



EUROPEAN PARLIAMENT

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Committee on the Internal Market and Consumer Protection

2013/2080(INI)

9.9.2013

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Industry, Research and Energy

on the Implementation Report on the regulatory framework for electronic communications
(2013/2080(INI))

Rapporteur: Malcolm Harbour

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SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. shares the view that all issues pointed out in the report should be addressed in the context of a comprehensive review of the entire framework, including the Universal Service Directive, and not piecemeal, that such a review should be based on broad consultation and thorough analysis, and that the Commission should now initiate the next review of the framework in order to allow for a proper debate in the next legislature;
- B. shares the view that despite progress being made, the European Union is only taking small steps towards achieving the Digital Agenda's broadband objectives within the targeted time frame;
 - 1. Calls on the Member States to give the consumer aspects of electronic communications a much higher priority; emphasises that well-functioning markets, with well informed and confident consumers, are the backbone of the EU market;
 - 2. Underlines that since consumers are increasingly choosing bundled contracts covering multiple services, it is particularly important that pre-contractual and existing contract update information requirements are strictly enforced;
 - 3. Stresses the importance of enhanced consumer information requirements regarding service restrictions, device subsidies and traffic management and calls on the Member States and the Commission to enforce coherently the ban on misleading advertising;
 - 4. Emphasises that there is a potential for anti-competitive and discriminative behaviour in traffic management and calls, therefore, on the Member States to prevent any violation of net neutrality;
 - 5. Underlines that end to end quality of service prioritisation alongside best effort delivery could undermine the principle of net neutrality; calls on the Commission and regulators to monitor these trends and, if appropriate, to deploy the quality of service obligation tools set out in Article 22 of Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, and if necessary to consider additional EU legislative measures;
 - 6. Underlines that bundling of content can be a barrier to switching, and asks the Commission and the Body of European Regulators for Electronic Communications (BEREC) to look at the potential anti-competitive aspects involved in this regard;
 - 7. Notes there are cases where carriers have restricted the tethering functionality (whereby a mobile phone can be used as a router/hotspot) of consumers' mobile phones while the consumer contract specifies unlimited data usage; calls, therefore, on the Commission and BEREC to look at potential misleading advertisement and the need for increased clarity in this regard;

8. Notes the importance of switching and ease of number portability in a dynamic market, contract transparency and information to consumers regarding contract changes; regrets that portability targets are not being met, and calls for action by the Commission and BEREC;
9. Supports those Member States which have implemented reinforced requirements for equivalent access for disabled users, and calls on all Member States to follow their example; calls on BEREC to promote the provisions and access for disabled users in a better way;
10. Notes that the provisions allowing National Regulatory Authorities to intervene to mandate service quality in the event of anti-competitive service blocking or restrictions, combined with better contract transparency, are powerful tools to ensure that consumers have access to and use of the services they choose;
11. Commends all Member States on the implementation of the 112 common emergency telephone number; calls for improvements regarding caller location response time; highlights that several Member States have already configured technologies that provide near-instant caller location;
12. Welcomes the Commission's work on the practical implementation of the 116 numbers, especially the missing child hotline (116000); calls for better promotion of these numbers by the Commission;
13. Notes that the Commission has abandoned its ambitions for a pan-European telephone numbering system;
14. Emphasises the significant progress made in providing entry-level universal broadband access, while noting that it has been very uneven; encourages the Member States to meet the digital agenda targets by stimulating private – and deploying public – investment in new network capacity;
15. Underlines that in order to stimulate innovation, increase consumer choice, reduce costs and increase efficiency in the deployment of high-speed electronic communication infrastructure, a mix of different measures and all available technologies should be explored and offered to consumers, so as to prevent the degradation of service, the blocking of access, and the slowing of network traffic;
16. Emphasises that increasing volumes of data, limited availability of spectrum resources and the convergence of technologies, equipment and content require intelligent data traffic management and different methods of dissemination, such as cooperation between digital terrestrial broadcasting and wireless broadband networks.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	5.9.2013
Result of final vote	+ : 25 - : 1 0 : 0
Members present for the final vote	Claudette Abela Baldacchino, Adam Bielan, Preslav Borissov, Birgit Collin-Langen, Malcolm Harbour, Philippe Juvin, Franz Obermayr, Sirpa Pietikäinen, Phil Prendergast, Zuzana Roithová, Heide Rühle, Andreas Schwab, Catherine Stihler, Emilie Turunen, Barbara Weiler
Substitute(s) present for the final vote	Ildikó Gáll-Pelcz, Liem Hoang Ngoc, María Irigoyen Pérez, Pier Antonio Panzeri, Olle Schmidt, Olga Sehnalová, Marc Tarabella, Wim van de Camp, Patricia van der Kammen
Substitute(s) under Rule 187(2) present for the final vote	Małgorzata Handzlik, Cornelis de Jong