimination in access to services and applications over public communications networks. In order to prevent degradation of service and slowing of traffic over networks, the Commission may, having consulted the Authority, adopt technical implementing measures concerning minimum quality of service requirements to be set ***in a timely manner compatible with the needs of the national market*** by the national regulatory authority on undertakings providing public communications networks. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3). ***National regulatory authorities shall be required to introduce such minimum quality of service requirements no later than two months after their adoption by the Commission.***

Amendment 200
Bill Newton Dunn

Proposal for a directive – amending act
Article 1 – point 13 – point b
Directive 2002/22/EC
Article 22 – paragraph 3

Text proposed by the Commission

3. In order to prevent degradation of service and slowing of traffic over networks, ***the Commission may, having consulted the Authority, adopt technical implementing measures concerning minimum quality of service requirements to be set by the national regulatory authority on undertakings providing public communications networks. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).***

Amendment

3. In order to prevent degradation of service and slowing of traffic over networks, ***and to ensure that users' ability to access or distribute lawful content or to run lawful applications and services of their choice is not unreasonably restricted, national regulatory authorities may adopt minimum quality of service requirements. National regulatory authorities may consider a limitation imposed by the operator on users' ability to access or distribute lawful content or to run lawful applications and services of their choice as reasonable when it addresses congestion and capacity constraints and is duly justified by the operator.***

Amendment 201
Šarūnas Birutis

Proposal for a directive – amending act
Article 1 – point 13 – point b
Directive 2002/22/EC
Article 22 – paragraph 3

Text proposed by the Commission

3. In order to prevent degradation of service and slowing of traffic over networks, the Commission may, ***having***

Amendment

3. In order to prevent degradation of service and slowing of traffic over networks, ***Member States shall ensure that***

consulted the Authority, adopt technical implementing measures *concerning* minimum quality of service requirements to *be set by the national regulatory authority on undertakings providing public communications networks*. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

national regulatory authorities are able to set minimum quality of service requirements on undertakings providing public communications networks. The Commission may adopt technical implementing measures *with a view to harmonising these* minimum quality of service requirements. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

Or. en

Justification

Removal of EECMA. The right of an NRA to set the minimum requirements is shifted up for the sake of clarity.

Amendment 202 **Maria Matsouka**

Proposal for a directive – amending act
Article 1 – point 13 – point b a (new)
Directive 2002/22/EC
Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(ba) A following new paragraph 3a is inserted:

3a. National regulatory authorities shall ensure that telecommunications service providers enable subscribers to send and receive any form of content, make use of any service and application and connect with and make use of any hardware and software without discriminating against particular providers and without prejudice of the needs to preserve the integrity and

security of the networks.

Or. el

Amendment 203

Heide Rühle

Proposal for a directive – amending act

Article 1 – point 13 – point b b (new)

Directive 2002/22/EC

Article 22 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(bb) In Article 22 a new paragraph is inserted:

"3b. National regulatory authorities shall ensure that undertakings offering telecommunication services ensure subscribers can send and receive any form of content, can make use of any service and application and can connect and make use of any hard- and software without discriminating against particular providers and without prejudice of the needs to preserve the integrity and security of the networks."

Or. en

Justification

The neutrality of the networks needs to be preserved in Europe. It is therefore needed to specify the obligations of undertakings in this respect and to go further than what the Commission is proposing in article 22 of directive 2002/22/EC. This principle should protect the consumers' right to use any content, equipment, application or service on a non-discriminatory basis without interference from the network provider. The sole responsibility of the network provider is to transmit data (in a secure way), but should not be able to privilege any kind of data according to its vested interests.

Amendment 204

André Brie, Marco Rizzo

Proposal for a directive – amending act

Article 1 – point 14

Directive 2002/22/EC

Article 23

Text proposed by the Commission

Member States shall take ***all necessary*** steps to ensure the availability of publicly available telephone services provided over public communications networks in the event of catastrophic network breakdown or in cases of *force majeure*. Member States shall ensure that undertakings providing publicly available telephone services take ***all reasonable*** steps to ensure uninterrupted access to emergency services.

Amendment

Member States shall take ***appropriate*** steps to ensure the availability of publicly available telephone services provided over public communications networks in the event of catastrophic network breakdown or in cases of *force majeure*. Member States shall ensure that undertakings providing publicly available telephone services take ***appropriate*** steps to ensure uninterrupted access to emergency services ***at fixed locations and, to the extent technically feasible, at non-fixed locations.***

Or. en

Amendment 205

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 14

Directive 2002/22/EC

Article 23

Text proposed by the Commission

Member States shall take all necessary steps to ensure the availability of publicly available telephone services provided over public communications networks in the event of catastrophic network breakdown or in cases of *force majeure*. Member States shall ensure that undertakings providing publicly available telephone services take all reasonable steps to ensure uninterrupted access to emergency

Amendment

Member States shall take all necessary steps to ensure the availability of publicly available telephone services provided over public communications networks in the event of catastrophic network breakdown or in cases of *force majeure*. Member States shall ensure that undertakings providing publicly available telephone services take all reasonable steps to ensure uninterrupted access to emergency

services.

services, *from any place within the territory of the EU.*

Or. en

Amendment 206
Stefano Zappalà

Proposal for a directive – amending act

Article 1 – point 15 – point a

Directive 2002/22/EC

Article 25 – title

Text proposed by the Commission

Amendment

Telephone directory enquiry services

Directory enquiry services

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users, and for users in general. The imposition of wholesale obligations on operators controlling access are justified in order to ensure users the full benefit of competition in directory enquiry services and would permit the removal of heavy retail universal service regulation. In addition, Amendment 39 of the Harbour Report is critical to address problems observed in practice in accessing cross-border directory services.

Amendment 207
Stefano Zappalà

Proposal for a directive – amending act

Article 1 – point 15 – point a a (new)

Directive 2002/22/EC

Article 25 – paragraph 1

Text proposed by the Commission

Amendment

(aa) Paragraph 1 is amended as follows:

‘1. Member States shall ensure that all end-users of electronic communications networks and services have the right to have their information made available to

providers of directory enquiry services and directories in accordance with the terms of paragraph 2.'

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users, and for users in general. The imposition of wholesale obligations on operators controlling access are justified in order to ensure users the full benefit of competition in directory enquiry services and would permit the removal of heavy retail universal service regulation. In addition, Amendment 39 of the Harbour Report is critical to address problems observed in practice in accessing cross-border directory services.

Amendment 208

Guido Podestà

Proposal for a directive – amending act

Article 1 – point 15 – point a b (new)

Directive 2002/22/EC

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

(ab) Paragraph 2 is amended as follows:

'2. Member States shall ensure that all undertakings which assign telephone numbers to subscribers [...] make available, for the purposes of the provision of publicly available directory enquiry services and directories, the relevant information in an agreed format *and* on terms which are fair, objective, cost oriented and non-discriminatory. Member States may decide to implement this requirement by establishing a centralised mechanism for delivering aggregated information to provider of directory services.'

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users, and for users in general. Giving the option to Member States to establish a centralised mechanism facilitates the provision of this service.

Amendment 209
Stefano Zappalà

Proposal for a directive – amending act
Article 1 – point 15 – point a c (new)
Directive 2002/22/EC
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

(ac) Paragraph 2 is amended as follows:

'2. Member States shall ensure that all undertakings which assign telephone numbers to subscribers [...] make available, for the purposes of the provision of publicly available directory enquiry services and directories, the relevant information in an agreed format and on terms which are fair, objective, cost oriented and non-discriminatory. Member States may decide to implement this requirement by establishing a centralised mechanism for delivering aggregated information to provider of directory services.'

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users, and for users in general. The imposition of wholesale obligations on operators controlling access are justified in order to ensure users the full benefit of competition in directory enquiry services and would permit the removal of heavy retail universal service regulation. In addition, Amendment 39 of the Harbour Report is critical to address problems observed in practice in accessing cross-border directory services.

Amendment 210
Stefano Zappalà

Proposal for a directive – amending act

Article 1 – point 15 – point b

Directive 2002/22/EC

Article 25 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all end-users ***provided with a publicly available telephone*** service can access directory enquiry services ***in accordance with Article 5(1)(b)***.

Amendment

3. Member States shall ensure that all end-users ***of an electronic communications*** service can access directory enquiry services ***and that operators controlling the access to such services provide access services on terms which are fair, cost-oriented, objective, non-discriminatory and transparent.***

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users, and for users in general. The imposition of wholesale obligations on operators controlling access are justified in order to ensure users the full benefit of competition in directory enquiry services and would permit the removal of heavy retail universal service regulation. In addition, Amendment 39 of the Harbour Report is critical to address problems observed in practice in accessing cross-border directory services.

Amendment 211
Jacques Toubon

Proposal for a directive – amending act

Article 1 – point 15 – point b

Directive 2002/22/EC

Article 25 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all end-users ***provided with a publicly available telephone*** service can access directory enquiry services in accordance with Article 5(1)(b).

Amendment

3. Member States shall ensure that all end-users ***of an electronic communications*** service can access directory enquiry services in accordance with Article 5(1)(b) ***and that operators controlling access to those services provide access on terms***

which are reasonable, non-excessive, objective, non-discriminatory and transparent.

Or. fr

Justification

Directory enquiry services are important to users, particularly older people. It is appropriate to ensure that telephone communications operators do not impose unreasonable charges for accessing these services.

Amendment 212
Stefano Zappalà

Proposal for a directive – amending act
Article 1 – point 15 – point b a (new)
Directive 2002/22/EC
Article 25 – paragraph 4

Text proposed by the Commission

Amendment

(ba) Paragraph 4 is replaced by the following:

'4. Member States shall not maintain any regulatory restrictions which prevent end-users in one Member State from accessing directly the directory enquiry services in another Member State, by voice call or SMS, and shall take measures to ensure such access pursuant to Article 28 of this Directive.'

Or. en

Justification

Directory Enquiry services are a critical service for disabled and elderly users, and for users in general. The imposition of wholesale obligations on operators controlling access are justified in order to ensure users the full benefit of competition in directory enquiry services and would permit the removal of heavy retail universal service regulation. In addition, Amendment 39 of the Harbour Report is critical to address problems observed in practice in accessing cross-border directory services.

Amendment 213
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, in addition to any other national emergency call numbers specified by the national regulatory authorities, all end-users of services referred to in paragraph 2, including users of public pay telephones, are able to **call** the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number “112”.

Amendment

1. Member States shall ensure that, in addition to any other national emergency call numbers specified by the national regulatory authorities, all end-users of services referred to in paragraph 2, including users of public pay telephones **and disabled users**, are able to **contact** the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number “112”.

Or. fr

Justification

It is essential that everyone, including disabled people, can access emergency services by using the 112 number. Therefore the notion of a ‘call’ must be changed in order to expand access to emergency services to include communications by text, or other conversation services intended for the deaf or hard of hearing.

Amendment 214
Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing **a service for originating national and/or international**

Amendment

2. Member States, **in cooperation with the regulatory authorities, emergency services, network operators and providers**

calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services.

*who are independent of networks, shall ensure that **all** undertakings providing **electronic communications services are able to provide reliable** access to emergency services, **whatever technology is used, in particular by establishing secure standards.***

Or. en

Justification

Access to emergency services must be accessible to all users whatever operator is chosen and whatever technology is used. The purpose of this amendment is to encourage all the relevant actors to overcome as soon as possible any technical constraints that may currently exist.

Amendment 215

Katrin Saks

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing a service for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services.

Amendment

2. Member States shall ensure that undertakings providing a service for originating **and receiving** national and/or international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services. ***Undertakings that are independent from public communications networks shall fulfil this obligation following the creation of correct standards as soon as possible.***

Or. en

Justification

Undertakings that are independent from public communications networks are for the moment not technically able to guarantee a reliable connection to emergency services. The option suggested aim to ensure that these specific services are not affected by this provision until

appropriate standards are created. In addition, for the time there appears to be no user expectation of access to emergency services for those services which are network-independent, not offering a traditional telephone services or a close replacement to traditional telephone services.

Amendment 216
Christel Schaldemose

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing a service for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services.

Amendment

2. Member States shall ensure that undertakings providing a service for originating ***and receiving*** national and/or international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services, ***to the extent that it is technically feasible.***

Or. en

Justification

PATS regulation should be reserved for PATS and those offering a close replacement to traditional retail telephone services where there is a risk of consumer confusion and a high level of protection is justified, including in relation to access to emergency services. There appears to be no user expectation of access to emergency services for those services which are network-independent, not offering a traditional telephone services or a close replacement to traditional telephone services. Such services are also not technically able to guarantee a reliable connection to emergency services. The option suggested aim to ensure that these specific services are not affected by this provision.

Amendment 217
André Brie, Marco Rizzo

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing a service *for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan* provide access to emergency services.

Amendment

2. Member States shall ensure that undertakings providing a ***publicly available telephone*** service provide access to emergency services.

Or. en

Amendment 218

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that undertakings providing a service for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services.

Amendment

2. Member States shall ensure that undertakings providing a service for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan provide ***uninterrupted*** access to emergency services, ***from any place within the territory of the EU.***

Or. en

Amendment 219

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that calls to the single European emergency call number "112" are appropriately answered and handled in a manner best suited to the national organisation of emergency systems. Such calls shall be answered and handled at least as expeditiously and effectively as calls to national emergency number or numbers, where these continue in use.

Amendment

3. Member States shall ensure that calls to the single European emergency call number "112" are appropriately answered and handled in a manner best suited to the national organisation of emergency systems. Such calls shall be answered and handled at least as expeditiously and effectively as calls to national emergency number or numbers, where these continue ***to be*** in use, ***and on the basis of commonly agreed quality standards.***

Or. en

Amendment 220

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that disabled end-users are able to access emergency services. ***In order to ensure that disabled end-users are able to access emergency services while travelling in other Member States, the measures taken may include ensuring*** compliance with relevant standards or specifications published in accordance with the provisions of Article 17 of Directive 2002/21/EC (Framework Directive).

Amendment

4. Member States shall ensure that disabled end-users are able to access emergency services ***in*** compliance with relevant standards or specifications published in accordance with the provisions of Article 17 of Directive 2002/21/EC (Framework Directive).

Or. en

Amendment 221

André Brie, Marco Rizzo

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that caller location information is made available free of charge to authorities handling emergencies for all calls to the single European emergency call number “112”. Member States **shall** require that caller location information is automatically provided as soon as the emergency call reaches the authority dealing with the emergency.

Amendment

5. Member States shall ensure that caller location information is made available free of charge to authorities handling emergencies for all calls to the single European emergency call number “112”. Member States **may** require that caller location information is automatically provided, **to the extent technically feasible**, as soon as the emergency call reaches the authority dealing with the emergency.

Or. en

Amendment 222

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that citizens are adequately informed about the existence and use of the single European emergency call number “112”, **in particular through initiatives specifically targeting persons travelling between Member States. Member States shall submit a yearly report to the Commission and the Authority on the measures taken in that respect.**

Amendment

6. Member States shall ensure that **in addition to information about their national emergency numbers, all EU** citizens are adequately informed about the existence and use of the single European emergency call number “112”. **The Commission shall support, and supplement relevant information actions of Member States; it shall periodically evaluate the knowledge of the 112 by the public and take appropriate measures against the Member States who fail to**

inform their citizens adequately.

Or. en

Amendment 223

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 26 – paragraph 7

Text proposed by the Commission

7. In order to ensure the effective implementation of “112” services in the Member States, including access for disabled end-users *when travelling in other Member States*, the Commission, having consulted the Authority, may adopt technical implementing measures. Those measures designed to amend non-essential elements of this Directive, by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

Amendment

7. In order to ensure the effective implementation of “112” services in the Member States, including access for disabled end-users, the Commission, having consulted the Authority, may adopt technical implementing measures. Those measures designed to amend non-essential elements of this Directive, by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

Or. en

Amendment 224

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 16 a (new)

Directive 2002/22/EC

Article 26 a (new)

Text proposed by the Commission

Amendment

(16a) The following Article 26a is inserted:

'Article 26a

EU warning and alert system

Member States shall ensure the establishment of a EU-wide, universal, multilingual, simplified and efficient communication system for warning and alerting citizens, in case of imminent or developing natural and/or man-made major emergencies and disasters of any type. Such a system may be created through the interconnection and upgrading of existing national and regional systems. The warning and alert system shall be established by 2013 at the latest. It shall induce life-saving behaviour of threatened citizens and shall be implemented in combination with appropriate information and training campaigns.'

Or. en

Amendment 225
Malcolm Harbour

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 27 – paragraph 2

Text proposed by the Commission

2. Those Member States to which the ITU assigned the international code "3883" shall entrust **the Authority** with sole responsibility for management of the European Telephony Numbering Space.

Amendment

2. Those Member States to which the ITU assigned the international code "3883" shall entrust **an organisation established by Community law and designated by the Commission on the basis of an open, transparent and non-discriminatory selection procedure, or [xxx]**, with sole responsibility for management, **including number assignment, and promotion** of the European Telephony Numbering Space.

Or. en

Justification

Replaces AM 45 of the draft report. While the "3883" numbering space is not used now and unlikely to be used in future due to lack of demand, the situation might possibly change in particular if the code is managed and promoted by a separate body, along the lines of the structure established for the ".eu" top level domain.

Amendment 226
Arlene McCarthy

Proposal for a directive – amending act
Article 1 – point 16 b (new)
Directive 2002/22/EC
Article 27 a (new)

Text proposed by the Commission

Amendment

(16b) A new article is inserted after Article 27:

"Article 27a

The missing children hotline number

- 1. Member States shall ensure citizens' access to a hotline to report cases of missing children. The hotline will be available on the number "116000" in line with decision 2007/116/EC.***
- 2. Member States shall ensure that disabled end-users are able to access the missing child hotline. In order to ensure that disabled end-users are able to access the hotline while travelling in other Member States, the measures taken shall include ensuring compliance with relevant standards or specifications published in accordance with the provisions of Article 17 of Directive 2002/21/EC (Framework Directive).***
- 3. Member States shall ensure that citizens are adequately informed about the existence and use of the missing child hotline number "116000", in particular through initiatives specifically targeting persons travelling between Member States.***

4. In order to ensure the effective implementation of the missing children hotline number in the Member States, including access for disabled end-users when travelling in other Member States, the Commission, having consulted [xxx], may adopt technical implementing measures.

Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2)."

Or. en

Justification

In February 2007 European Commission Decision 2007/116/EC was taken, obliging Member States to reserve the number 116000 as a hotline number for missing children. However, only a small number of Member States have since established such a hotline on this number. It is therefore appropriate to require Member States to ensure such a service is provided and promoted, on similar lines to the 112 number, as appropriate.

Amendment 227 **Šarūnas Birutis**

Proposal for a directive – amending act
Article 1 – point 16
Directive 2002/22/EC
Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall **ensure that** national regulatory authorities take all necessary steps to ensure that:

Amendment

1. Member States shall **empower** national regulatory authorities **to** take all necessary steps to ensure that:

Or. en

Justification

Commission's proposal expands scope of Article 28 significantly, thus regulators should be handled adequate tools to meet new requirements.

Amendment 228
Cristian Silviu Buşoi

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 1 – subparagraph 1 – point (a)

Text proposed by the Commission

(a) end-users are able to access and use services, including information society services, **provided** within the Community; and

Amendment

(a) end-users are able to access and use **applications and** services, including information society services, **available** within the Community **using public communications networks**; and

Or. en

Amendment 229
Heide Rühle

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 1 – subparagraph 1 – point (b)

Text proposed by the Commission

(b) end-users are able to access all numbers provided in the Community, including those in the national numbering plans of Member States, those from the European Telephone Numbering Space and Universal International Freephone Numbers.

Amendment

(b) end-users are able to access all numbers provided in the Community **regardless of the technology used by the operator**, including those in the national numbering plans of Member States, those from the European Telephone Numbering Space and Universal International Freephone Numbers.

Or. en

Justification

A subscriber to operator A shall be able to contact a subscriber to operator B without any problem whatever the technology used by the operator. Electronic communications are essential for SME daily activities. Hence, they should be able to contact and be contacted

whenever needed without additional cost, need for extra subscription and other time and administrative burden.

Amendment 230

Bernadette Vergnaud

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 1 – subparagraph 1 – point (b)

Text proposed by the Commission

(b) end-users are able to access all numbers provided in the Community, including those in the national numbering plans of Member States, those from the European Telephone Numbering Space and Universal International Freephone Numbers.

Amendment

(b) end-users are able to access all numbers provided in the Community, ***whatever technological devices are used by the operator***, including those in the national numbering plans of Member States, those from the European Telephone Numbering Space and Universal International Freephone Numbers.

Or. fr

Justification

This amendment aims to ensure that all users of an electronic communication service, whatever it may be, can connect to any user of another service, and vice versa, whatever technology is used.

Amendment 231

Iliana Malinova Iotova

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 1 – subparagraph 1 – point (b) a (new)

Text proposed by the Commission

Amendment

(ba) end-users shall have free of charge access to a help-line within the country where the contract was signed, when calling from mobiles phones and from

landlines.

Or. en

Justification

It is imperative that while in their home country, end-users are able to have access to a help line free of charge when calling from their mobile phones or a landline. Free and easily accessible "help-lines" must be available in all Member States. Roaming tariffs shall be applied when the mobile phone is used outside the country where the contract originates from.

Amendment 232

Marco Cappato

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 1 – subparagraph 1 – point (b) b (new)

Text proposed by the Commission

Amendment

(bb) connection services are provided for text telephones, video telephones and products which help to enable elderly people or people with disabilities to communicate, at least in the case of emergency calls.

Or. it

Amendment 233

Arlene McCarthy

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

National regulatory authorities shall be able to block on a case-by-case basis access to numbers or services where this is

National regulatory authorities shall be able to block on a case-by-case basis access to numbers or services where this is

justified by reasons of *fraud* or misuse.

justified by reasons of *unlawful and harmful activity* or misuse.

Or. en

Justification

To tackle illegal and harmful activity on the internet, including fraud, the sale of counterfeit goods and illegal weapons and the diffusion of racist material, it should be made clear that misuse includes the use of the internet to conduct unlawful and harmful activities, as grounds for national regulatory authorities to take action on a case-by-case basis.

Amendment 234

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

National regulatory authorities shall be able to block on a case-by-case basis access to numbers or services where this is justified by reasons of fraud or misuse.

Amendment

National regulatory authorities shall be able to block on a case-by-case basis access to numbers or services where this is justified by reasons of fraud or misuse.
Citizens shall be adequately informed and receive due warning about the cases in which they will be denied access to emergency services through the 112.

Or. en

Amendment 235

Zuzana Roithová

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. In order to ensure that end users have effective access to numbers and services in the Community, the Commission may, having consulted the Authority, adopt technical implementing measures. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

deleted

Or. en

Justification

Regarding the established competence of the Commission to decide the technical implementing measures to be adopted by operators to comply with access obligation to numbers and services, we propose to remove it. This competence implies an increase in regulation and it is probably that measures adopted by the Commission are unnecessary expensive for operators

Amendment 236

Šarūnas Birutis

Proposal for a directive – amending act

Article 1 – point 16

Directive 2002/22/EC

Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. In order to ensure that end users have effective access to numbers and services in the Community, the Commission may, **having consulted the Authority**, adopt technical implementing measures. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure

2. In order to ensure that end users have effective access to numbers and services in the Community, the Commission may adopt technical implementing measures. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2).

with scrutiny referred to in Article 37(2).
On imperative grounds of urgency, the
Commission may use the urgency
procedure referred to in Article 37(3).

On imperative grounds of urgency, the
Commission may use the urgency
procedure referred to in Article 37(3).

Or. en

Justification

Removal of EECMA.

Amendment 237
Cristian Silviu Buşoi

Proposal for a directive – amending act
Article 1 – point 16
Directive 2002/22/EC
Article 28 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that national regulatory authorities have the power to require undertakings providing public communications networks to provide information regarding the management of their networks in connection with any limitations or restrictions on end-user access or use of services, content or applications. Member States shall ensure that national regulatory authorities have all the powers necessary to investigate cases in which undertakings have imposed limitations on end-user access to services, content or applications.

Or. en

Amendment 238

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that all subscribers with numbers from the national numbering plan who so request can retain their number(s) independently of the undertaking providing the service in accordance with the provisions of Annex I, part C.

Amendment

1. Member States shall ensure that all subscribers with numbers from the national **telephone** numbering plan who so request can retain their number(s) independently of the undertaking providing the service in accordance with the provisions of Annex I, part C.

Or. es

Justification

Consistency with previous amendments.

Amendment 239

Cristian Silviu Buşoi

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities shall ensure that pricing between operators related to the provision of number portability is cost **oriented** and that direct charges to subscribers, if any, do not act as a disincentive for the use of these facilities.

Amendment

2. National regulatory authorities shall ensure that pricing between operators related to the provision of number portability is cost **based** and that direct charges to subscribers, if any, do not act as a disincentive for the use of these facilities.

Or. en

Amendment 240
Othmar Karas

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 4

Text proposed by the Commission

4. Porting of numbers and their subsequent activation shall be executed within the shortest possible delay, no later than one working day from the initial request by the subscriber.

Amendment

4. Porting of numbers and their subsequent activation shall be executed within the shortest possible delay, no later than one working day from the initial request by the subscriber. ***National regulatory authorities may extend the one day period depending on the available systems and prescribe appropriate measures where necessary to ensure that subscribers are not switched against their will. National regulatory authorities may impose appropriate sanctions on providers, including an obligation to compensate customers, in case of delay in porting or abuse of porting by them or on their behalf.***

Or. en

Justification

The time within which operators make number portability available depends very much on the systems they use – which differ substantially with porting regimes such as one-stop shops or two-stop shops, national centralised or decentralised databases of ported numbers etc.; changes which facilitate portability within one day are costly and, from the consumer and competition point of view, unnecessary.

Amendment 241
Andreas Schwab

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 4

Text proposed by the Commission

Amendment

4. Porting of numbers and their subsequent activation shall be executed within the shortest possible delay, ***no later than one working day from the initial request by the subscriber.***

4. Porting of numbers and their subsequent activation shall be executed within the shortest possible delay.

Or. en

Justification

Portability of numbers should, be allowed to take more than one day not only due to consumer protection but also if procedurally or technically required. The necessary timeframe for number portability is influenced by several elements (as e.g. the segment of the numbers). Not all of these are under the complete control of the undertaking porting the number.

Amendment 242
Šarūnas Birutis

Proposal for a directive – amending act
Article 1 – point 18
Directive 2002/22/EC
Article 30 – paragraph 4

Text proposed by the Commission

Amendment

4. Porting of numbers and their subsequent activation shall be executed within the shortest possible delay, ***no later than one working day*** from the initial request by the subscriber.

4. Porting of numbers and their subsequent activation shall be executed within the shortest possible delay from the initial request by the subscriber ***without prejudice to any measures necessary to guarantee that consumers are protected throughout the switching process.***

Or. en

Justification

The aim to have completed number porting procedures within shortest possible timeframe is highly valuable, but currently it is physically impossible to make this within one day in some cases. Consumer rights shall be ensured through other mechanisms instead.

Amendment 243
Šarūnas Birutis

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 5

Text proposed by the Commission

5. The Commission may, ***having consulted the Authority and*** taking into account technology and market conditions, amend Annex I in accordance with the procedure referred to in Article 37(2).

Amendment

5. The Commission may, taking into account technology and market conditions, amend Annex I in accordance with the procedure referred to in Article 37(2).

Or. en

Justification

Removal of EECMA.

Amendment 244
Cristian Silviu Buşoi

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 6

Text proposed by the Commission

6. ***Without prejudice to any minimum contractual period,*** national regulatory authorities shall ensure that conditions and procedures for termination of contract do not act as a disincentive for changing suppliers of services.

Amendment

6. National regulatory authorities shall ensure that ***minimum contract periods,*** conditions and procedures for termination of contract do not act as a disincentive for changing suppliers of services. ***National regulatory authorities shall take due account of technological advances and end-user needs when analyzing the minimum length of contracts.***

Or. en

Amendment 245
Marco Cappato

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 6

Text proposed by the Commission

6. ***Without prejudice to any minimum contractual period, national*** regulatory authorities shall ensure that conditions and procedures for termination of contract do not act as a disincentive for changing suppliers of services.

Amendment

6. ***National*** regulatory authorities shall ensure that conditions and procedures for termination of contract do not act as a disincentive for changing suppliers of services ***and no minimum contractual period may be imposed.***

Or. it

Amendment 246
Maria Matsouka

Proposal for a directive – amending act

Article 1 – point 18

Directive 2002/22/EC

Article 30 – paragraph 6

Text proposed by the Commission

6. ***Without prejudice to any minimal contractual period,*** national regulatory authorities shall ensure that conditions and procedures for termination of contract do not act as a disincentive for changing suppliers of services.’

Amendment

6. National regulatory authorities shall ensure that ***minimum contract periods and*** conditions and procedures for termination of contract do not act as a disincentive for changing suppliers of services.’

Or. el

Amendment 247
Maria Matsouka

Proposal for a directive – amending act
Article 1 – point 18
Directive 2002/22/EC
Article 30 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a Member States shall ensure that the minimum period for which contracts are concluded between subscribers and electronic communications providers shall not exceed 12 months. Over and above that period, subscribers shall be free to change company or cancel the contract without penalties.

Or. el

Amendment 248
Bernadette Vergnaud

Proposal for a directive – amending act
Article 1 – point 19
Directive 2002/22/EC
Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may impose reasonable “must carry” obligations, for the transmission of specified radio and **television** broadcast channels and accessibility services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or **television** broadcasts to the public where a significant number of end-users of such networks use them as their principal means to receive radio and **television** broadcasts. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically

Member States may impose reasonable “must carry” obligations, for the transmission of specified radio and **audiovisual media services** and **complementary services, particularly** accessibility services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or **audiovisual media services** to the public where a significant number of end-users of such networks use them as their principal means to receive radio and **audiovisual media services**. Such obligations shall only be imposed where they are necessary to meet

defined by each Member State *in its national law* and shall be proportionate and transparent.

general interest objectives as clearly and specifically defined by each Member State and shall be proportionate and transparent.

Or. fr

Justification

In order to ensure that all viewers and listeners can access all available services, linear and non-linear, the potential scope of this provision must be expanded to include audiovisual media services, as defined in Directive 2007/65/EC. The reference to ‘national law’ could cause problems in certain countries for reasons to do with the legal tradition or the sharing of competences between federal levels.

Amendment 249

Jacques Toubon

Proposal for a directive – amending act

Article 1 – point 19

Directive 2002/22/EC

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States may impose reasonable “must carry” obligations, for the transmission of specified radio and **television** broadcast channels and **accessibility** services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or **television** broadcasts to the public where a significant number of end-users of such networks use them as their principal means to receive radio and **television** broadcasts. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State *in its national law* and shall be proportionate and transparent.

Amendment

Member States may impose reasonable “must carry” obligations, for the transmission of specified radio and **audiovisual media services** and **complementary** services on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or **audiovisual media services** to the public where a significant number of end-users of such networks use them as their principal means to receive radio and **audiovisual media services**. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State and shall be proportionate and transparent.

Or. fr

Justification

For Article 31 to be able to develop over time, in line with new platforms and new services, and to allow Member States to ensure that viewers and listeners have access to both linear and non-linear services, where appropriate, the potential scope of this provision must be expanded to include audiovisual media services, in accordance with the new directive on audiovisual media services.

Amendment 250

Anja Weisgerber

Proposal for a directive – amending act

Article 1 – point 19

Directive 2002/22/EC

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States may impose reasonable “must carry” obligations, for the transmission of specified radio and **television broadcast channels** and **accessibility** services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or **television broadcasts** to the public where a significant number of end-users of such networks use them as their principal means to receive radio **and television broadcasts**. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State **in its national law** and shall be proportionate and transparent.

Amendment

Member States may impose reasonable “must carry” obligations, for the transmission of specified radio and **audiovisual media services** and **complementary** services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or **audiovisual media services** to the public where a significant number of end-users of such networks use them as their principal means to receive radio **or audiovisual media services**. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State and shall be proportionate and transparent.

Or. en

Justification

In order to strengthen European citizens rights, the scope of Must Carry rules should be in line with the new Audiovisual Media Services Directive and therefore should ensure access to linear and non-linear services alike. This should include supplementary services such as radiotext, teletext and programme information. The reference to national law is deleted as in some Member States must-carry is not regulated by legislation and in some it is not regulated

on a national level.

Amendment 251
Marco Cappato

Proposal for a directive – amending act
Article 1 – point 19
Directive 2002/22/EC
Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States may impose reasonable “must carry” obligations, for the transmission of specified **radio and television** broadcast channels and accessibility services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or television broadcasts to the public where **a significant number** of end-users of such networks use them as their principal means to receive radio and television broadcasts. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State in its national law and shall be proportionate **and** transparent.

Amendment

Member States may impose reasonable “must carry” obligations, for the transmission of specified broadcast channels and accessibility services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or television broadcasts to the public where **the majority** of end-users of such networks use them as their principal means to receive radio and television broadcasts. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State in its national law and shall be proportionate, transparent **and applied to the dominant platforms**.

Or. it

Amendment 252
Bill Newton Dunn

Proposal for a directive – amending act
Article 1 – point 19
Directive 2002/22/EC
Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The obligations referred to in the first subparagraph shall be reviewed by the

Amendment

The obligations referred to in the first subparagraph shall be reviewed by the

Member States at the latest within one year of time-limit for implementation of the amending act, *except where Member States have carried out such a review within the previous 2 years.*

Member States at the latest within one year of time-limit for implementation of the amending act.

Or. en

Amendment 253
Bill Newton Dunn

Proposal for a directive – amending act
Article 1 – point 19
Directive 2002/22/EC
Article 31 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States shall review “must carry” obligations at least every *three years*.

Amendment

Member States shall review “must carry” obligations at least every *eighteen months*.

Or. en

Amendment 254
Anja Weisgerber

Proposal for a directive – amending act
Article 1 – point 19
Directive 2002/22/EC
Article 31 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States shall review “must carry” obligations *at least every three years*.

Amendment

Member States shall review “must carry” obligations *on a regular basis*.

Or. en

Justification

In view of the different legal instruments chosen by Member States, a rigid requirement that “must carry” rules must be reviewed “at least every three years” would not be appropriate.

Amendment 255
Jacques Toubon

Proposal for a directive – amending act
Article 1 – point 19
Directive 2002/22/EC
Article 31 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States shall review “must carry” obligations at ***least every three years***.

Amendment

Thereafter, Member States shall review “must carry” obligations at ***regular intervals***.

Or. fr

Justification

Given the various legal instruments chosen by the Member States, a strict requirement to review the ‘must carry’ rules ‘at least every three years’ would not be appropriate.

Amendment 256
Malcolm Harbour

Proposal for a directive – amending act
Article 1 – point 19 a (new)
Directive 2002/22/EC
Article 31 a (new)

Text proposed by the Commission

Amendment

(19a) the following article shall be inserted:

"Article 31a

Ensuring equivalent access and choice for disabled users

Member States shall ensure that national regulatory authorities are able to impose appropriate requirements on undertakings providing publicly available electronic communications services so as to ensure that disabled end-users:

*(a) have access to electronic communication services equivalent to that enjoyed by the majority of end-users; and
(b) can take advantage of the choice of undertakings and services available to the majority of end-users."*

Or. en

Justification

This new AM enables NRAs to impose requirements to ensure access and choice for disabled end-users generally, and without having to designate several universal service providers, as would be required if Article 7 would be used for the same purpose.

Amendment 257
Cristian Silviu Buşoi

Proposal for a directive – amending act
Article 1 – point 20 – point a
Directive 2002/22/EC
Article 33 – paragraph 1 – subparagraph 2

Text proposed by the Commission

1. In particular, Member States shall ensure that national regulatory authorities establish a consultation mechanism ensuring that in their decision-making process *due consideration is given to* consumer interests in electronic communications.

Amendment

1. In particular, Member States shall ensure that national regulatory authorities establish a consultation mechanism ensuring that in their decision-making process consumer interests in electronic communications *are taken into account*.

Or. en

Amendment 258
Maria Matsouka

Proposal for a directive – amending act
Article 1 – point 20 – point a
Directive 2002/22/EC
Article 33 – paragraph 1– subparagraph 2

Text proposed by the Commission

1. 'In particular, Member States shall ensure that national regulatory authorities establish a consultation mechanism ensuring that in their decision-making process ***due consideration is given to*** consumer interests in electronic communications.'

Amendment

1. 'In particular, Member States shall ensure that national regulatory authorities establish a consultation mechanism ensuring that in their decision-making process consumer interests in electronic communications ***are taken into account.***'

Or. el

Amendment 259

Cristian Silviu Buşoi

Proposal for a directive – amending act

Article 1 – point 20 – point b

Directive 2002/22/EC

Article 33 – paragraph 3

Text proposed by the Commission

3. Member States shall submit a yearly report to the Commission and the Authority on the measures taken and the progress towards improving interoperability and use of, and access to, electronic communications services and terminal equipment by disabled end-users.

Amendment

3. Member States shall submit a yearly report to the Commission and the Authority on the measures taken and the progress towards improving interoperability and use of, and access to, electronic communications services and terminal equipment by ***users in general and by disabled end-users in particular.*** ***Due consideration shall be taken of the policy objectives and regulatory principles set out in article 8 of Directive 2002/21/EC.***

Or. en

Amendment 260
Maria Matsouka

Proposal for a directive – amending act
Article 1 – point 20 – point b
Directive 2002/22/EC
Article 33 – paragraph 3

Text proposed by the Commission

3. Member States shall submit a yearly report to the Commission and the Authority on the measures taken and the progress towards improving interoperability and use of, and access to, electronic communications services and terminal equipment by disabled *end*-users.

Amendment

3. Member States shall submit a yearly report to the Commission and the Authority on the measures taken and the progress towards improving interoperability and use of, and access to, electronic communications services and terminal equipment by *users in general including* disabled users, *the elderly and those with special social needs*.

Or. el

Amendment 261
Šarūnas Birutis

Proposal for a directive – amending act
Article 1 – point 20 – point b
Directive 2002/22/EC
Article 33 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the application of Directive 1999/5/EC and in particular of disability requirements pursuant to its Article 3(3)(f), and in order to improve accessibility to electronic communications services and equipment by disabled end-users, the Commission may, *having consulted the Authority*, take the appropriate technical implementing measures *to address the issues raised in the report referred to in paragraph 3*, following a public consultation. These measures designed to amend non-essential elements of this Directive by

Amendment

4. Without prejudice to the application of Directive 1999/5/EC and in particular of disability requirements pursuant to its Article 3(3)(f), and in order to improve accessibility to electronic communications services and equipment by disabled end-users, the Commission may take the appropriate technical implementing measures, following a public consultation. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2).

supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 37(3).

Or. en

Justification

EECMA is to be removed. The whole paragraph raises lots of concerns due to changes to paragraph 3 above. Consultation with the interested parties' mechanism within paragraphs 1-2 automatically covers all the users' groups, so paragraphs 3-4 simply overload Directive with the worthless sophistications.

Amendment 262 Malcolm Harbour

Proposal for a directive – amending act
Article 1 – point 21
Directive 2002/22/EC
Article 34 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that transparent, simple and inexpensive out-of-court procedures **are available** for dealing with **unresolved** disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. **Member States shall adopt measures to ensure that such** procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Amendment

Member States shall ensure that **independent bodies provide** transparent, simple and inexpensive out-of-court procedures for dealing with disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. **Such** procedures **shall** enable disputes to be settled fairly and promptly and **shall take account of the requirements of Commission Recommendation 98/257/EC of 30 March 1998 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes¹**. **Member States** may, where warranted, adopt a system of reimbursement and/or

compensation. Member States may extend these obligations to cover disputes involving other end-users.

¹*OJ L 115, 17.4.1998, p. 31.*

Or. en

Justification

This new AM seeks to reinforce the dispute resolution mechanism by ensuring that it is operated by independent bodies and that it meets the minimum requirements contained in the Commission Recommendation of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes.

Amendment 263 **Giovanna Corda**

Proposal for a directive – amending act

Article 1 – point 21

Directive 2002/22/EC

Article 34 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for dealing with unresolved disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Amendment

Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for dealing with unresolved disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. ***The body set up by the Member States in the context of these out-of-court procedures must be an appeals chamber for consumers who have approached the operator's internal dispute resolution body but did not obtain satisfaction.*** Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these

obligations to cover disputes involving other end-users.

Or. fr

Justification

In the event of a dispute between the consumer and the operator, it is the operator's internal dispute resolution body which must first seek a solution. Then, if the consumer is not satisfied, he can seek the intervention of another independent out-of-court body.

Amendment 264
Heide Rühle

Proposal for a directive – amending act
Article 1 – point 21
Directive 2002/22/EC
Article 34 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for dealing with unresolved disputes between **consumers** and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Amendment

Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for dealing with unresolved disputes between **end-users** and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Or. en

Amendment 265
Maria Matsouka

Proposal for a directive – amending act

Article 1 – point 21

Directive 2002/22/EC

Article 34 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for ***dealing with unresolved*** disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Amendment

Member States shall ensure that transparent, simple, inexpensive ***and effective*** out-of-court procedures are available for ***the independent arbitration of*** disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Or. el

Amendment 266
Šarūnas Birutis

Proposal for a directive – amending act

Article 1 – point 21

Directive 2002/22/EC

Article 34 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that bodies in charge of dealing with such disputes provide relevant information for statistical purposes to the Commission and the Authority.

Amendment

deleted

Justification

Removal of EECMA. Commission provided no clear evidence, what added value of statistics on dispute resolution will be. Thus unjustified administrative burden should be withdrawn.

Amendment 267
Bernadette Vergnaud

Proposal for a directive – amending act
Article 1 – point 21
 Directive 2002/22/EC
 Article 34 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for dealing with unresolved disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Member States shall ensure that bodies in charge of dealing with such disputes provide relevant information for statistical purposes to the Commission and the *Authority*.

Amendment

1. Member States shall ensure that transparent, simple and inexpensive ***procedures, including*** out-of-court procedures ***and collective redress mechanisms***, are available for dealing with unresolved disputes between consumers and undertakings providing electronic communications networks and/or services, relating to the contractual conditions and/or performance of contracts concerning supply of such networks or services. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.

Member States shall ensure that bodies in charge of dealing with such disputes, ***which can be single points of contact***, provide relevant information for statistical purposes to the Commission and the *Authorities*.

Justification

The purpose of this amendment is to make it possible for users to introduce collective redress procedures, and to emphasise the role of legal assistance through the single points of contact provided for in Recital 15b.

Amendment 268

Šarūnas Birutis

Proposal for a directive – amending act

Article 1 – point 21

Directive 2002/22/EC

Article 34 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that their legislation encourages trustworthy out-of-court procedures, with specific regard to audiovisual and electronic communications interaction.

Or. en

Justification

Convergence blurred clear divisions among services, and in practice, users are getting confused to which out of several authorities they should get in touch for their complaints to be solved. Users should be enabled to solve disputes within the easiest possible way.

Amendment 269

Heide Rühle

Proposal for a directive – amending act

Annex I – Part A – point (a)

Directive 2002/22/EC

Annex I – Part A – point (a)

Text proposed by the Commission

Amendment

Member States are to ensure that national regulatory authorities, subject to the requirements of relevant legislation on the protection of personal data and privacy,

Member States are to ensure that national regulatory authorities, subject to the requirements of relevant legislation on the protection of personal data and privacy,

may lay down the basic level of itemised bills which are to be provided by designated undertakings (as established in Article 8) to *consumers* free of charge in order that they can:

may lay down the basic level of itemised bills which are to be provided by designated undertakings (as established in Article 8) to *end-users* free of charge in order that they can:

Or. en

Amendment 270

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Annex I – Part A – point (b)

Directive 2002/22/EC

Annex I – Part A – point (b)

Text proposed by the Commission

i.e. the facility whereby the subscriber can, on request to a designated undertaking that provides telephone services, bar outgoing calls of defined types or to defined types of numbers free of charge.

Amendment

i.e. the facility whereby the subscriber can, on request to a designated undertaking that provides telephone services, bar outgoing calls *or other kinds of communication* of defined types or to defined types of numbers free of charge.

Or. es

Justification

The protection that users of telephone communications enjoy at high cost (calls to numbers with additional charges, or international calls) should be extensible to other kinds of communications that pose similar problems, such as SMS or MMS.

Amendment 271

Cristian Silviu Buşoi, Adina-Ioana Vălean

Proposal for a directive – amending act

Annex I – Part A – point (e)

Directive 2002/22/EC

Annex I – Part A – point (e)

Text proposed by the Commission

Member States are to authorise specified

Amendment

Member States are to authorise specified

measures, which are to be proportionate, non-discriminatory and published, to cover non-payment of bills of operators designated in accordance with Article 8. These measures are to ensure that due warning of any consequent service interruption or disconnection is given to the subscriber beforehand. Any service interruption shall normally be confined to the service concerned. Exceptionally, in cases of fraud, persistent late payment or non-payment, Member States shall ensure that national regulatory authorities are able to authorise disconnection from the network as a result of non-payment of bills for services provided over the network. Disconnection for non-payment of bills should take place only after due warning is given to the subscriber. Member States may allow a period of limited service prior to complete disconnection, during which only services that do not incur a charge to the subscriber (e.g. “112” calls) are permitted.

measures, which are to be proportionate, non-discriminatory and published, to cover non-payment of bills of operators designated in accordance with Article 8. These measures are to ensure that due warning of any consequent service interruption or disconnection is given to the subscriber beforehand. Any service interruption shall normally be confined to the service concerned. Exceptionally, in cases of fraud, persistent late payment or non-payment, Member States shall ensure that national regulatory authorities are able to authorise disconnection from the network as a result of non-payment of bills for services provided over the network. Disconnection for non-payment of bills should take place only after due warning is given to the subscriber. Member States may allow a period of limited service prior to complete disconnection, during which only services that do not incur a charge to the subscriber (e.g. “112” calls) are permitted. *Access to emergency services through the 112 may be blocked in cases of repeated misuse by the user (e.g. false calls).*

Or. en

Amendment 272
Heide Rühle

Proposal for a directive – amending act
Annex I – Part A – point e a (new)
Directive 2002/22/EC
Annex I – Part A – point e a (new)

Text proposed by the Commission

Amendment

(ea) Cost control

Member States shall ensure that national regulatory authorities require all undertakings providing electronic communication services, to offer means for subscribers to control the costs of

telecommunication services including free of charge alerts to consumers in case of abnormal consumption patterns.

Or. en

Justification

Many consumers have been confronted with exceptionally high telecom expenditures due to a lack of knowledge of tariffs or unawareness of automatic use of certain services, in many cases linked to data services and international voice or data roaming. It is thus necessary to offer them the means to have greater control over all their communications' services through cost control measures. At the same time, consumers should be given proactive information on the best offer in relation to their consumption pattern at least once a year by the current provider.

Amendment 273

Bernadette Vergnaud

Proposal for a directive – amending act

Annex I – Part A – point e b (new)

Directive 2002/22/EC

Annex I – Part A – point e b (new)

Text proposed by the Commission

Amendment

(eb) Cost control

Member States shall ensure that national regulatory authorities ensure that undertakings providing electronic communications services provide tools enabling users to control the costs of the communications services they use. Such tools may take the form of warnings, free of charge, of abnormally high consumption, and a comprehensive, precise statement of annual consumption, based on the average unit cost.

Or. fr

Justification

Users are often confronted with unexpected telecommunications costs that are particularly

high, due in large part to a lack of information on the tariffs applied to individual services (data transfers, premium rate SMS, communications abroad or roaming). Furthermore, an annual statement of consumption based on the average unit cost would make it easier for consumers to assess their real needs.

Amendment 274
Cristian Silviu Buşoi

Proposal for a directive – amending act
Annex I – Part A – point e c (new)
Directive 2002/22/EC
Annex I – Part A – point e c (new)

Text proposed by the Commission

Amendment

(ec) Cost control

Member States shall ensure that national regulatory authorities require all undertakings providing electronic communication services, to offer means for subscribers to control the costs of telecommunication services for instance by offering free of charge to alert consumers in case they exceed their limits or if abnormal consumption patterns occur.

Or. en

Amendment 275
Cristian Silviu Buşoi

Proposal for a directive – amending act
Annex I – Part A – point e d (new)
Directive 2002/22/EC
Annex I – Part A – point e d (new)

Text proposed by the Commission

Amendment

(ed) Best advice

Member States shall ensure that national regulatory authorities require all undertakings providing electronic communication services to recommend

consumers once a year their best available tariff package, on the basis of the consumer's consumption patterns of the previous year.

Or. en

Amendment 276
Heide Rühle

Proposal for a directive – amending act
Annex I – Part A – point e f (new)
Directive 2002/22/EC
Annex I – Part A – point e f (new)

Text proposed by the Commission

Amendment

(ef) Best advice

Member States shall ensure that national regulatory authorities require all undertakings providing electronic communication services to recommend consumers at least once a year their best available tariff package, on the basis of the consumer's consumption patterns of the previous year.

Or. en

Justification

Many consumers have been confronted with exceptionally high telecom expenditures due to a lack of knowledge of tariffs or unawareness of automatic use of certain services, in many cases linked to data services and international voice or data roaming. It is thus necessary to offer them the means to have greater control over all their communications' services through cost control measures. At the same time, consumers should be given proactive information on the best offer in relation to their consumption pattern at least once a year by the current provider.

Amendment 277
Bernadette Vergnaud

Proposal for a directive – amending act
Annex I – Part B – point b a (new)
Directive 2002/22/EC
Annex I – Part B – point b a (new)

Text proposed by the Commission

Amendment

(ba) Services in the event of theft
Member States shall ensure that a freephone number common to all mobile telephony service providers is set up for reporting the theft of a terminal and immediately suspending the services associated with the subscription. It must also be possible for disabled users to access this service. Users must be regularly informed of the existence of this number, which must be easy to remember.

Or. fr

Justification

The access points and procedures for reporting theft vary from operator to operator. This means it takes longer to report a theft, making it easier for the thief to use the subscription, to the detriment of the user whose phone has been stolen. A single, easy-to-access number would resolve this problem.

Amendment 278
Bernadette Vergnaud

Proposal for a directive– amending act
Annex I – Part B – point b b (new)
Directive 2002/22/EC
Annex I – Part B – point b b (new)

Text proposed by the Commission

Amendment

(bb) Protection software
Member States shall ensure that national regulatory authorities are able to require operators to make available free of charge

to their subscribers reliable and easy-to-use protection and/or filtering software to control access by children or vulnerable people to unlawful or dangerous content.

Or. fr

Justification

Filtering software can easily be used to prevent vulnerable people from accessing inappropriate content. Operators should therefore make such software available to users, as happens in many countries.

Amendment 279

Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act

Annex I – Part C – subparagraph 3

Directive 2002/22/EC

Annex I – Part C – subparagraph 3

Text proposed by the Commission

This paragraph does not apply to the porting of numbers between **networks** providing services at **a fixed location and mobile networks**.

Amendment

This paragraph does not apply to the porting of numbers between **services of a different nature, in particular between providers offering** services at fixed **or mobile locations**.

Or. es

Justification

Updates the wording of the principles governing number portability, by making clear that it refers to numbers used for the provision of services and in accordance with those services' characteristics, irrespective of the networks that provide the service.

Amendment 280
Cristian Silviu Buşoi

Proposal for a directive – amending act
Annex II – point 2.2
Directive 2002/22/EC
Annex II – point 2.2

Text proposed by the Commission

2.2 Standard Tariffs with an indication of what is included in each tariff element (e.g. charges for access, all types of usage charges, maintenance charges), and including details of standard discounts applied and special and targeted tariff schemes.

Amendment

2.2. Standard tariffs with an indication of ***the full price of the service contracted*** and what is included in each tariff element (e.g. charges for access, all types of usage charges, maintenance charges), and including details of standard discounts applied and special and targeted tariff schemes.

Or. en

Amendment 281
Francisca Pleguezuelos Aguilar, Martí Grau i Segú

Proposal for a directive – amending act
Annex III – table – columns 2 and 3
Directive 2002/22/EC
Annex III – table – columns 2 and 3

Text proposed by the Commission

ETSI EG 201 769-1

Amendment

ETSI EG 202 057

Or. es

Justification

La guía EG 201 769-1 fue elaborada por el ETSI en respuesta al mandato de la Comisión Europea para dar respuesta a la Directiva de Telefonía Vocal ONP/98/10/CE en relación con las obligaciones de servicio universal y, por tanto, se limita a la prestación del servicio telefónico fijo ofrecido por el mismo operador que provee el acceso directo al usuario. En su lugar, la EG 202 057 abarca, de modo adicional a todos los parámetros de la EG 201 769-1, la prestación de servicios telefónicos en un entorno de multioperador, esto es, teniendo en cuenta el aspecto de comprabilidad, así como a otros tipos de servicios, como servicios móviles y servicios de acceso a internet.

Amendment 282
Malcolm Harbour

Proposal for a directive – amending act

Annex VI – point 1
Directive 2002/22/EC
Annex VI – point 1

Text proposed by the Commission

Amendment

1. Common scrambling algorithm and free-to-air reception

All consumer equipment intended for the reception of *conventional* digital television signals (*i.e. broadcasting via terrestrial, cable or satellite transmission which is primarily intended for fixed reception, such as DVB-T, DVB-C or DVB-S*), for sale or rent or otherwise made available in the Community, capable of descrambling digital television signals, is to possess the capability to:

- allow the descrambling of such signals according to a common European scrambling algorithm as administered by a recognised European standards organisation, currently ETSI;**
- display signals that have been transmitted in *the clear* provided that, in the event that such equipment is rented, the rentee is in compliance with the relevant rental agreement.**

Or. en

Justification

To clarify the Annex with a view to ensuring that the technical specifications do not act as an obstacle to new services such as IPTV or mobile TV.

Amendment 283
Maria Matsouka

Proposal for a directive – amending act
Article 2 – point -1 (new)
Directive 2002/58/EC
Article 1 – paragraph 2

Text proposed by the Commission

Amendment

(-1) Article 1(2) is amended as follows:
2. The provisions of this directive enlarge on and complement those of Directive 95/46/EC for the purposes mentioned in paragraph 1. Moreover, they provide for protection of the legitimate interests of subscribers, whether they are natural or legal persons.

Or. el

Amendment 284
Maria Matsouka

Proposal for a directive – amending act
Article 2 – point 3 a (new)
Directive 2002/58/EC
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(3a) The following paragraph 5 is added:
4a, Internet providers must offer consumers a suitable level of technological safety either free of charge or at reasonable prices;

Or. el

Amendment 285
Maria Matsouka

Proposal for a directive – amending act

Article 2 – point 4

Directive 2002/58/EC

Article 5 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the storing of information, or gaining access to information already stored, in the terminal equipment of a subscriber or user is **only allowed on condition that the subscriber or user concerned is provided with clear** and comprehensive information in accordance with Directive 95/46/EC, *inter alia* about the purposes of the processing and is offered the right to refuse such processing by the data controller. This shall not prevent any technical storage or access for the sole purpose of carrying out or facilitating the transmission of a communication over an electronic communications network, or as strictly necessary in order to provide an information society service explicitly requested by the subscriber or user.

Amendment

3. Member States shall ensure that the storing of information, or gaining access to information already stored, in the terminal equipment of a subscriber or user is **prohibited unless the subscriber has given explicit acknowledgement that clear, easily accessible** and comprehensive information **has been provided** in accordance with Directive 95/46/EC, *inter alia* about the purposes of the processing and is offered the right to refuse such processing by the data controller. This shall not prevent any technical storage or access for the sole purpose of carrying out or facilitating the transmission of a communication over an electronic communications network, or as strictly necessary in order to provide an information society service explicitly requested by the subscriber or user.
Standard clauses allowing such access or storage shall be considered unlawful under the terms of Directive 93/13/EEC.

Or. el

Amendment 286
Othmar Karas

Proposal for a directive – amending act

Article 2 – point 4

Directive 2002/58/EC

Article 5 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the storing of information, or gaining access to information already stored, in the terminal equipment of a subscriber or user is only allowed on condition that the subscriber or user concerned is provided with clear and comprehensive information in accordance with Directive 95/46/EC, inter alia about the purposes of the processing and is offered the right to refuse such processing by the data controller. This shall not prevent any technical storage or access for the sole purpose of carrying out or facilitating the transmission of a communication over an electronic communications network, or as strictly necessary in order to provide an information society service explicitly requested by the subscriber or user.

Amendment

3. Member States shall ensure that the storing of information, or gaining access to information already stored, in the terminal equipment of a subscriber or user is only allowed on condition that the subscriber or user concerned is provided with clear and comprehensive information in accordance with Directive 95/46/EC, inter alia about the purposes of the processing and is offered the right to refuse such processing by the data controller. This shall not prevent any technical storage or access for the sole purpose of carrying out or facilitating the transmission of a communication over an electronic communications network, or as strictly necessary in order to provide an information society service explicitly requested by the subscriber or user. ***The data controller shall not be liable if the user employs a specific setting to enable personal data to be stored, if the data controller has provided information in particular about the purposes of the processing and has offered the user the right to refuse such processing, but the user has not made use of that right.***

Or. de

Justification

Primarily, users themselves can customise their terminals to receive notifications and information, e.g. the use of 'cookies' by service providers. It should be made clear that this provision does not imply that legal action can be taken against service providers if users set the information options of their terminals to their own disadvantage.

Amendment 287
Maria Matsouka

Proposal for a directive – amending act
Article 2 – point 4 a (new)
Directive 2002/58/EC
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

(4a) Article 6(3) is amended as follows:

3. For the purposes of marketing electronic communications services or for the provision of value-added services, the provider of a publicly available electronic communications service may process the data referred to in paragraph 1 to the extent and for the duration necessary for such services or marketing if the subscriber or user to whom the data relate has given his/her *specific prior* consent. Users or subscribers *shall be given clear and comprehensive information* concerning the possibility to withdraw their consent for the processing of traffic data at any time. *Cancellation of consent must be a simple process.*

Or. el

Amendment 288
Maria Matsouka

Proposal for a directive – amending act
Article 2 – point 4 b (new)
Directive 2002/58/EC
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

(4b) In Article 9 paragraph 1 is amended as follows:

1. Where location data other than traffic data relating to users or subscribers of

public communications networks or publicly available electronic communications services can be processed such data may only be processed where they are made anonymous *and* with the *prior* consent of the users or subscribers to the extent and for the duration necessary for the provision of a value added service. The service provider must inform the users or subscribers prior to obtaining their consent of the type of location data other than traffic data which will be processed of the purposes and duration of the processing and whether the data will be transmitted to a third party for the purpose of providing the value added service. Users or subscribers shall be given the possibility to withdraw their consent for the processing of location data other than traffic data at any time.

Or. el

Amendment 289
Maria Matsouka

Proposal for a directive – amending act
Article 2 – point 4 c (new)
Directive 2002/58/EC
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

(4c) In Article 13, paragraph 2 is deleted

Or. el

Amendment 290
Maria Matsouka

Proposal for a directive – amending act
Article 2 – point 4 d (new)
Directive 2002/58/EC
Article 13 – paragraph 5

Text proposed by the Commission

Amendment

(4d) In Article 13, paragraph 5 is deleted

Or. el

Amendment 291
Jacques Toubon

Proposal for a directive – amending act
Article 2 – point 6 a (new)
Directive 2002/58/EC
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

(6a) Paragraph 1 of Article 15 is amended as follows:

1. The Member States may adopt legislative measures to restrict the scope of the rights and obligations provided for in Article 5, Article 6, Article 8(1), (2), (3) and (4) and Article 9 of this Directive when such restriction constitutes a necessary, appropriate and proportionate measure in a democratic society to safeguard national security (i.e. State security), defence, public security and the prevention, investigation, detection and prosecution of criminal offences or of unauthorised use of the electronic communication system and the protection of the rights and freedoms of others, as referred to in Article 13(1) of Directive 95/46/EC. To that end, Member States may, inter alia, adopt legislative measures providing for the retention of data for a limited period justified on the grounds

laid down in this paragraph. All the measures referred to in this paragraph shall be in accordance with the general principles of Community law, including those referred to in Article 6(1) and (2) of the Treaty on European Union.

Or. fr

Justification

The 2002 directive on the protection of privacy merely extends to electronic communications the measures laid down in the 1995 framework directive. Consequently, Article 15 of the 2002 directive should be read in the light of Article 13 of the 1995 framework directive. The purpose of this amendment is to increase legal certainty in the context of the recent ECJ judgment (C-275/06).

Amendment 292
Christel Schaldemose

Proposal for a directive – amending act
Article 2 – point 7
Directive 2002/58/EC
Article 15a – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that national regulatory authorities have all investigative powers and resources necessary, including the possibility to obtain any relevant information they might need to monitor and enforce national provisions adopted pursuant to this Directive.

Amendment

3. Member States shall ensure that national regulatory authorities have all investigative powers and resources necessary, including the possibility to obtain any relevant information they might ***reasonably*** need to monitor and enforce national provisions adopted pursuant to this Directive, ***without prejudice to existing rights including freedom of expression and privacy.***

Or. en

Justification

The desire to improve citizens' privacy and security cannot thus undermine various rights such as privacy and freedom of expression nor come at the expense of service functionality and utility: a fair balance must be struck.

