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OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Industry, Research and Energy


Rapporteur (*): Dita Charanzová

(*) Associated committee – Rule 54 of the Rules of Procedure
SHORT JUSTIFICATION

I. Introduction

In response to significant structural changes, characterised by a slow transition from copper to fibre, more complex competition with the convergence of fixed and mobile networks, the rise of retail bundles, the emergence of new online players along the value chains, and not least changing end-user expectations and requirements, including an explosion in demand for wireless data, the Commission has put forward an overhaul of the EU telecoms rules in September 2016.

The proposed European Electronic Communications Code puts forward new initiatives to meet Europe’s growing connectivity needs and to encourage investment in high-capacity networks, whilst maintaining the regulatory framework’s objective to ensure that markets operate more competitively, bringing lower prices and better quality of service to consumers and businesses. The Code also puts forward a revision of the sector-specific consumer protection rules, including on emergency communications, and the universal services regime. These provisions of the Code are deliberated under exclusive IMCO leadership, who acts as associated committee under Rule 54.

II. Position of the Rapporteur

The Rapporteur shares the overall objectives of the Commission’s proposal, its emphasis on increased connectivity and the need to boost investment. In particular, the Rapporteur shares the Commission’s view that there is a continued need for sector-specific consumer protection provisions, in addition to the horizontal EU consumer acquis. The Commission proposal is seen as a welcome step in the right direction. At the same time, however, the Rapporteur has identified a number of elements that require further discussion. First, the rapporteur questions the need to extend the provisions of the telecoms framework to number-independent interpersonal communication services. Secondly, the Rapporteur puts forward a number of improvements as regards the universal service obligation. Finally, the Rapporteur suggests additional provisions to protect the rights of end-users in the market.

1. Scope - regulation of “new online players”

Whilst the Rapporteur agrees with the overall Commission’s intent to establish a future-proof framework, she does not believe that the proposal accomplishes this objective. The distinction between number-based and non-number based interpersonal communication services and the dividing line between what would be considered a communication services and what would be seen as digital content may lead to legal uncertainty and confusion of end-users. Furthermore, the Rapporteur does not see any substantive reasons for regulating non-number based services within the telecoms framework and stresses the substantial differences from a consumer perspective in terms of connectivity, devices, functionality, interoperability and price and payments. She therefore considers it more appropriate to ensure that number-independent interpersonal communication services are addressed within the scope of the digital content directive, currently under negotiation, and other EU legislation, such as the Consumer Rights Directive.
To address this, the Rapporteur proposes a series of amendments to limit the scope of the end-user provisions and, inter alia, to set out the relationship between the sector-specific telecoms framework and the horizontal consumer acquis.

2. **Universal Service Obligation**

On Universal Services Obligations, the Rapporteur supports the Commission’s overall approach, including its emphasis on the affordability of internet access service for all, and the proposal that Member States bear the cost of any USO. She puts forward a number of improvements to the current draft, including in particular:

- Limiting the scope to consumers (rather than end-users)
- Obliging national regulatory authorities to further define the minimum internet access service functionality on the basis of BEREC guidelines with a view to ensuring a consistent EU-wide approach, whilst offering Member States the necessary flexibility
- Setting a fixed deadline of 9 years for the phasing out of legacy USO, i.e. public payphones, directories and directory enquiry services
- Strengthening the obligations concerning the availability of social tariffs if retail prices are found to be unaffordable.

3. **End-user rights**

The Rapporteur agrees with the Commission that there is a continued need for sector-specific regulation and supports the Commission’s proposal for maximum harmonisation, with a limited number of exceptions such as on maximum contract lengths. The Rapporteur puts forward two additional provisions, notably:

- A right to compensation for end-users in case of delays or material/non-material damage related to switching
- A provision to address the discriminatory and abusive practices concerning intra-EU calls and messaging services

In addition, the Rapporteur proposes a number of simplifications/clarifications as well as some strengthened provisions based on COM proposal, including:

- Handset Based location for 112
- Better coverage for persons with disabilities.
The Committee on the Internal Market and Consumer Protection calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

**Amendment 1**

**Proposal for a directive**

**Recital 7**

*Text proposed by the Commission*

(7) The convergence of the telecommunications, media and information technology sectors means that all electronic communications networks and services should be covered to the extent possible by a single European Electronic Communications Code established by a single Directive, with the exception of matters better dealt with through directly applicable rules established through regulations. It is necessary to separate the regulation of electronic communications networks and services from the regulation of content. This Code does not therefore cover the content of services delivered over electronic communications networks using electronic communications services, such as broadcasting content, financial services and certain information society services, and is therefore without prejudice to measures taken at Union or national level in respect of such services, in compliance with Union law, in order to promote cultural and linguistic diversity and to ensure the defence of media pluralism. The content of television programmes is covered by Directive 2010/13/EU of the European Parliament and of the Council. The regulation of audiovisual policy and content aims at achieving general interest objectives, such as freedom of expression, media pluralism, impartiality, cultural and linguistic diversity, social inclusion, consumer protection and the protection of

*Amendment*

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

... Unless explicitly excluded from the scope of application of the Code, electronic communications networks and services are covered by this Code. Also, the separation between the regulation of electronic communications and the regulation of content does not prejudice the taking into account of the links existing between them, in particular in order to guarantee media pluralism, cultural diversity and consumer protection.

Amendment 2
Proposal for a directive
Recital 8

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

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

Amendment 3
Proposal for a directive
Recital 10

Text proposed by the Commission
(10) Certain electronic communications services under this Directive could also fulfil the definition of ‘information society service’ in Article 1 of Directive (EU)

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

Amendment 4

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Definitions need to be adjusted so as to conform to the principle of technology neutrality and to keep pace with technological development. Technological and market evolution has brought networks to move to internet protocol technology, and enabled end-users to choose between a range of competing voice service providers. Therefore, the term 'publicly available telephone service', exclusively used in Directive 2002/22/EC and widely perceived as referring to traditional analogue telephone services should be replaced by the more current and technological neutral term 'voice communications'. Conditions for the

Amendment

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

Amendment 5
Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by functionally equivalent online services such as Voice over IP, messaging services and web-based e-mail services. In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented

Amendment

(15) The services used for communications purposes, and the technical means of their delivery, have evolved considerably. End-users increasingly substitute traditional voice telephony, text messages (SMS) and electronic mail conveyance services by functionally equivalent online services such as Voice over IP, messaging services and web-based e-mail services, although they still do not consider them as substitutes to traditional voice services, due to a perception of different levels of
The definition of electronic communications services should not be purely based on technical parameters but rather build on a functional approach. The scope of necessary regulation should be appropriate to achieve its public interest objectives. While "conveyance of signals" remains an important parameter for determining the services falling into the scope of this Directive, the definition should cover also other services that enable communication. From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service. The amended definition of electronic communications services should therefore contain three types of services which may partly overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly or mainly in the conveyance of signals. The definition of electronic communications service should eliminate ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018.

In order to ensure that end-users are effectively and equally protected when using functionally equivalent services, a future-oriented definition of electronic communications services should not be purely based on technical parameters but rather build on a functional approach to the extent possible. The existing differences between services should however be acknowledged, online services such as Voice over IP being provided in most cases without having substantial control over the network used for enabling the communication but on the other hand allowing end-user to switch from service to service in an easier manner than from traditional communication services. The scope of necessary regulation should be appropriate to achieve its public interest objectives. While "conveyance of signals" remains an important parameter for determining the services falling into the scope of this Directive, the definition should cover also other services that enable communication in a proportionate manner to deliver the best outcomes for end users. From an end-user's perspective it is not relevant whether a provider conveys signals itself or whether the communication is delivered via an internet access service, therefore these services should not be defined on the basis of the technology used, but on the legitimate expectations end-users have for the service provided depending for instance on the price paid or the ease of terminating the contract. The amended definition of electronic communications services should therefore contain three types of services which may partly overlap, that is to say internet access services according to the definition in Article 2(2) of Regulation (EU) 2015/2120, interpersonal communications services as defined in this Directive, and services consisting wholly or mainly in the conveyance of signals. This last category should not include services where...
connectivity is provided as an input product into connected devices or 'smart goods' or where the provision of connectivity with such products is subject to a contract with the end-user, as they would be considered as embedded digital content or services according to the Directive concerning contracts for the supply of digital content. As said types of services may partly overlap, it is likely that services which only meet the criteria of the conveyance of signals category would be limited to transmission services used for the provision of machine-to-machine services and broadcasting. Similarly to the case of broadcasting, where the transmitted content does not fall within the definition of an electronic communications service, a distinction between a machine-to-machine service and its underlying transmission should be made. Only the transmission should be considered as conveyance of signals, whereas the application part of a machine-to-machine service (such as e.g. the consumption recording and analysis in smart metering) should not. The definition of electronic communications service should eliminate ambiguities observed in the implementation of the previous definition and allow a calibrated provision-by-provision application of the specific rights and obligations contained in the framework to the different types of services. The processing of personal data by electronic communications services, whether as remuneration or otherwise, must be in compliance with Directive 95/46/EC which will be replaced by Regulation (EU) 2016/679 (General Data Protection Regulation) on 25 May 2018.\(^{23}\)

\(^{23}\) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive
Amendment 6
Proposal for a directive
Recital 16

Text proposed by the Commission

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In the digital economy, market participants increasingly consider information about users as having a monetary value. Electronic communications services are often supplied against counter-performance other than money, for instance by giving access to personal data or other data. The concept of remuneration should therefore encompass situations where the provider of a service requests and the end-user actively provides personal data, such as name or email address, or other data directly or indirectly to the provider. It should also encompass situations where the provider collects information without the end-user actively supplying it, such as personal data, including the IP address, or other automatically generated information, such as information collected and transmitted by a cookie). In line with the jurisprudence of the Court of Justice of the European Union on Article 57 TFEU⁴, remuneration exists within the meaning of the Treaty also if the service provider is paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the service provider intends to monetise personal data it has collected or received.

Amendment

(16) In order to fall within the scope of the definition of electronic communications service, a service needs to be provided normally in exchange for remuneration. In line with the jurisprudence of the Court of Justice of the European Union on Article 57 TFEU⁴, remuneration exists within the meaning of the Treaty also if the service provider is paid by a third party and not by the service recipient. The concept of remuneration should therefore also encompass situations where the end-user is exposed to advertisements as a condition for gaining access to the service, or situations where the service provider monetises personal data it has collected.
Amendment 7

Proposal for a directive
Recital 17

Text proposed by the Commission

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

Amendment

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

Amendment 8
Proposal for a directive
Recital 22

Text proposed by the Commission

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

Amendment

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

Amendment 9
Proposal for a directive
Recital 40

Text proposed by the Commission

(40) The benefits of the single market to service providers and end-users can be best achieved by general authorisation of electronic communications networks and of electronic communications services other than number-independent interpersonal communications services, without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to a declaratory notification only. Where Member States require notification by providers of electronic communications networks or services when they start their activities, this notification should be submitted to BEREC which acts as a single contact point. Such notification should not

Amendment

(40) The benefits of the single market to service providers and end-users can be best achieved by general authorisation of electronic communications networks, of internet access services and of number-based interpersonal communications services without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to a declaratory notification only. Where Member States require notification by providers of electronic communications networks or services when they start their activities, this notification should be submitted to BEREC which acts as a single contact point. Such notification should not
notification should not entail administrative cost for the providers and could be made available via an entry point at the website of the national regulatory authorities. BEREC should forward in good time the notifications to the national regulatory authority in all Member States in which the providers of electronic communications networks or services intend to provide electronic communications networks or services. Member States can also require proof that notification was made by means of any legally recognised postal or electronic acknowledgement of receipt of the notification to BEREC. Such acknowledgement should in any case not consist of or require an administrative act by the national regulatory authority, or any other authority.

Amendment 10
Proposal for a directive
Recital 49

Text proposed by the Commission

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

Amendment

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

Amendment 11
Proposal for a directive
Recital 69
In the context of a competitive environment, the views of interested parties, including users and consumers, should be taken into account by national regulatory authorities when dealing with issues related to end-users' rights. Out-of-court dispute settlement procedures may constitute a fast and cost-efficient way end-users to enforce their rights, in particular for consumers and micro and small enterprises. For consumer disputes, effective, non-discriminatory and inexpensive procedures to settle their disputes with providers of publicly available electronic communications services are already ensured by Directive 2013/11/EU of the European Parliament and of the Council in so far as relevant contractual disputes are concerned and the consumer is resident and the undertaking is established within the Union. As many Member States have established dispute resolution procedures also for end-users other than consumers, to whom Directive 2013/11/EU does not apply, it is reasonable to maintain the sector-specific dispute resolution procedure for both consumers and, where Member States extend it, also for other end-users, in particular micro and small enterprises. In view of the deep sectorial expertise of national regulatory authorities, Member States should enable the national regulatory authority to act as dispute settlement entity, through a separate body within that authority which should not be subject to any instructions. Dispute resolution procedures under this Directive that involve consumers should be subject to the quality requirements set out in Chapter II of Directive 2013/11/EU.
Amendment 12

Proposal for a directive

Recital 89

Text proposed by the Commission

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

Amendment

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

Amendment 13

Proposal for a directive

Recital 90

Text proposed by the Commission

(90) Providers of public electronic communications networks or publicly

Amendment

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

Amendment 14
Proposal for a directive
Recital 91 a (new)

Text proposed by the Commission

Amendment

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

Amendment 15
Proposal for a directive
Recital 127

Text proposed by the Commission

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

Amendment

(127) Massive growth in radio spectrum demand, and in end-user demand for wireless broadband capacity, calls for solutions allowing alternative, complementary, spectrally efficient access solutions, including low-power wireless access systems with a small-area operating range such as radio local area networks (RLAN) and networks of low-power small-size cellular access points. Such complementary wireless access systems, in particular publicly accessible RLAN access points, increase access to the internet for end-users and mobile traffic off-loading for mobile operators. RLANs use harmonised radio spectrum without requiring an individual authorisation or spectrum usage right. Most RLAN access points are so far used by private users as local wireless extension of their fixed broadband connection. End-users, within the limits of their own internet subscription, should not be prevented from sharing access to their RLAN with others, so as to increase the number of available access points, particularly in densely populated areas, maximise wireless data capacity through radio spectrum re-use and create a cost-effective complementary wireless broadband infrastructure accessible to other end-users. Providers shall ensure that such access is given with the explicit consent of end-users, is not detrimental to the conditions of an end-users' own
or public service providers, who use RLANs in their premises for their personnel, visitors or clients, for example to facilitate access to e-Government services or for information on public transport or road traffic management, could also provide access to such access points for general use by citizens as an ancillary service to services they offer to the public on such premises, to the extent allowed by competition and public procurement rules. Moreover, the provider of such local access to electronic communications networks within or around a private property or a limited public area on a non-commercial basis or as an ancillary service to another activity that is not dependant on such access (such as RLAN hotspots made available to customers of other commercial activities or to the general public in that area) can be subject to compliance with general authorisations for rights of use for radio spectrum but should not be subject to any conditions or requirements attached to general authorisations applicable to providers of public communications networks or services or to obligations regarding end-users or interconnection. However, such provider should remain subject to the liability rules of Article 12 of Directive 2000/31/EC on electronic commerce. Further technologies such as LiFi are emerging that will complement current radio spectrum capabilities of RLANs and wireless access point to include optical visible light-based access points and lead to hybrid local area networks allowing optical wireless communication.

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35 Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular access and liability is not born by the end-user giving the access to their network located at the end-user's premises. In addition, Public authorities or public service providers, who use RLANs in their premises for their personnel, visitors or clients, for example to facilitate access to e-Government services or for information on public transport or road traffic management, could also provide access to such access points for general use by citizens as an ancillary service to services they offer to the public on such premises, to the extent allowed by competition and public procurement rules. Moreover, the provider of such local access to electronic communications networks within or around a private property or a limited public area on a non-commercial basis or as an ancillary service to another activity that is not dependant on such access (such as RLAN hotspots made available to customers of other commercial activities or to the general public in that area) can be subject to compliance with general authorisations for rights of use for radio spectrum but should not be subject to any conditions or requirements attached to general authorisations applicable to providers of public communications networks or services or to obligations regarding end-users or interconnection. However, such provider should remain subject to the liability rules of Article 12 of Directive 2000/31/EC on electronic commerce. Further technologies such as LiFi are emerging that will complement current radio spectrum capabilities of RLANs and wireless access point to include optical visible light-based access points and lead to hybrid local area networks allowing optical wireless communication.

Amendment 16
Proposal for a directive
Recital 137

Text proposed by the Commission

(137) Currently both end-to-end connectivity and access to emergency services depend on end-users adopting number-based interpersonal communications services. Future technological developments or an increased use of number-independent interpersonal communications services could entail a lack of sufficient interoperability between communications services. As a consequence significant barriers to market entry and obstacles to further onward innovation could emerge and appreciably threaten both effective end-to-end connectivity between end-users and effective access to emergency services.

Amendment

(137) Currently both end-to-end connectivity and access to emergency services depend on end-users adopting number-based interpersonal communications services. Future technological developments or an increased use of number-independent interpersonal communications services could entail a lack of sufficient interoperability between communications services. As a consequence significant barriers to market entry and obstacles to further onward innovation could emerge and appreciably threaten both effective end-to-end connectivity between end-users.

Amendment 17
Proposal for a directive
Recital 138

Text proposed by the Commission

(138) In case such interoperability issues arise, the Commission may request a BEREC report which should provide a factual assessment of the market situation at the Union and Member States level. On the basis of the BEREC report and other available evidence and taking into account the effects on the internal market, the Commission should decide whether there is a need for regulatory intervention by national regulatory authorities. If the

Amendment

(138) In case such interoperability issues arise, the Commission may request a BEREC report which should provide a factual assessment of the market situation at the Union and Member States level. On the basis of the BEREC report and other available evidence and taking into account the effects on the internal market, the Commission should decide whether there is a need for regulatory intervention by national regulatory authorities. If the
Commission considers that such regulatory intervention should be considered by National Regulatory Authorities, it may adopt implementing measures specifying the nature and scope of possible regulatory interventions by NRAs, including in particular measures to impose the mandatory use of standards or specifications on all or specific providers. The terms 'European standards' and 'international standards' are defined in Article 2 of Regulation (EU) No 1025/2012. National regulatory authorities should assess, in the light of the specific national circumstances, whether any intervention is necessary and justified to ensure end-to-end-connectivity or access to emergency services, and if so, impose proportionate obligations in accordance with the Commission implementing measures.

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Justification

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

Amendment 18

Proposal for a directive

Recital 143

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(143) While it is appropriate in some circumstances for a national regulatory authority to impose obligations on operators that do not have significant market power in order to achieve goals such as end-to-end connectivity or interoperability of services, it is however necessary to ensure that such obligations are imposed in conformity with the regulatory framework and, in particular, its notification procedures.

Amendment 19

Proposal for a directive
Recital 194

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a directive
Recital 196

Text proposed by the Commission

(196) A fundamental requirement of universal service is to ensure that all end-

Amendment

(196) A fundamental requirement of a universal service is to ensure that all
consumers have access at an affordable price to available internet access and voice communications services, at least at a fixed location. Member States should also have the possibility to ensure affordability to citizens on the move, where they deem this to be necessary to ensure full social and economic participation in society.

Amendment 21
Proposal for a directive
Recital 197

Text proposed by the Commission

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

Amendment

(197) The speed of Internet access experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a connection is being used. The availability of affordable broadband internet access service provided under the universal service obligation should have sufficient capability to support access to and use of at least a minimum set of basic internet services and at least a minimum bandwidth that reflects the average use of such services by a majority of the population, with the aim of ensuring an adequate level of social inclusion and participation in the digital society and economy. It is for the national regulatory authorities, in accordance with BEREC guidelines, to establish the most appropriate way in which to ensure the delivering of the bandwidth necessary to
support at least such a minimum list of services while seeking to reflect the internet access capability available to the majority of the population of a Member State’s territories or parts thereof. For instance, they may define capability in terms of the minimum quality of service requirements, including minimum bandwidth and data volumes. The requirements of Union law on open internet, in particular as provided for in Regulation (EU) No 2015/2120 of the European Parliament and of the Council\(^1\), should apply to any such internet access service, including any list of services or minimum bandwidth adopted under the universal service obligation.


Amendment 22

Proposal for a directive
Recital 198

Text proposed by the Commission

(198) **End-users** should not be obliged to access services they do not want and it should therefore be possible for eligible end-users to limit, on request, the affordable universal service to voice communications service only.

Amendment

(198) **Consumers** should not be obliged to access services they do not want and it should therefore be possible for eligible consumers to limit, on request, the affordable universal service to voice communications service only.
Amendment 23

Proposal for a directive
Recital 200

Text proposed by the Commission

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

Amendment

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

Amendment 24

Proposal for a directive
Recital 201

Text proposed by the Commission

(201) It should no longer be possible to refuse end-users access to the minimum set of connectivity services. A right to contract with an undertaking should mean that end-users who might face refusal, in particular those with low incomes or special social needs, should have the possibility to enter into a contract for the provision of affordable functional internet access and voice communications services at least at a fixed location with any undertaking providing such services in that location. In order to minimise the

Amendment

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

Amendment 25

Proposal for a directive
Recital 202

Text proposed by the Commission

(202) In order to ensure that citizens are reachable by voice communications services, Member States should ensure the availability of a telephone number for a reasonable period also during periods of non-use of voice communications service. Undertakings should be able to put in place mechanisms to check the continued interest of the end-user in keeping the availability of the number.

Amendment

(202) In order to ensure that citizens are reachable by voice communications services, Member States should ensure the availability of a telephone number for a reasonable period also during periods of non-use of voice communications service. Providers should be able to put in place mechanisms to check the continued interest of the consumer in keeping the availability of the number.

Amendment 26

Proposal for a directive
Recital 204

Text proposed by the Commission

(204) In order to assess the need for affordability measures, national regulatory authorities should be able to monitor the evolution and details of offers of tariff options or packages for end-users with low incomes or special social needs.

Amendment

(204) In order to assess the need for affordability measures, national regulatory authorities should be able to monitor the evolution and details of offers of tariff options or packages for consumers with low incomes or special social needs.

Amendment 27

Proposal for a directive
Recital 205

Text proposed by the Commission

(205) Where additional measures beyond
the basic tariff options or packages provided by undertakings are insufficient for ensuring affordability for end-users with low incomes or special needs, direct support such as for example vouchers to such end-users can be an appropriate alternative having regard to the need to minimise market distortions.

the social tariff options or packages provided by providers are insufficient alone for ensuring affordability for all consumers with low incomes or special needs, Member State should be able to grant direct additional support to such consumers, such as for example vouchers to such consumers or direct payments to providers. This can be appropriate alternative to other measures, having regard to the need to minimise market distortions.

Amendment 28
Proposal for a directive
Recital 206

Text proposed by the Commission

(206) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for disabled end-users, including equipment with assistive technologies. This can be achieved, inter alia, by referring to European standards, or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services 38 Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for disabled end-users under normal economic conditions.

Amendment

(206) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for consumers with disabilities, following a universal design approach, including, where appropriate, equipment with assistive technologies that is interoperable with publically available electronic communication equipment and services. This can be achieved, inter alia, by referring to European standards, such as European standard EN 301 549 V1.1.2 (2015-04) or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council 38. Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for consumers with disabilities under normal economic conditions. The average cost of the relay services for consumers with disabilities should be equivalent to that of voice communication services in order not to prejudice consumers with disabilities.
The net costs of providers of relay services should be compensated based on Article 84.

38 OJ C [...], […], p. […].

38 Directive xxx/YYYY/EU of the European Parliament and of the Council of … on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (OJ L …, …, p. …).

Amendment 29

Proposal for a directive
Recital 207

Text proposed by the Commission

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

Amendment

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

Amendment 30

Proposal for a directive
Recital 208

Text proposed by the Commission

(208) The market has a leading role to play in ensuring availability of broadband internet access with constantly growing capacity. In areas where the market would

Amendment

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

Amendment 31
Proposal for a directive
Recital 209

Text proposed by the Commission

(209) If after carrying out a due assessment, taking into account the results of the geographical survey of networks deployment conducted by the national regulatory authority, it is shown that neither the market nor public intervention mechanisms are likely to provide end-users in certain areas with a connection capable of delivering functional internet access service as defined by Member States in accordance with Article 79 (2) and voice communications services at a fixed location, the Member State should be able to exceptionally designate different undertakings or sets of undertakings to provide these services in the different relevant parts of the national territory. Universal service obligations in support of availability of functional internet access service may be restricted by

Amendment

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

Member States to the consumer’s primary location or residence. There should be no constraints on the technical means by which the internet access and voice communications services at a fixed location are provided, allowing for wired or wireless technologies, nor any constraints on which operators provide part or all of universal service obligations.

**Justification**

*see earlier rapporteur amendments*

**Amendment 32**

**Proposal for a directive**

**Recital 211**

*Text proposed by the Commission*

(211) The costs of ensuring the availability of a connection capable of delivering functional internet access service as identified in accordance with Article 79 (2) and voice communications service at a fixed location at an affordable price within the universal service obligations should be estimated, in particular by assessing the expected financial burden for undertakings and users in the electronic communications sector.

**Amendment**

(211) The costs of ensuring the availability of a connection capable of delivering internet access service as identified in accordance with Article 79 (2) and voice communications service at a fixed location at an affordable price within the universal service obligations should be estimated, in particular by assessing the expected financial burden for providers and users in the electronic communications sector.

**Amendment 33**

**Proposal for a directive**

**Recital 213**

*Text proposed by the Commission*

(213) When an undertaking designated to ensure the availability at a fixed location of functional internet access or voice communications services, as identified in Article 81 of this Directive, chooses to...

**Amendment**

(213) When a provider designated to ensure the availability at a fixed location of internet access or voice communications services, as identified in Article 81 of this Directive, chooses to dispose of a...
dispose of a substantial part, viewed in light of its universal service obligation, or all, of its local access network assets in the national territory to a separate legal entity under different ultimate ownership, the national regulatory authority should assess the effects of the transaction in order to ensure the continuity of universal service obligations in all or parts of the national territory. To this end, the national regulatory authority which imposed the universal service obligations should be informed by the undertaking in advance of the disposal. The assessment of the national regulatory authority should not prejudice the completion of the transaction.

Amendment 34

Proposal for a directive
Recital 214

Text proposed by the Commission

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

Amendment

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

Amendment 35

Proposal for a directive
Recital 215

Text proposed by the Commission

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

Amendment

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

Amendment 36

Proposal for a directive
Recital 217

PE602.838v03-00 32/147  AD\1133855EN.docx
(217) Where the provision of functional internet access and voice communications services or the provision of other universal services in accordance with Article 85 result in an unfair burden on an undertaking, taking due account of the costs and revenues as well as the intangible benefits resulting from the provision of the services concerned, that unfair burden can be included in any net cost calculation of universal obligations.

Amendment

Proposal for a directive
Recital 221

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

In exceptional cases, Member States might adopt or maintain mechanisms to share the net cost of universal service obligations between providers of electronic communications networks or services and undertakings providing information society services. Such mechanisms should be reviewed at least every three years with a view to determining which net costs should continue to be shared and which should be compensated from public funds.
budgets. actively to participate in the digital society. Ensuring such connections on the basis of universal service obligations serves at least as much the public interest as it serves the interests of electronic communications providers. Therefore Member States should compensate the net costs of such connections supporting broadband speeds as part of the universal service from public funds, which should be understood to comprise funding from general government budgets.

Amendment 38
Proposal for a directive
Recital 227

Text proposed by the Commission

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

Amendment

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

Member States should ensure that a review of their national system is carried out regarding transposition and implementation of the Directive, taking into account the measures needed to achieve a sufficient level of service quality in operating the 116 000 number as well as engaging the financial resources necessary to operate the hotline. The definition of missing children falling under the 116000 number should include the following categories children: runaways, international child abductions, missing children, parental abductions, missing migrant children, criminal abductions and lost, sexual abuses and where the life of a child is at risk.
Amendment 39
Proposal for a directive
Recital 227 a (new)

Text proposed by the Commission

(227a) Even though efforts have been made to raise awareness since the first hotlines became operational after the EC Decision of 2007, hotlines still struggle with varying and often very low awareness in their countries. Strengthening the hotlines' efforts in raising awareness of the number and the services provided is an important step to better protecting, supporting and preventing missing children. To that end Member States and the Commission should continue to support efforts promoting the 116 000 number among the general public and among relevant stakeholders in national child protection systems.

Amendment 40
Proposal for a directive
Recital 229

Text proposed by the Commission

(229) The completion of the single market for electronic communications requires the removal of barriers for end-users to have cross-border access to electronic communications services across the Union. Providers of electronic communications to the public should not deny or restrict access or discriminate against end-users on the basis of their nationality or Member State of residence. Differentiation should, however, be possible on the basis of objectively justifiable differences in costs and risks, which may go beyond the measures provided for in Regulation 531/2012 in respect of abusive or anomalous use of

Amendment

(229) The completion of the single market for electronic communications requires the removal of barriers for end-users to have cross-border access to electronic communications services across the Union. Providers of electronic communications to the public should not deny or restrict access or discriminate against end-users on the basis of their nationality, Member State of residence or of establishment. Differentiation should, however, be possible on the basis of objectively justifiable differences in costs and risks, which may go beyond the measures provided for in Regulation 531/2012 in respect of abusive or
regulated retail roaming services. anomalous use of regulated retail roaming services.

Amendment 41
Proposal for a directive
Recital 229 a (new)

Text proposed by the Commission

(229a) Very significant price differences continue to prevail, both for fixed and mobile communications, between domestic voice and SMS communications and those terminating in another Member State. While there are substantial variations between countries, operators and tariff packages, and between mobile and fixed services, this continues to affect more vulnerable customer groups and to pose barriers to seamless communication within the EU. Any significant retail price differences between electronic communications services terminating in the same Member State and those terminating in another Member State should therefore be justified by reference to objective criteria.

Amendment 42
Proposal for a directive
Recital 230

Text proposed by the Commission

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

Amendment 43

Proposal for a directive
Recital 231

Text proposed by the Commission

(231) Contracts are an important tool for end-users to ensure transparency of information and legal certainty. Most service providers in a competitive environment will conclude contracts with their customers for reasons of commercial desirability. In addition to the provisions of

Amendment

(231) Contracts are an important tool for end-users to ensure transparency of information and legal certainty. Most service providers in a competitive environment will conclude contracts with their customers for reasons of commercial desirability. In addition to the provisions of

The inclusion of information requirements in this Directive, which might also be required pursuant to Directive 2011/83/EU, should not be lead to duplications of the same information within pre-contractual and contractual documents. Information provided in respect of this Directive, including any more prescriptive and more detailed informational requirements, should be deemed to fulfil any such requirements pursuant to Directive 2011/83/EU.


Amendment 44

Proposal for a directive
Recital 232

\textit{Text proposed by the Commission}

(232) Provisions on contracts in this Directive should apply \textit{irrespective the amount of any payment to be made by the customer}. They should apply not only to consumers but also to micro and small enterprises as defined in Commission Recommendation 2003/361/EC and not-for-profit organisation as defined in

\textit{Amendment}

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

**Member State law**, whose bargaining position is comparable to that of consumers and which should therefore benefit from the same level of protection. The provisions on contracts, including those contained in Directive 2011/83/EU on consumer rights, should apply automatically to those undertakings unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to micro and small enterprises, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same contractual information requirements as consumers. Other provisions, such as number portability, which are important also for larger enterprises should continue to apply to all end-users.

"Not-for-profit organisations" are legal entities that do not earn profits for their owners or members. Typically, not-for-profit organisations are charities or other types of public interest organisations. Hence, as the situation of not-for-profit organisations is similar to micro and small enterprises, it is legitimate to treat such organisations in the same way as micro or small enterprises under this Directive, insofar as end-user rights are concerned.

**Amendment** 45

**Proposal for a directive**

**Recital 233**

*Text proposed by the Commission*

(233) The specificities of the electronic communications sector require, beyond horizontal contract rules, a limited number of additional end-user protection provisions. End-users should inter alia be informed of any quality of service levels offered, conditions for promotions and termination of contracts, applicable tariff

*Amendment*

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

Amendment 46
Proposal for a directive
Recital 235

Text proposed by the Commission

(235) With respect to terminal equipment, the customer contract should specify any restrictions imposed by the provider on the use of the equipment, such as by way of

Amendment

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

Where the end-user chooses to retain terminal equipment bundled at the moment of the contract conclusion, any compensation due should not exceed its pro rata temporis value at the moment of the contract conclusion or on the remaining part of the service fee until the end of the contract, whichever amount is smaller. Member States may choose other methods of calculating the compensation rate, where such a rate is equal to or less than that compensation calculated. Any restriction on the usage of terminal equipment on other networks should be lifted, free of charge, by the provider at the latest upon payment of such compensation.

Amendment 47

Proposal for a directive
Recital 237

Text proposed by the Commission

(237) The availability of transparent, up-to-date and comparable information on offers and services is a key element for consumers in competitive markets where several providers offer services. End-users should be able to easily compare the prices of various services offered on the market based on information published in an easily accessible form. In order to allow them to make price and service comparisons easily, national regulatory authorities should be able to require from undertakings providing electronic communications networks and/or electronic communications services other than number-independent interpersonal communications services greater

Amendment

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

Amendment 48

Proposal for a directive
Recital 240

Text proposed by the Commission

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

Amendment 49

Proposal for a directive
Recital 241

Text proposed by the Commission

(241) In order to address public interest issues with respect to the use of publicly available electronic communications services and to encourage protection of the rights and freedoms of others, the competent authorities should be able to produce and have disseminated, with the aid of providers, public interest information related to the use of such services. This could include public interest information regarding the most common infringements and their legal consequences, for instance regarding copyright infringement, other unlawful uses and the dissemination of harmful content, and advice and means of protection against risks to personal security, which may for example arise from disclosure of personal information in certain circumstances, as well as risks to privacy and personal data, and the availability of easy-to-use and configurable software or software options allowing protection for children or vulnerable persons. The information could be coordinated by way of the cooperation procedure established in this Directive. Such public interest information should be updated whenever necessary and should be presented in easily comprehensible formats, as determined by each Member State, and on national public authority websites. National regulatory authorities should be able to oblige providers to

Amendment

(241) In order to address public interest issues with respect to the use of publicly available electronic communications services and to encourage protection of the rights and freedoms of others, the competent authorities should be able to produce and have disseminated, with the aid of providers, public interest information related to the use of such services. This could include public interest information regarding the most common infringements and their legal consequences, advice and means of protection against risks to personal security, which may for example arise from disclosure of personal information in certain circumstances, as well as risks to privacy and personal data, and the availability of easy-to-use and configurable software or software options allowing protection for children or vulnerable persons. The information could be coordinated by way of the cooperation procedure established in this Directive. Such public interest information should be updated whenever necessary and should be presented in easily comprehensible formats, as determined by each Member State, and on national public authority websites. National regulatory authorities should be able to oblige providers to
State, and on national public authority websites. National regulatory authorities should be able to oblige providers to disseminate this standardised information to all their customers in a manner deemed appropriate by the national regulatory authorities. Dissemination of such information should however not impose an excessive burden on undertakings. Member States should require this dissemination by the means used by undertakings in communications with end-users made in the ordinary course of business.

Amendment 50
Proposal for a directive
Recital 243

Text proposed by the Commission

(243) National regulatory authorities should be empowered to monitor the quality of services and to collect systematically information on the quality of services, including that related to the provision of services to disabled end-users. This information should be collected on the basis of criteria which allow comparability between service providers and between Member States. Undertakings providing electronic communications services, operating in a competitive environment, are likely to make adequate and up-to-date information on their services publicly available for reasons of commercial advantage. National regulatory authorities should nonetheless be able to require publication of such information where it is demonstrated that such information is not effectively available to the public. National regulatory authorities should also set out the measurement methods to be applied by the service providers in order to improve the comparability of the data provided. In order to facilitate comparability across the Union and to reduce compliance cost, disseminate this standardised information to all their customers in a manner deemed appropriate by the national regulatory authorities. Dissemination of such information should however not impose an excessive burden on providers. Member States should require this dissemination by the means used by providers in communications with end-users made in the ordinary course of business.

Amendment

(243) National regulatory authorities should be empowered to monitor the quality of services and to collect systematically information on the quality of services, including that related to the provision of services to disabled end-users. This information should be collected on the basis of criteria which allow comparability between service providers and between Member States. Undertakings providing electronic communications services, operating in a competitive environment, are likely to make adequate and up-to-date information on their services publicly available for reasons of commercial advantage. Where a provider of an electronic communications service does not, for reasons related to the technical delivery of the service, have control over the quality of the service or does not offer a minimum quality of service, it should not be required to provide quality of service information. National regulatory authorities should nonetheless be able to require publication of such information where it is demonstrated that such
BEREC should adopt guidelines on relevant quality of service parameters which national regulatory authorities should take into utmost account.

Information is not effectively available to the public. National regulatory authorities should also set out the measurement methods to be applied by the service providers in order to improve the comparability of the data provided. In order to facilitate comparability across the Union and to reduce compliance cost, BEREC should adopt guidelines on relevant quality of service parameters which national regulatory authorities should take into utmost account.

Amendment 51

Proposal for a directive
Recital 244

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

aggregation schemes which enable network investors to reduce initial take-up risks.

However, the rights of consumers to switch between providers of electronic communications services, as established in this Directive, should not be restricted by such reimbursement periods in contracts on physical connections and such contracts should not cover terminal or internal access equipment, such as handsets, routers or modems.

Amendment 52
Proposal for a directive
Recital 245

Text proposed by the Commission

(245) Consumers should be able to terminate their contract without incurring any costs also in cases of automatic prolongation after the expiration of the initial contract term.

Amendment

(245) Consumers should be able to terminate their contract without incurring any costs also in cases of automatic prolongation after the expiration of the contract term.

Amendment 53
Proposal for a directive
Recital 246

Text proposed by the Commission

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

Amendment

(246) Any changes to the contractual conditions proposed by providers of publicly available internet access services or number-based interpersonal communications services and transmission services used for broadcasting to the detriment of the end-user, for example in relation to charges, tariffs, data volume limitations, data speeds, coverage, or the processing of personal data should be considered as giving rise to the right of the end-user to terminate the contract without incurring any costs, even if they are combined with some beneficial. End-users should be notified of any changes to the
contractual conditions in a durable medium, such as paper, a USB stick, a CD-ROM, a DVD, a memory card, the hard disk of a computer or an e-mail.

Amendment 54
Proposal for a directive
Recital 248

*Text proposed by the Commission*

(248) Number portability is a key facilitator of consumer choice and effective competition in competitive electronic communications markets. End-users who so request should be able to retain their number(s) on the public telephone network independently of the undertaking providing service. The provision of this facility between connections to the public telephone network at fixed and non-fixed locations is not covered by this Directive. However, Member States may apply provisions for porting numbers between networks providing services at a fixed location and mobile networks.

*Amendment*

(248) Number portability is a key facilitator of consumer choice and effective competition in competitive electronic communications markets. End-users who so request should be able to retain their number(s) on the public telephone network independently of the provider of service and for a limited time between the switching of providers of service. The provision of this facility between connections to the public telephone network at fixed and non-fixed locations is not covered by this Directive. However, Member States may apply provisions for porting numbers between networks providing services at a fixed location and mobile networks.

Amendment 55
Proposal for a directive
Recital 251

*Text proposed by the Commission*

(251) Number portability is a key facilitator of consumer choice and effective competition in competitive markets for electronic communications and should be implemented with the minimum delay, so that the number is functionally activated within one working day and the user does not experience a loss of service lasting longer than one working day. In order to facilitate a one-stop-shop

*Amendment*

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

Amendment 56

Proposal for a directive
Recital 251 a (new)

Text proposed by the Commission

Amendment

(251a) In order to ensure that switching and porting take place within the time-limits provided for in this Directive, Member States should be able to impose compensational measures from a provider where an agreement with an end-user is not respected. Such measures should be proportionate to the length of the delay in complying with the agreement.

Amendment 57

Proposal for a directive
Recital 252

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

(252) Bundles comprising at least publicly available electronic communications services other than number-independent interpersonal communications services, and other services such as linear broadcasting, or terminal equipment such as devices offered by the same provider and contracted jointly, have become increasingly widespread and are an important element of competition. A bundle for the purpose of this article is to be understood as consisting of an internet access service provided together with a number-based interpersonal communications services or of an internet access service and/or a number-based interpersonal communications service with different but complementary services with the exception of transmission services used for the provision of machine-to-machine services and/or terminal equipment provided by the same provider either i) under the same contract, or ii) under the same and subordinate contracts or iii) under the same and under linked contracts provided for a single combined price. While bundles often bring about benefits for consumers, they can make switching more difficult or costly and raise risks of contractual "lock-in". Where divergent contractual rules on contract termination and switching apply to the different services, and to any contractual commitment regarding acquisition of products which form part of a bundle, consumers are effectively hampered in their rights under this Directive to switch to competitive offers for the entire bundle or parts of it. The provisions of this Directive regarding contracts, transparency, contract duration and termination and switching should, therefore, apply to all elements of a bundle, except to the extent that other rules applicable to the non-electronic
communications elements of the bundle are more favourable to the consumer. Other contractual issues, such as the remedies applicable in the event of non-conformity with the contract, should be governed by the rules applicable to the respective element of the bundle, for instance by the rules of contracts for the sales of goods or for the supply of digital content. For the same reasons consumers should not be locked in with a provider by means of a contractual de facto extension of the contract period. *Member States should retain the discretion to further legislative elements related to a bundle in cases where their nature implies different regulatory treatment, for example because those elements are addressed by other sector-specific regulation or in order to adapt to changes in market practices.*

Amendment 58

Proposal for a directive

Recital 254

*Text proposed by the Commission*

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

*Amendment*

(254) In line with the objectives of the Charter and the United Nations Convention on the Rights of Persons with Disabilities, the regulatory framework should ensure that all *end-users*, including *end-users with disabilities, older people*, and users with special social needs, have easy and *equal* access to affordable and *accessible* high quality services *regardless of their place of residence within the Union*. Declaration 22 annexed to the final Act of Amsterdam provides that the institutions of the Union shall take account of the needs of persons with *disabilities* in drawing up measures under Article 114 of the TFEU.
Amendment 59

Proposal for a directive

Recital 255

Text proposed by the Commission

(255) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables number-based interpersonal communications services, including when using roaming services in a Member State. Emergency communications are means of communication, that include not only voice communications but also SMS, messaging, video or other types of communications, that are enabled in a Member State to access emergency services. Emergency communication can be triggered on behalf of a person by the eCall in-vehicle system as defined by Regulation 2015/758/EU of the European Parliament and of the Council\(^\text{41}\). It should, however, be for the Member States to decide which number-based interpersonal communications services are appropriate for emergency services, including the possibility to limit those options to voice communications and their equivalent for end-users with disabilities or to add additional options as agreed with national PSAPs. In order to take into account future technological developments or an increased use of number-independent interpersonal communications services, the Commission should assess the feasibility of providing accurate and reliable access to emergency services through number-independent interpersonal communications services, after consultation with national regulatory authorities, emergency services, standardisation bodies and other relevant stakeholders.

Amendment

(255) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables number-based interpersonal communications services, including when using roaming services in a Member State or through a private telecommunications networks. Emergency communications are means of communication, that include not only voice communications but also real-time text, video or other types of communications, including through the use of third party relay services, that are enabled in a Member State to access emergency services. Emergency communication can be triggered on behalf of a person by the eCall in-vehicle system as defined by Regulation 2015/758/EU of the European Parliament and of the Council\(^\text{41}\).
(256) Member States should ensure that undertakings providing end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, taking into account national specifications and criteria. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to ensure that emergency calls made through their service are routed to the most appropriate PSAP with the same reliability. For such network-independent undertakings, namely undertakings which are not integrated with a public communications network provider, providing caller location information may not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision at a level comparable to that required of other providers of such communications services.

Text proposed by the Commission

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

Amendment 60

Proposal for a directive
Recital 256

Text proposed by the Commission

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

Amendment

(256) Member States should ensure that providers of end-users with number-based interpersonal communications services provide reliable and accurate access to emergency services, taking into account national specifications and criteria and the capabilities of national PSAPs. Where the number-based interpersonal communications service is not provided over a connection which is managed to give a specified quality of service, the service provider might not be able to ensure that emergency calls made through their service are routed to the most appropriate PSAP with the same reliability. For such network-independent providers, namely providers which are not integrated with a public communications network provider, providing caller location information may not always be technically feasible. Member States should ensure that standards ensuring accurate and reliable routing and connection to the emergency services are implemented as soon as possible in order to allow network-independent providers of number-based interpersonal communications services to fulfil the obligations related to access to emergency services and caller location information provision at a level comparable to that required of other providers of such communications services.
services. Where such standards and the related PSAP systems have not yet been implemented, network-independent number-based interpersonal communications services should not be required to provide access to emergency services except in a manner that is technically feasible or economically viable. As an example, this may include the designation by a Member State of a single, central PSAP for receiving emergency communications. Nonetheless, such providers should inform end-users when access to 112 or to caller location information is not supported.

Amendment 61
Proposal for a directive
Recital 256 b (new)

Text proposed by the Commission

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

Amendment 62
Proposal for a directive
Recital 257
(257) Member States should take specific measures to ensure that emergency services, including ‘112’, are equally accessible to disabled end-users, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users. This could involve the provision of special terminal devices.

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

Amendment 64

Proposal for a directive
Recital 260

Text proposed by the Commission

(260) In order to respond to technological developments concerning accurate caller location information, equivalent access for disabled end-users and call routing to the most appropriate PSAP, the Commission should be empowered to adopt measures necessary to ensure the compatibility, interoperability, quality and continuity of emergency communications in the Union. Those measures may consist of functional provisions determining the role of various parties within the communications chain, for example interpersonal communications service providers, electronic communications network operators and PSAPs, as well as technical provisions determining the technical means to fulfil the functional provisions. Such measures effective due to the availability of data provided by the EGNOS and Galileo Satellite system and other Global Navigation Satellite Systems and Wi-Fi data. Therefore handset-derived caller location information should complement network-based location information even if the handset-derived location may become available only after the emergency communication is set up. Member States should ensure that the PSAPs are able to retrieve and manage the caller location information available, where feasible. The establishment and transmission of caller location information should be free of charge for both the end-user and the authority handling the emergency communication irrespective of the means of establishment, for example through the handset or the network, or the means of transmission, for example through voice channel, SMS or Internet Protocol-based.

Amendment

(260) In order to respond to technological developments concerning accurate caller location information, equivalent access for end-users with disabilities and call routing to the most appropriate PSAP, the Commission should be empowered to adopt measures necessary to ensure the compatibility, interoperability, quality and continuity of emergency communications in the Union. Those measures may consist of functional provisions determining the role of various parties within the communications chain, for example number-based interpersonal communications service providers, electronic communications network operators and PSAPs, as well as technical provisions determining the technical means to fulfil the functional provisions.
should be without prejudice to the organisation of emergency services of Member States.

to fulfil the functional provisions. Such measures should be without prejudice to the organisation of emergency services of Member States.

Amendment 65
Proposal for a directive
Recital 260 a (new)

Amendment 66
Proposal for a directive
Recital 260 b (new)
disasters, taking into account existing national and regional systems and without hindering privacy and data protection rules. The Commission should also assess if it is feasible to set up a universal, accessible, cross-border EU-wide "Reverse 112 communication system" in order to alert the public in the event of an imminent or developing disaster or major state of emergency across different Member States.

Amendment 67
Proposal for a directive
Recital 261

Text proposed by the Commission

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

Amendment

(261) Member States should ensure that end-users with disabilities enjoy equivalent access and choice to electronic communication services, in line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the universal design approach. In particular, in order to ensure that end-users with disabilities benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, and after consulting representative organisations of persons with disabilities, consumer protection requirements for end-users with disabilities to be met by providers of publicly available electronic communications services and related terminal equipment. Such requirements can include, in particular, that providers ensure that end-users with disabilities take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, and access to related terminal equipment as those offered to their other end-users, irrespective of any additional costs incurred by these
providers. Other requirements can relate to wholesale arrangements between providers. In order to avoid creating an excessive burden on service providers national regulatory authorities should verify, whether the objectives of equivalent access and choice can actually be achieved without such measures.

Amendment 68
Proposal for a directive
Recital 262

Text proposed by the Commission

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

Amendment 69
Proposal for a directive
Recital 262 a (new)

Text proposed by the Commission

(262a) National regulatory authorities should ensure that undertakings providing publicly available electronic communications services make available
information about the functioning of the services offered and about its accessibility characteristics in an accessible format. This means that the information content should be available in text formats that could be used to generate alternative assistive format and alternatives to non-text content.

Amendment 70

Proposal for a directive
Recital 262 b (new)

Text proposed by the Commission

(262b) With regard to end-users with disabilities, this Directive should seek to reflect other Union law implementing the United Nations Convention of the Rights of Persons with Disabilities. Those measures include the principles and standards set out in Directive (EU) 2016/2102 of the European Parliament and of the Council 1a. The four principles of accessibility are: perceivability, meaning that information and user interface components must be presentable to users in ways they can perceive; operability, meaning that user interface components and navigation must be operable; understandability, meaning that information and the operation of the user interface must be understandable; and robustness, meaning that content must be robust enough to be interpreted reliably by a wide variety of user agents, including assistive technologies. Those principles of accessibility are translated into testable success criteria, such as those forming the basis of the European standard EN 301 549 V1.1.2 'Accessibility requirements suitable for public procurement of ICT products and services in Europe' (2015-04) (European standard EN 301 549 V1.1.2 (2015-04)), via harmonised standards and a common methodology to test the conformity of content on websites.
and mobile applications with those principles. That European standard was adopted on the basis of mandate M/376 issued by the Commission to the European standardisation organisations. Pending publication of the references to harmonised standards, or of parts thereof, in the Official Journal of the European Union, the relevant clauses of European standard EN 301 549 V1.1.2 (2015-04) should be considered as the minimum means of putting those principles into practice in regards to this Directive and equivalent access and choice for end-users with disabilities.


Amendment 71

Proposal for a directive
Recital 265

Text proposed by the Commission

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

Amendment

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

Amendment 72

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

Consumer radio equipment should be capable of receiving radio at least by analogue and digital broadcasting in order to ensure cross-border interoperability. This provision should not apply to low-cost consumer radio equipment or to radio equipment where the receipt of radio broadcasts is merely an ancillary function, such as for instance a mobile telephone with an FM receiver. It should also not be applicable to radio equipment used by radio amateurs, including for instance radio kits for assembly and use by radio amateurs or equipment constructed by individual radio amateurs for...
Amendment 73

Proposal for a directive
Recital 269

Text proposed by the Commission

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

Amendment

(269) Member States should be able to lay down proportionate ‘must carry’ obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law and should be proportionate and transparent. ‘Must carry’ obligations may be applied to specified radio and television broadcast channels and complementary services supplied by a specified media service provider. Obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives, such as media pluralism and cultural diversity. Member States should provide an objective justification for the ‘must carry’ obligations that they impose in their national law so as to ensure that such obligations are transparent, proportionate and clearly defined. The obligations should be designed in a way which provides sufficient incentives for efficient investment in infrastructure. Obligations should be subject to periodic review at least every five years in order to keep them up-to-date with technological and market evolution and in order to ensure that they continue to be proportionate to the objectives to be achieved. Obligations could, where appropriate, entail a provision for proportionate remuneration.
Amendment 74

Proposal for a directive
Recital 269 a (new)

Text proposed by the Commission

(269a) Since the majority of consumer digital television and radio equipment in use today accepts both analogue and digital transmissions, there is no longer an economic or a social reason for Member States to continue to impose 'must carry' obligations on both analogue and digital television transmissions. This, however, should not preclude such analogue transmission obligations where a significant number of users still use an analogue channel or where the analogue broadcast is the sole means of broadcast.

Amendment 75

Proposal for a directive
Recital 270

Text proposed by the Commission

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

Because of the growing provision and reception of connected TV services and the continued importance of electronic programme guides for user choice the transmission of programme-related data **necessary to support the functionalities of providing electronic programme guides, teletext and programme-related IP addresses can** be included in must carry obligations.

**Amendment 76**

**Proposal for a directive**  
**Article 1 – paragraph 2 – subparagraph 2**

**Text proposed by the Commission**

On the other hand, it is to ensure the provision throughout the Union of good-quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including **disabled users**, are not satisfactorily met by the market and to lay down the necessary end-user rights.

**Amendment**

On the other hand, it is to ensure the provision throughout the Union of good-quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including **users with disabilities in order to access the services on an equal basis with others**, are not satisfactorily met by the market and to lay down the necessary end-user rights.

**Amendment 77**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 5**

**Text proposed by the Commission**

(5) ‘interpersonal communications service’ means a service normally provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); **it does not include services which enable interpersonal and interactive**

**Amendment**

(5) ‘interpersonal communications service’ means a service normally provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the person(s) initiating or participating in the communication determine its recipient(s). **It is the nature of such a service that it is bidirectional**;
communication merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment 78

Proposal for a directive
Article 2 – paragraph 1 – point 31 a (new)

Text proposed by the Commission

\[(31a) \] 'public pay telephone' means a telephone available to the general public, for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes;

Amendment 79

Proposal for a directive
Article 2 – paragraph 1 – point 32

Text proposed by the Commission

\[(32) \] 'voice communications' means an electronic communications service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, and comprising other means of communication as an alternative to voice communication and intended specifically for end-users with disabilities, such as total conversation services (voice, video and real time text) and text based and video based relay services;

Amendment 80

Proposal for a directive
Article 2 – paragraph 1 – point 35 a (new)
(35a) ‘relay services’ means services that enable people who are deaf or hard of hearing or who have a speech impairment, to communicate by phone through an interpreter that uses text or sign language with another person in a manner that is functionally equivalent to the ability of an individual without a disability;

Amendment 81
Proposal for a directive
Article 2 – paragraph 1 – point 36 a (new)

(36a) ‘real time text’ means communication using the transmission of text where characters are transmitted by a terminal as they are typed in such a way that the communication is perceived by the user as being not delayed;

Amendment 82
Proposal for a directive
Article 2 – paragraph 1 – point 37

(37) ‘emergency communication’: communication by means of interpersonal communications services between an end-user and the PSAP with the goal to request and receive emergency relief from emergency services;

(37) ‘emergency communication’: communication by means of voice communication services and relevant number-based interpersonal communications services between an end-user and the PSAP with the goal to request and receive emergency relief from emergency services;

(See Amendment 61 of the Rapporteur)
Amendment 83
Proposal for a directive
Article 2 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

(38a) ‘caller location information’ means in a public mobile network the data processed, both from network infrastructure and handset-derived, indicating the geographic position of an end-user's mobile terminal and in a public fixed network the data about the physical address of the termination point.

Amendment 84
Proposal for a directive
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) promote access to, and take-up of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Amendment

(a) promote the availability and affordability of and access to very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Amendment 85
Proposal for a directive
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-
users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs. users through the necessary sector-specific rules, by ensuring equivalent access and choice for end-users with disabilities and by addressing the needs, such as for affordable prices, of specific social groups, in particular users with disabilities, elderly users and users with special social needs.

Amendment 86

Proposal for a directive
Article 5 – paragraph 1 – subparagraph 2 – indent 5 a (new)

Text proposed by the Commission

Amendment

— monitoring closely the development of the Internet of Things in order to ensure competition, consumer protection and cybersecurity;

Amendment 87

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. The provision of electronic communications networks or the provision of electronic communications services other than number-independent interpersonal communications services may, without prejudice to the specific obligations referred to in Article 13(2) or rights of use referred to in Articles 46 and 88, only be subject to a general authorisation.

2. The provision of electronic communications networks or the provision of electronic communications services may, without prejudice to the specific obligations referred to in Article 13(2) or rights of use referred to in Articles 46 and 88, only be subject to a general authorisation.

Amendment 88

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. Where information is considered

3. Where information is considered
confidential by a national regulatory or other competent authority in accordance with Union and national rules on business confidentiality or the protection of personal data, the Commission, BEREC and the authorities concerned shall ensure such confidentiality. In accordance with the principle of sincere cooperation, national regulatory authorities and other competent authorities shall not deny the provision of the requested information to the Commission, to BEREC or to another authority on the grounds of confidentiality or the need to consult with the parties which provided the information. When the Commission, BEREC or a competent authority undertake to respect the confidentiality of information identified as such by the authority holding it, the latter shall share the information on request for the identified purpose without having to further consult the parties who provided the information.

Amendment 89

Proposal for a directive
Article 21 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Without prejudice to information and reporting obligations under national legislation other than the general authorisation, national regulatory and other competent authorities may only require undertakings to provide information under the general authorisation, for rights of use or the specific obligations referred to in Article 13(2) that is proportionate and objectively justified for:

Amendment

Without prejudice to information and reporting obligations under national legislation other than the general authorisation, national regulatory and other competent authorities may only require undertakings to provide information under the general authorisation, in a common and standardised format, for rights of use or the specific obligations referred to in Article 13(2) that is proportionate and objectively justified for:

Amendment 90

Proposal for a directive
Article 22 – paragraph 6
Text proposed by the Commission

6. National regulatory authorities may make available information tools to end-users, in order to assist them to determine the availability of connectivity in different areas, with a level of detail which is useful to support their choice in terms of connectivity services, in line with national regulatory authority’s obligations regarding the protection of confidential information and business secrets.

Amendment 91

Proposal for a directive
Article 24 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure as far as appropriate that national regulatory authorities take account of the views of end-users, consumers (including, in particular, disabled consumers), manufacturers and undertakings that provide electronic communications networks and/or services on issues related to all end-user and consumer rights concerning publicly available electronic communications services, in particular where they have a significant impact on the market.

Amendment

Member States shall ensure as far as appropriate that national regulatory authorities take account of the views of end-users, consumers (including, in particular, consumers with disabilities), manufacturers and undertakings that provide electronic communications networks and/or services on issues related to all end-user and consumer rights, including equivalent access and choice for end-users with disabilities, concerning publicly available electronic communications services, in particular where they have a significant impact on the market.

Amendment 92

Proposal for a directive
Article 24 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In particular, Member States shall ensure that national regulatory authorities establish a consultation mechanism

Amendment

In particular, Member States shall ensure that national regulatory authorities establish a consultation mechanism,
ensuring that in their decisions on issues related to end-user and consumer rights concerning publicly available electronic communications services, due consideration is given to consumer interests in electronic communications.

Amendment 93

Proposal for a directive
Article 25 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that consumers have access to transparent, non-discriminatory, simple, fast, fair and inexpensive out-of-court procedures for their unresolved disputes with undertakings providing publicly available electronic communications services other than number-independent interpersonal communications services, arising under this Directive and relating to the contractual conditions and/or performance of contracts concerning the supply of those networks and/or services. Member States shall enable the national regulatory authority to act as a dispute settlement entity. Such procedures shall comply with the quality requirements set out in Chapter II of Directive 2013/11/EU. Member States may grant access to such procedures to other end-users, in particular micro and small enterprises.

Amendment

1. Member States shall ensure that consumers, including persons with disabilities have access to transparent, non-discriminatory, simple, fast, fair and inexpensive out-of-court procedures for their unresolved disputes with undertakings providing publicly available electronic communications networks and services, arising under this Directive and relating to the contractual conditions and/or performance of contracts concerning the supply of those networks and/or services. Providers of publicly available electronic communications networks and services shall not refuse consumer's request to resolve a dispute with the consumer through an out-of-court dispute resolution on the basis of clear and efficient procedures and guidelines. Member States shall enable the national regulatory authority to act as a dispute settlement entity. Such procedures shall comply with the quality requirements set out in Chapter II of Directive 2013/11/EU. Member States may grant access to such procedures to other end-users, in particular micro and small enterprises.

Amendment 94

Proposal for a directive
Article 25 – paragraph 2
2. Member States shall ensure that their legislation does not hamper the establishment of complaints offices and the provision of online services at the appropriate territorial level to facilitate access to dispute resolution by consumers and other end-users. For disputes involving consumers and falling within the scope of Regulation (EU) 524/2013, the provisions of that Regulation shall apply provided that the dispute settlement entity concerned has been notified to the Commission under Article 20 of Directive 2013/11/EU.

2. Member States shall ensure that their legislation does not hamper the establishment of complaints offices and the provision of online services at the appropriate territorial level to facilitate access to dispute resolution by consumers and other end-users. Where the national regulatory authority has been listed in accordance with Article 20(2) of Directive 2013/11/EU, the provisions of Regulation (EU) 524/2013 shall apply to disputes as referred to in paragraph 1 of this Article that stem from online contracts.

Amendment 95

Proposal for a directive
Article 38 – paragraph 3 – point b

(b) numbering, including number ranges, portability of numbers and identifiers, number and address translation systems, and access to 112 emergency services.

Amendment

(b) numbering, including number ranges, portability of numbers and identifiers, number and address translation systems, interoperability of Total Conversation services and access to 112 emergency services, including for persons with disabilities.

Amendment 96

Proposal for a directive
Article 39 – paragraph 2 – subparagraph 1

Member States shall encourage the use of the standards and/or specifications referred to in paragraph 1, for the provision of services, technical interfaces and/or network functions, to the extent strictly necessary to ensure interoperability of services and to improve freedom of choice

Member States shall encourage the use of the standards and/or specifications referred to in paragraph 1, for the provision of services, technical interfaces and/or network functions, to the extent strictly necessary to ensure interoperability and interconnectivity of services in order to
for users.

improve freedom of choice for users and facilitate switching.

Amendment 97

Proposal for a directive
Article 40 – paragraph 1

**Text proposed by the Commission**

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

**Amendment**

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of their networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to ensure that electronic communications content are encrypted from end-to-end by default, in order to prevent and minimise the impact of security incidents on users and on other networks and services.

Amendment 98

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 1

**Text proposed by the Commission**

Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services notify without undue delay the competent authority of a breach of security that has had a significant impact on the operation of networks or services.

**Amendment**

Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services notify without undue delay the competent authority of a security incident or loss of integrity that has had a significant impact on the operation of networks or services and thus a high impact on economic and societal activities. Providers of number-independent interpersonal
communications services and providers of electronic communication services subject to general authorization that have notified as cross-border operators shall only have to notify the competent authority of the Member State of their main establishment.

Amendment 99

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

(a) the number of users affected by the breach;

Amendment

(a) the number of users affected by the incident;

Amendment 100

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) the duration of the breach;

Amendment

(b) the duration of the incident;

Amendment 101

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) the geographical spread of the area affected by the breach;

Amendment

(c) the geographical spread of the area affected by the incident;

Amendment 102

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

(d) the extent to which the functioning

Amendment

(d) the extent to which the functioning
of the service is disrupted;
of the network or service is affected;

Amendment 103

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where appropriate, the **competent** authority concerned shall inform the competent authorities in other Member States and the European Network and Information Security Agency (ENISA). The competent authority concerned may inform the public or require the undertakings to do so, where it determines that disclosure of the breach is in the public interest.

Amendment

Where appropriate, the authority concerned shall inform the competent authorities in other Member States and the European Network and Information Security Agency (ENISA). The competent authority concerned may inform the public or require the providers to do so, where it determines that disclosure of the incident is in the public interest. *Prior to informing the public, the competent authority is required to consult the undertakings.*

Amendment 104

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 4 a (new)

Text proposed by the Commission

*Member States shall ensure that in case of a particular security incident in public communication networks or publicly available electronic communication services, providers of such networks or services shall inform their end-users of the security incident, potential risks and of any possible protective measures or remedies which can be taken by the end-users.*

Amendment

*Member States shall ensure that in case of a particular security incident in public communication networks or publicly available electronic communication services, providers of such networks or services shall inform their end-users of the security incident, potential risks and of any possible protective measures or remedies which can be taken by the end-users.*

Amendment 105

Proposal for a directive
Article 40 – paragraph 5
5. The Commission, shall be empowered to adopt delegated acts in accordance with Article 109 with a view to specifying the measures referred to in paragraphs 1 and 2, including measures defining the circumstances, format and procedures applicable to notification requirements. The delegated acts shall be based on European and international standards to the greatest extent possible, and shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in paragraphs 1 and 2.

Amendment

5. The Commission, shall be empowered to adopt delegated acts in accordance with Article 109 with a view to specifying the measures referred to in paragraphs 1 and 2, including measures defining the circumstances, format and procedures applicable to notification requirements. The delegated acts shall be based on European and international standards to the greatest extent possible, Member States shall only adopt additional requirements to the extent necessary to safeguard their essential state functions, in particular national security, and to maintain law and order. Providers of number-independent interpersonal communications services and providers of electronic communication services subject to general authorization that have notified as cross-border operators shall only have to comply with any additional national requirements as imposed by the competent authority of the member State of their main establishment.

Proposal for a directive
Article 40 – paragraph 5a (new)

Text proposed by the Commission

5a. By ...[date] in order to contribute to the consistent application of measures for the security of networks and services, ENISA, shall, after consulting stakeholders and in close cooperation with the Commission and BEREC, issue guidelines on minimum criteria and common approaches for the security of networks and services and for the use and application of end-to-end encryption.

Amendment

5a. By ...[date] in order to contribute to the consistent application of measures for the security of networks and services, ENISA, shall, after consulting stakeholders and in close cooperation with the Commission and BEREC, issue guidelines on minimum criteria and common approaches for the security of networks and services and for the use and application of end-to-end encryption.
Amendment 107

Proposal for a directive
Article 41 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that in order to implement Article 40, the competent authorities have the power to issue binding instructions, including those regarding the measures required to remedy a breach and time-limits for implementation, to undertakings providing public communications networks or publicly available electronic communications services.

Amendment

1. Member States shall ensure that in order to implement Article 40, the competent authorities have the power to issue binding instructions, including those regarding the measures required to prevent or remedy an incident and time-limits for implementation, to undertakings providing public communications networks or publicly available electronic communications services. For providers of number-independent interpersonal communications services and providers of electronic communication services subject to general authorization that have notified as cross-border operators, the competent authority shall be that of the Member State of main establishment.

Amendment 108

Proposal for a directive
Article 41 – paragraph 2 – point b

Text proposed by the Commission

(b) submit to a security audit carried out by a qualified independent body or a competent authority and make the results thereof available to the competent authority. The cost of the audit shall be paid by the undertaking.

Amendment

(b) submit to a security audit carried out by an internal or qualified external body and make the results thereof available to the competent authority. The cost of the audit shall be paid by the undertaking.

Amendment 109

Proposal for a directive
Article 41 – paragraph 2 – point b a (new)

Text proposed by the Commission

(ba) for undertakings providing
publicly available electronic communications services, remedy any failure to meet the requirements laid down in article 40.

Amendment 110

Proposal for a directive
Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Following the assessment of information or results of security audits referred to in paragraph 2, the competent authority may issue binding instructions to the undertakings providing public communications networks, to remedy the deficiencies identified, including those regarding the measures required to remedy an incident and time-limits for implementation.

Amendment 111

Proposal for a directive
Article 41 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Following the assessment of the application of paragraph 2, the competent authorities may take action, if necessary, through ex post supervisory measures, when provided with evidence that an undertaking providing publicly available communication services does not meet the requirements laid down in Article 40. Such evidence may be submitted by a competent authority of another Member State where the service is provided.

Amendment 112

Proposal for a directive
Article 41 – paragraph 2 c (new)
Text proposed by the Commission

Amendment

2c. If an undertaking providing publicly available communication services has its main establishment or a representative in a Member State, but its network and information systems are located in one or more other Member States, the competent authority of the Member State of the main establishment or of the representative and the competent authorities of those other Member States shall cooperate and assist each other as necessary. Such assistance and cooperation may cover information exchanges between the competent authorities concerned and requests to take the supervisory measures referred to in paragraph 2b.

Amendment 113
Proposal for a directive
Article 41 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The competent authority shall work in close cooperation with data protection authorities when addressing incidents resulting in personal data breaches.

Amendment 114
Proposal for a directive
Article 55 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where that provision is not commercial in character or is ancillary to another commercial activity or public service which is not dependent on the conveyance of signals on those networks, any undertaking, public authority or end-user

Where that provision is not commercial in character or is ancillary to another commercial activity or public service which is not dependent on the conveyance of signals on those networks, any undertaking, public authority or user
providing such access shall not be subject to any general authorisation for the provision of electronic communications networks or services pursuant to Article 12, to obligations regarding end-users rights pursuant to Title III of Part III of this Directive nor to obligations to interconnect their networks pursuant to Article 59 (1).

providing such access shall not be subject to any general authorisation for the provision of electronic communications networks or services pursuant to Article 12, to obligations regarding users rights pursuant to Title III of Part III of this Directive, to obligations to interconnect their networks pursuant to Article 59 (1) nor to an obligation to identify third parties using such access. Individuals providing such access not-for-profit shall not be liable for information transmitted by third parties over such access.

Amendment 115

Proposal for a directive
Article 55 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall not prevent providers of public communications networks or publicly available electronic communications services from allowing access to their networks to the public, through radio local area networks, which may be located at an end-user's premises, subject to compliance with the applicable general authorisation conditions and the prior informed agreement of the end-user.

Amendment

2. Competent authorities may not prevent providers of public communications networks or publicly available electronic communications services from allowing access to their networks to the public, through radio local area networks, which may be located at an end-user's premises, subject to compliance with the applicable general authorisation to the prior informed and explicit agreement of the end-user and to the condition that the bandwidth contracted by the end-user shall not be impacted/reduced. End-users that agree to make available publicly available radio local area networks deliver through their terminal equipment and/or that use the electronic communication service they are a subscriber of, shall never be deemed liable for any activity undertaking by another person or legal entity connected through the radio local area network.
Amendment 116
Proposal for a directive
Article 55 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Providers shall ensure that such access to third parties is not detrimental to the conditions of an end-user’s own access and shall ensure that the information continues to comply with the requirements provided for in Article 95.

Amendment

Amendment 117
Proposal for a directive
Article 55 – paragraph 3 – subparagraph 2

Text proposed by the Commission

To that end, providers of public communications networks or publicly available electronic communications services shall make available and actively offer, clearly and transparently, products or specific offers allowing its end-users to provide access to third parties through a radio local area network.

Amendment

To that end, providers of public communications networks or publicly available electronic communications services may make available and actively offer, clearly and transparently, products or specific offers allowing its end-users, upon request to provide access to third parties through a radio local area network. Liability for actions carried out by a third-party though such access to an end-user’s RLAN equipment shall be borne by the provider and those third-parties that seek access.

Amendment 118
Proposal for a directive
Article 55 – paragraph 3 a (new)

Text proposed by the Commission

3a. In line, in particular, with recital (19) of Directive 2014/53/EU of the European Parliament and of the Council, manufacturers of radio equipment are exempted from demonstrating the
compliance of the combination of the radio equipment and software, where such software may be freely used, studied, modified and distributed, even after been modified, by anyone. These manufacturers shall not restrict the rights of users to load such software into their radio equipment.

Amendment 119

Proposal for a directive
Article 59 – paragraph 1 – subparagraph 1

Text proposed by the Commission

National regulatory authorities shall, acting in pursuit of the objectives set out in Article 3, encourage and where appropriate ensure, in accordance with the provisions of this Directive, adequate access and interconnection, and the interoperability of services, exercising their responsibility in a way that promotes efficiency, sustainable competition, the deployment of very high capacity networks, efficient investment and innovation, and gives the maximum benefit to end-users. They shall provide guidance and make publicly available the procedures applicable to gain access and interconnection to ensure that small and medium-sized enterprises and operators with a limited geographical reach can benefit from the obligations imposed.

Amendment

National regulatory authorities shall, acting in pursuit of the objectives set out in Article 3, encourage and where appropriate ensure, in accordance with the provisions of this Directive, adequate access and interconnection, and the interoperability of Internet Access, number-based Interpersonal Communications Services, including total conversation services, and of electronic Communication Networks, exercising their responsibility in a way that promotes efficiency, sustainable competition, the deployment of very high capacity networks, efficient investment and innovation, and gives the maximum benefit to end-users. They shall provide guidance and make publicly available the procedures applicable to gain access and interconnection to ensure that small and medium-sized enterprises and operators with a limited geographical reach can benefit from the obligations imposed. They shall ensure that interoperability obligations remain proportionate and do not hinder the innovation potential of ECS providers that invest in the development of new technologies.

Amendment 120

Proposal for a directive
Article 59 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) in justified cases and to the extent that is necessary, obligations on those undertakings that are subject to general authorisation and that control access to end-users to make their services interoperable;

Amendment

(b) in justified cases and to the extent that is necessary, obligations to make services that connect with the publicly switched telephone network by means of an assigned numbering resource or that enable communication with a number or numbers in national or international telephone numbering plans interoperable, including for real time text and video calls;

Amendment 121

Proposal for a directive

Article 59 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

(c) in justified cases, obligations on providers of number-independent interpersonal communications services to make their services interoperable, namely where access to emergency services or end-to-end connectivity between end-users is endangered due to a lack of interoperability between interpersonal communications services.

Amendment

(c) in justified cases, and where technically feasible, obligations on providers of interpersonal communications services to make their services interoperable, namely where effective competition, or end-to-end connectivity between end-users is endangered due to a lack of interoperability between interpersonal communications services.

Amendment 122

Proposal for a directive

Article 59 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

(d) to the extent that is necessary to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State, obligations on operators to provide access to the other facilities referred to in Annex II, Part II on fair, reasonable and non-discriminatory

Amendment

(d) to the extent that is necessary to ensure accessibility for end-users, including for end-users with disabilities, to digital radio and television broadcasting services specified by the Member State, obligations on operators to provide access to the other facilities referred to in Annex II, Part II on fair, reasonable and non-
Amendment 123

Proposal for a directive
Article 59 – paragraph 1 – subparagraph 3 – point ii

**Text proposed by the Commission**

(ii) where the Commission, on the basis of a report that it had requested from BEREC, has found an appreciable threat to effective access to emergency services or to end-to-end connectivity between end-users within one or several Member States or throughout the European Union and has adopted implementing measures specifying the nature and scope of any obligations that may be imposed, in accordance with the examination procedure referred to in Article 110(4).

**Amendment**

(ii) where the Commission, on the basis of a report that it had requested from BEREC, has found an appreciable threat to effective or to end-to-end connectivity between end-users, related to a lack of interoperability of number-independent interpersonal communication services with a particularly broad customer base, within one or several Member States or throughout the European Union and has adopted implementing measures specifying the nature and scope of any obligations that may be imposed, in accordance with the examination procedure referred to in Article 110(4).

Access to emergency services or end-to-end connectivity between end-users will not be considered endangered if the provider does not have a particularly substantial reach or customer base.

Amendment 124

Proposal for a directive
Article 63 – paragraph 1

**Text proposed by the Commission**

1. After consulting stakeholders and in close cooperation with the Commission, BEREC may adopt a Decision identifying transnational markets in accordance with the principles of competition law and taking utmost account of the Recommendation and SMP Guidelines adopted in accordance with Article 62. BEREC shall conduct an analysis of a

**Amendment**

1. After consulting stakeholders and national regulatory authorities the Commission may, taking utmost into account the opinion of BEREC and proceeding in accordance with the principles of competition law and taking utmost account of the Recommendation and SMP Guidelines adopted in accordance with Article 62, adopt a Decision
potential transnational market *if the* Commission or at least two national regulatory authorities concerned submit a reasoned request providing supporting evidence.

**Amendment 125**

**Proposal for a directive**  
**Article 63 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*  
In the case of transnational markets identified in accordance with paragraph 1, the national regulatory authorities concerned shall jointly conduct the market analysis taking the utmost account of the SMP Guidelines and, in a concerted fashion, shall decide on any imposition, maintenance, amendment or withdrawal of regulatory obligations referred to in Article 65(4). The national regulatory authorities concerned shall jointly notify to the Commission with their draft measures regarding the market analysis and any regulatory obligations pursuant to Articles 32 and 33.

*Amendment*  
In the case of transnational markets identified in the Decision referred to in paragraph 1, the national regulatory authorities concerned shall jointly conduct the market analysis taking the utmost account of the SMP Guidelines and, in a concerted fashion, shall decide on any imposition, maintenance, amendment or withdrawal of regulatory obligations referred to in Article 65(4). The national regulatory authorities concerned shall jointly notify to the Commission with their draft measures regarding the market analysis and any regulatory obligations pursuant to Articles 32 and 33.

**Amendment 126**

**Proposal for a directive**  
**Article 74 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*  
When assessing co-investment offers and processes referred to in point (a) of the first subparagraph, national regulatory authorities shall ensure that those offers and processes comply with the criteria set out in Annex IV.

*Amendment*  
When assessing co-investment agreements referred to the first paragraph, national regulatory authorities shall ensure that those offers and processes comply with the criteria set out in Annex IV.
Amendment 127

Proposal for a directive
Article 79 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that all end-users in their territory have access at an affordable price, in the light of specific national conditions, to available functional internet access and voice communications services at the quality specified in their territory, including the underlying connection, at least at a fixed location.

Amendment

1. Member States shall ensure that all consumers in their territory have access at an affordable price, in the light of specific national conditions, to an available broadband internet access and voice communications services at the quality specified in their territory, including the underlying connection, at a fixed location.

Amendment 128

Proposal for a directive
Article 79 – paragraph 1 a (new)

Text proposed by the Commission

1a. In addition, Member States may also ensure affordability of services not provided at a fixed location, where they deem this to be necessary to ensure a consumer's full social and economic participation in society.

Amendment

Amendment 129

Proposal for a directive
Article 79 – paragraph 2

Text proposed by the Commission

2. Member States shall define the functional internet access service referred to in paragraph 1 with a view to adequately reflect services used by the majority of end-users in their territory. To that end, the functional internet access service shall be capable of supporting the minimum set of services set out in Annex V.

Amendment

2. In accordance with BEREC guidelines, national regulatory authorities shall define the minimum capability of the internet access service referred to in paragraph 1 with a view to reflect the services used by the majority of consumers at a fixed location in their territory or relevant parts of their territory, which are indispensable to ensure social and
economic participation in society. To that end, the internet access service shall be capable of \textit{delivering the band with necessary for} supporting \textit{at least} the minimum set of services set out in Annex V.

\textit{By ... [18 months after the date of entry into force of this Directive], BEREC shall, in order to contribute towards a consistent application of this Article, after consulting stakeholders and in close cooperation with the Commission, taking into account available Commission (Eurostat) data, adopt guidelines which allow national regulatory authorities to define the minimum quality of service requirements, including minimum bandwidth, to support at least the minimum set of services set out in Annex V and reflecting the average bandwidth availability to the majority of the population in each Member State. Those guidelines shall be updated every two years to reflect technological advances and changes in consumer usage patterns.}

Amendment 130

Proposal for a directive
Article 79 – paragraph 3

\textit{Text proposed by the Commission} \hspace{2cm} \textit{Amendment}

3. When \textit{an end-user} so requests, the connection referred to in \textit{paragraph 1} may be limited to support voice communications only.

3. When \textit{a consumer} so requests, the connection referred to in paragraphs \textit{1 and 1a} may be limited to support voice communications only.

\textit{(linked to amendment on paragraph 1a.)}

Amendment 131

Proposal for a directive
Article 79 – paragraph 3 a (new)
Amendment 132

Proposal for a directive
Article 80 – paragraph 1

Text proposed by the Commission

1. National regulatory authorities shall monitor the evolution and level of retail tariffs of services identified in Article 79(1) available on the market, in particular in relation to national prices and national end-user income.

Amendment

1. National regulatory authorities shall monitor the evolution and level of retail tariffs of services identified in Article 79(1) available on the market, in particular in relation to national prices and national consumer income.

Amendment 133

Proposal for a directive
Article 80 – paragraph 2

Text proposed by the Commission

2. Where Member States establish that, in the light of national conditions, retail prices for services identified in Article 79(1) are not affordable, because low-income or special social needs end-users are prevented from accessing such services, they may require undertakings which provide such services to offer to those end-users tariff options or packages different from those provided under normal commercial conditions. To that end, Member States may require such undertakings to apply common tariffs, including geographic averaging, throughout the territory. Member States shall ensure that end-users entitled to such tariff options or packages have a right to contract with an undertaking providing the

Amendment

2. Where Member States establish that, in the light of national conditions, retail prices for services identified in Article 79(1) are not affordable, because low-income or special social needs consumers are prevented from accessing such services, they shall require providers of such services to offer to those consumers tariff options or packages different from those provided under normal commercial conditions. To that end, Member States shall require such undertakings to apply common tariffs, including geographic averaging, throughout the territory. Member States shall ensure that consumers entitled to such tariff options or packages have a right to contract with an undertaking providing
services identified in Article 79(1) and that such undertaking provides them with an adequate period of availability of a number and avoid unwarranted disconnection of service.

**Amendment 134**

Proposal for a directive  
Article 80 – paragraph 3

*Text proposed by the Commission*

3. Member States shall ensure that undertakings which provide tariff options or packages to low-income or special social needs end-users pursuant to paragraph 2, keep the national regulatory authorities informed of the details of such offers. National regulatory authorities shall ensure that the conditions under which undertakings provide tariff options or packages pursuant to paragraph 2 are fully transparent and are published and applied in accordance with the principle of non-discrimination. National regulatory authorities may require that specific schemes be modified or withdrawn.

*Amendment*

3. Member States shall ensure that undertakings which provide tariff options or packages to low-income or special social needs consumers pursuant to paragraph 2, keep the national regulatory authorities informed of the details of such offers. Without prejudice on the freedom of the consumer to choose any provider, national regulatory authorities shall ensure that the conditions under which undertakings provide tariff options or packages pursuant to paragraph 2 are fully transparent and are published and applied in accordance with Article 92 and with the principle of non-discrimination. National regulatory authorities may require that specific schemes be modified or withdrawn.

**Amendment 135**

Proposal for a directive  
Article 80 – paragraph 4

*Text proposed by the Commission*

4. Member States may, in the light of national conditions, ensure that support is provided to low-income or special social needs end-users in view of ensuring affordability of functional internet access and voice communications services at least the services identified in Article 79(1).

*Amendment*

4. Member States may, in the light of national conditions, ensure that further support is provided to low-income or special social needs consumers in view of ensuring affordability of internet access and voice communications services at least at a fixed location. In addition, Member
at a fixed location.

States may also ensure support is provided to low-income or special social needs consumers for mobile services, where they deem this to be necessary to ensure a consumer's full social and economic participation in society.

Amendment 136
Proposal for a directive
Article 80 – paragraph 5

**Text proposed by the Commission**

5. Member States shall ensure, in the light of national conditions, that support is provided as appropriate to end-users with disabilities, or that other specific measures are taken, in view of ensuring that related terminal equipment, specific equipment and specific services enhancing equivalent access are affordable.

**Amendment**

5. Member States shall ensure, in the light of national conditions, that support is provided as appropriate to consumers with disabilities, and that other specific measures are taken, in view of ensuring that related terminal equipment is accessible for persons with disabilities, and specific equipment and specific services enhancing equivalent access are available and affordable. The average cost of the relay services for consumers with disabilities shall be equivalent to that of voice communication services pursuant to Article 79.

Amendment 137
Proposal for a directive
Article 80 – paragraph 6 a (new)

**Text proposed by the Commission**

6a. Member States may extend the provisions of this Article to micro and small enterprises and not-for-profit organisations as end-users.

**Amendment**

6a. Member States may extend the provisions of this Article to micro and small enterprises and not-for-profit organisations as end-users.
1. Where a Member State has **duly demonstrated**, account **taken** of the results of the geographical survey conducted in accordance with Article 22(1), that the availability at a fixed location of **functional** internet access service as defined in accordance with Article 79(2) and of voice communications service cannot be ensured under normal commercial circumstances or through other potential public policy tools, it may impose appropriate universal service obligations to meet all reasonable requests for accessing those services in its territory.

Amendment

1. Where a Member State has **established, taking into** account of the results of the geographical survey, **where available**, conducted in accordance with Article 22(1), **or where the national regulatory authority is satisfied with alternative evidence**, that the availability at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service cannot be ensured under normal commercial circumstances or through other potential public policy tools **in its national territory or different parts thereof**, it may impose appropriate universal service obligations to meet all reasonable requests for accessing those services in the relevant parts of its territory.

Amendment 139

Proposal for a directive
Article 81 – paragraph 2

**Text proposed by the Commission**

2. Member States shall determine the most efficient and appropriate approach for ensuring the availability at a fixed location of **functional** internet access service as defined in accordance with Article 79(2) and of voice communications service, whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality. They shall seek to minimise market distortions, in particular the provision of services at prices or subject to other terms and conditions which depart from normal commercial conditions, whilst safeguarding the public interest.

**Amendment**

2. Member States shall determine the most efficient and appropriate approach for ensuring the availability at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service, whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality. **This may include making available internet access service and voice communications service through wired or wireless technologies.** They shall seek to minimise market distortions, in particular the provision of services at prices or subject to other terms and conditions which depart from normal commercial conditions, whilst safeguarding the public interest.
Amendment 140

Proposal for a directive
Article 81 – paragraph 3

Text proposed by the Commission

3. In particular, where Member States decide to impose obligations to ensure the availability at a fixed location of \textit{functional} internet access service as defined in accordance with Article 79(2) and of voice communications service, they may designate one or more undertakings to guarantee the availability at a fixed location of functional internet access service as identified in accordance with Article 79(2) and of voice communications service in order to cover all the national territory. Member States may designate different undertakings or sets of undertakings to provide \textit{functional} internet access and voice communications services at a fixed location and/or to cover different parts of the national territory.

Amendment 141

Proposal for a directive
Article 81 – paragraph 4

Text proposed by the Commission

4. When Member States designate \textit{undertakings} in part or all of the national territory as \textit{undertakings} having the obligation to ensure the availability at a fixed location of \textit{functional} internet access service as defined in accordance with Article 79(2) and of voice communications service, they shall do so using an efficient, objective, transparent and non-discriminatory designation mechanism, whereby no \textit{undertaking} is a priori excluded from being designated. Such designation methods shall ensure that \textit{functional} internet access and voice communications services at a fixed location are provided in
communications services at a fixed location are provided in a cost-effective manner and may be used as a means of determining the net cost of the universal service obligation in accordance with Article 84.

Amendment 142

Proposal for a directive
Article 81 – paragraph 5

*Text proposed by the Commission*

5. When an undertaking designated in accordance with paragraph 3 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 that authority to assess the effect of the intended transaction on the provision at a fixed location of *functional* internet access service as defined in accordance with Article 79(2) and of voice communications service. The national regulatory authority may impose, amend or withdraw specific obligations in accordance with Article 13(2).

*Amendment*

5. When a provider designated in accordance with paragraph 3 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 that authority to assess the effect of the intended transaction on the provision at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service. The national regulatory authority may impose, amend or withdraw specific obligations in accordance with Article 13(2).

Amendment 143

Proposal for a directive
Article 82 – paragraph 1

*Text proposed by the Commission*

Member States may continue to ensure the availability or affordability of other services than internet access service as defined in accordance with Article 79(2) and voice communications service at a fixed location that were in force prior to [set date], if the need for such services is *duly demonstrated* in the light of national circumstances. When Member States

*Amendment*

1. Member States may continue to ensure the availability or affordability of other services than internet access service as defined in accordance with Article 79(2) and voice communications service at a fixed location that were in force prior to [set date], if the need for such services is *established* in the light of national circumstances. When Member States
States designate **undertakings** in part or all of the national territory for the provision of those services, Article 81 shall apply. Financing of these obligations shall comply with Article 85.

designate **providers** in part or all of the national territory for the provision of those services, Article 81 shall apply. Financing of these obligations shall comply with Article 85.

**Amendment 144**

Proposal for a directive
Article 82 – paragraph 2

**Text proposed by the Commission**

Member States shall review the obligations imposed pursuant to this Article at the latest 3 years after the entry into force of this Directive and thereafter once every year.

**Amendment**

2. Member States shall review the obligations imposed pursuant to this Article by ... 3 years after the entry into force of this Directive and thereafter at least every three years.

**Amendment 145**

Proposal for a directive
Article 83 – paragraph 1

**Text proposed by the Commission**

1. Member States shall ensure that in providing facilities and services additional to those referred to in Article 79, **those undertakings providing the** services in accordance with Article 79, 81 and 82 establish terms and conditions in such a way that the end-user is not obliged to pay for facilities or services which are not necessary or not required for the service requested.

**Amendment**

1. Member States shall ensure that in providing facilities and services additional to those referred to in Article 79, **providers of the voice communications and internet access** services in accordance with Article 79, 81 and 82 establish terms and conditions in such a way that the end-user is not obliged to pay for facilities or services which are not necessary or not required for the service requested.

**Amendment 146**

Proposal for a directive
Article 83 – paragraph 2

**Text proposed by the Commission**

2. Member States shall ensure that those **undertakings providing the** voice

**Amendment**

2. Member States shall ensure that those **providers of** voice communications
communications services referred to in Article 79 and implemented pursuant to Article 80 provide the specific facilities and services set out in Annex VI, Part A, in order that end-users can monitor and control expenditure and put in place a system to avoid unwarranted disconnection of voice communications service for the end-users who are entitled thereto, including an appropriate mechanism to check continued interest in using the service.

Amendment 147

Proposal for a directive
Article 84 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where national regulatory authorities consider that the provision of functional internet access service as defined in accordance with Article 79(2) and of voice communications service; as set out in Articles 79, 80 and 81 or the continuation of existing universal services as set out in Article 82 may represent an unfair burden on undertakings providing such services and requesting for compensation, they shall calculate the net costs of its provision.

Amendment

Where national regulatory authorities consider that the provision of internet access service as defined in accordance with Article 79(2) and of voice communications service as set out in Articles 79, 80 and 81 or the continuation of existing universal services as set out in Article 82 may represent an unfair burden on providers of such services and requesting for compensation, they shall calculate the net costs of its provision.

Amendment 148

Proposal for a directive
Article 84 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) calculate the net cost of the universal service obligation, taking into account any market benefit which accrues to an undertaking providing functional internet access service as defined in accordance with Article 79(2) and voice communications service; as set out in Articles 79, 80 and 81 or the continuation

Amendment

(a) calculate the net cost of the universal service obligation, taking into account any market benefit which accrues to a provider of internet access service as defined in accordance with Article 79(2) and voice communications service; as set out in Articles 79, 80 and 81 or the continuation of existing universal services
of existing universal services as set out in Article 82, in accordance with Annex VII; or

Amendment 149

Proposal for a directive
Article 85 – paragraph 1

_Text proposed by the Commission

Where, on the basis of the net cost calculation referred to in Article 84, national regulatory authorities find that an undertaking is subject to an unfair burden, Member States shall, upon request from the undertaking concerned, decide to introduce a mechanism to compensate that undertaking for the determined net costs under transparent conditions from public funds. Only the net cost, as determined in accordance with Article 84, of the obligations laid down in Articles 79, 81 and 82 may be financed.

Amendment

Where, on the basis of the net cost calculation referred to in Article 84, national regulatory authorities find that an undertaking is subject to an unfair burden, Member States shall, upon request from the undertaking concerned, decide to introduce a mechanism to compensate that undertaking for the determined net costs under transparent conditions from public funds.

Amendment 150

Proposal for a directive
Article 85 – paragraph 1 a (new)

_Text proposed by the Commission

1a. By way of exception to paragraph 1, Member States may adopt or maintain a mechanism to share the net cost of universal service obligations stemming from the obligations set out in Article 81 between providers of electronic communications networks and services and those undertakings providing information society services as defined in Directive 2000/31/EC.

Amendment

Amendment 151

Proposal for a directive
Article 85 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States adopting or maintaining such a mechanism shall review its functioning at least every three years in order to determine which net costs should continue to be shared under the mechanism and those which should be transferred to compensation from public funds.

Amendment 152
Proposal for a directive
Article 85 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Only the net cost, as determined in accordance with Article 84, of the obligations laid down in Articles 79, 81 and 82 may be financed.

Amendment 153
Proposal for a directive
Article 85 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Where the net cost is shared under paragraph 1a, Member States shall ensure that a sharing mechanism is in place, administered by the national regulatory authority or a body independent from the beneficiaries under the supervision of the national regulatory authority.

Amendment 154
Proposal for a directive
Article 85 – paragraph 1 e (new)
Text proposed by the Commission

Amendment

1e. A sharing mechanism shall respect the principles of transparency, least market distortion, non-discrimination and proportionality, in accordance with the principles of Annex IV, Part B. Member States may choose not to require contributions from certain types of undertaking or from undertakings whose national turnover is less than a set limit.

Amendment 155

Proposal for a directive
Article 85 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

If. Any charges related to the sharing of the cost of universal service obligations shall be unbundled and identified separately for each undertaking. Such charges shall not be imposed or collected from undertakings that are not providing services in the territory of the Member State that has established the sharing mechanism.

Amendment 156

Proposal for a directive
Article 86 – paragraph 1

Text proposed by the Commission

Amendment

1. Where the net cost of universal service obligations is to be calculated in accordance with Article 85, national regulatory authorities shall ensure that the principles for net cost calculation, including the details of methodology to be used are publicly available.

1. Where the net cost of universal service obligations is to be calculated in accordance with Article 84, national regulatory authorities shall ensure that the principles for net cost calculation, including the details of methodology to be used are publicly available.
Amendment 157
Proposal for a directive
Article 87 – paragraph 6

Text proposed by the Commission

6. Member States shall promote the over-the-air provisioning of numbering resources, where technically feasible - to facilitate change of providers of electronic communications networks or services by end-users other than consumers, in particular providers and users of machine-to-machine services.

Amendment

6. Member States shall promote the over-the-air provisioning of numbering resources, where technically feasible - to facilitate switching of providers of electronic communications networks or services by end-users, in particular providers and users of machine-to-machine services.

Amendment 158
Proposal for a directive
Title III – Article 91 a (new)

Text proposed by the Commission

Article 91a

Exemption clause

Title III, with the exception of Articles 92 and 93, shall not apply to number-independent interpersonal communications services, which are micro enterprises as defined in Commission Recommendation 2003/361/EC.

Amendment

Providers of electronic communications networks or services shall not apply any discriminatory requirements or conditions of access or use to end-users in the Union based on the end-user's nationality or place of residence or establishment unless such differences are objectively justified.

Amendment 159
Proposal for a directive
Article 92 – paragraph 1

Text proposed by the Commission

Providers of electronic communications networks or services shall not apply any discriminatory requirements or conditions of access or use to end-users based on the end-user's nationality or place of residence unless such differences are objectively justified.

Amendment

Providers of electronic communications networks or services shall not apply any discriminatory requirements or conditions of access or use to end-users in the Union based on the end-user's nationality or place of residence or establishment unless such differences are objectively justified.
Amendment 160

Proposal for a directive
Article 92 a (new)

Text proposed by the Commission

Amendment

Article 92 a

Intra-Union calls

1. Providers of publicly available number based interpersonal communication services shall not apply tariffs to intra-Union fixed and mobile communications services terminating in another Member State, which are higher from tariffs for services terminating in the same Member State, unless it is justified by the difference in termination rates.

2. By ... (six months after the entry into force of this Directive), BEREC after consulting stakeholders and in close cooperation with the Commission shall adopt guidelines on the recovery of such objectively justified different costs pursuant to paragraph 1. Such guidelines shall ensure that any differences are strictly based on existent direct costs that provider incur by providing the cross-border services;

3. By ... (one year after the entry into force of this Directive and annually thereafter), the European Commission shall provide a report on the application of the obligations of paragraph 1, including an assessment of the evolution of intra-Union communication tariffs.

Amendment 161

Proposal for a directive
Article 93 – paragraph 1
1. National measures regarding end-users’ access to, or use of, services and applications through electronic communications networks shall respect the fundamental rights and freedoms, as guaranteed by the Charter of Fundamental Rights of the Union and general principles of Union law.

2. Any of these measures regarding end-users’ access to, or use of, services and applications through electronic communications networks liable to restrict those fundamental rights or freedoms may only be imposed if they are provided for by law and respect the essence of those rights or freedoms, are appropriate, proportionate and necessary, and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others in line with Article 52(1) of the Charter of Fundamental Rights of the European Union and with general principles of Union law, including the right to an effective judicial protection and due process. Accordingly, these measures may only be taken with due respect for the principle of the presumption of innocence and the right to privacy. A prior, fair and impartial procedure shall be guaranteed, including the right to be heard of the person or persons concerned, subject to the need for appropriate conditions and procedural arrangements in duly substantiated cases of urgency in conformity with the Charter of Fundamental Rights of the European Union. The right to effective and timely judicial review shall
Judicial review shall be guaranteed.

Amendment 163

Proposal for a directive  
Article 93 – paragraph 2 a (new)

Text proposed by the Commission

2a. In accordance with Articles 7, 8 and 11 and Article 52(1) of the Charter of Fundamental Rights of the European Union, Member States shall not impose general and indiscriminate retention of all traffic and location data of all subscribers and registered users relating to their electronic communications.

Amendment 164

Proposal for a directive  
Article 94 – paragraph 1

Text proposed by the Commission

Member States shall not maintain or introduce in their national law end-user protection provisions on the subject-matters covered by this Title and diverging from the provisions laid down in this Title, including more or less stringent provisions to ensure a different level of protection, unless otherwise provided for in this Title.

Amendment 165

Proposal for a directive  
Article 95 – paragraph -1 (new)

Text proposed by the Commission

–1. The information requirements set out in this Article including the contract summary shall constitute an integral part of the contract and is in addition to the
Member States shall ensure that the information referred to in this Article is provided in a clear, comprehensive and easily accessible manner. On a request made by the consumer or other end-users, a copy of the information shall also be provided on a durable medium and in accessible formats for end-users with disabilities.

Amendment 166
Proposal for a directive
Article 95 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before a consumer is bound by a contract or any corresponding offer, providers of publicly available electronic communications services other than number-independent interpersonal communications services, shall provide the information required pursuant to Articles 5 and 6 of Directive 2011/83/EU, irrespective of the amount of any payment to be made, and the following information in a clear and comprehensible manner:

Amendment

1. Before a consumer is bound by a contract or any corresponding offer which is subject to any kind of remuneration, providers of internet access services, publicly available interpersonal communications services and transmission services used for broadcasting shall provide, where applicable, the following information to the consumer, to the extent that such information pertains to a service they provide.

Amendment 167
Proposal for a directive
Article 95 – paragraph 1 – point a – point i

Text proposed by the Commission

(i) any minimum service quality levels to the extent that these are offered, and in accordance with BEREC guidelines to be adopted after consultation of stakeholders and in close cooperation with the Commission, regarding:

– for internet access services: at least latency, jitter, packet loss,

Amendment

(i) any minimum service quality levels to the extent that these are offered, and in accordance with BEREC guidelines to be adopted pursuant Article 97(2), after consultation of stakeholders and in close cooperation with the Commission, regarding:

– for internet access services: at least latency, jitter, packet loss,
for publicly available number-based interpersonal communications services: at least the time for the initial connection, failure probability, call signalling delays and

for services other than internet access services within the meaning of Article 3(5) of Regulation 2015/2120: the specific quality parameters assured,

Where no minimum service quality levels are offered, a statement to this effect shall be made.

Amendment 168

Proposal for a directive
Article 95 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) without prejudice to the right of end-users to use terminal equipment of their choice in accordance with Article 3(1) of Regulation 2015/2120/EC, any restrictions imposed by the provider on the use of terminal equipment supplied;

Amendment

(ii) without prejudice to the right of end-users to use terminal equipment of their choice in accordance with Article 3(1) of Regulation 2015/2120/EC, any fees and restrictions imposed by the provider on the use of terminal equipment supplied and, where appropriate, brief technical information for the proper functioning of the equipment chosen by the consumer;

Amendment 169

Proposal for a directive
Article 95 – paragraph 1 – point b

Text proposed by the Commission

(b) any compensation and refund arrangements, which apply if contracted service quality levels are not met;

Amendment

(b) any compensation and refund arrangements, including where applicable, explicit reference to statutory rights of consumers, which apply if contracted service quality levels are not met or if a security incident, notified to the provider, takes place due to known software or hardware vulnerabilities for which
patches have been issued by the manufacturer or developer and the service provider has not applied those patches or taken any other appropriate countermeasure:

Amendment 170

Proposal for a directive
Article 95 – paragraph 1 – point c – introductory part

Text proposed by the Commission
(c) as part of the information on price:
Amendment
(c) as part of the information on price and means of remuneration:

Amendment 171

Proposal for a directive
Article 95 – paragraph 1 – point c – point i

Text proposed by the Commission
(i) details of tariff plans under the contract and, where applicable, the volumes of communications (MB, minutes, SMS) included per billing period, and the price for additional communication units,

Amendment
(i) details of specific tariff plan or plans under the contract and, for each such tariff plan the types of services offered, including where applicable, the volumes of communications (MB, minutes, SMS) included per billing period, and the price for additional communication units,

Amendment 172

Proposal for a directive
Article 95 – paragraph 1 – point c – point i a (new)

Text proposed by the Commission
(i) in the case of tariff plan or plans with a pre-set volume of communications, the possibility for consumers to defer any unused volume from the preceding billing period to the following billing period, where this option is included in the contract,
Amendment 173

Proposal for a directive
Article 95 – paragraph 1 – point c – point i b (new)

Text proposed by the Commission

( ib ) facilities to safeguard bill transparency and monitor the level of consumption,

Amendment 174

Proposal for a directive
Article 95 – paragraph 1 – point c – point i c (new)

Text proposed by the Commission

( ic ) without prejudice to Article 13 of the Regulation 2016/679, information on what personal data is required before the performance of the service or collected in the context of the provision of the service;

Amendment 175

Proposal for a directive
Article 95 – paragraph 1 – point c – point iv

Text proposed by the Commission

(iv) details of after-sales service and maintenance charges, and

Amendment

(iv) details of after-sales, maintenance and customer support service and maintenance charges, and,

Amendment 176

Proposal for a directive
Article 95 – paragraph 1 – point d – point ii

Text proposed by the Commission

(ii) any charges related to switching and the portability of numbers and other

Amendment

(ii) any procedures and charges related to switching and the portability of numbers
identifiers and compensation and refund arrangements for delay or abuse of switching,

and other identifiers and compensation and refund arrangements for delay or abuse of switching,

Amendment 177
Proposal for a directive
Article 95 – paragraph 1 – point d – point iii

Text proposed by the Commission

(iii) any charges due on early termination of the contract, including any cost recovery with respect to terminal equipment and other promotional advantages,

Amendment

(iii) any charges due on early termination of the contract, including information on unlocking the terminal equipment and any cost recovery with respect to terminal equipment,

Amendment 178
Proposal for a directive
Article 95 – paragraph 1 – point d – point iv

Text proposed by the Commission

(iv) for bundled services the conditions of termination of the bundle or of elements thereof,

Amendment

(iv) for bundled services the conditions of termination of the bundle or of elements thereof, where applicable,

Amendment 179
Proposal for a directive
Article 95 – paragraph 1 – point f

Text proposed by the Commission

(f) the means of initiating procedures for the settlement of disputes in accordance with Article 25;

Amendment

(f) the means of initiating procedures for the settlement of disputes, including national and cross-border disputes, in accordance with Article 25;

Amendment 180
Proposal for a directive
Article 95 – paragraph 2 – indent 1
Amendment 181

Proposal for a directive
Article 95 – paragraph 3

Text proposed by the Commission

- any constraints on access to emergency services and/or caller location information due to a lack of technical feasibility;

Amendment

- any constraints on access to emergency services and/or caller location information due to a lack of technical feasibility, insofar as the service allows end-users to originate national calls to a number in a national telephone numbering plan;

Amendment 182

Proposal for a directive
Article 95 – paragraph 5

Text proposed by the Commission

5. By [entry into force + 12 months], BEREC shall issue a decision on a contract summary template, which identifies the main elements of the information requirements in accordance with paragraphs 1 and 2. Those main elements shall include at least complete information on:
(a) the name and address of the provider,
(b) the main characteristics of each service provided,

Amendment

5. By [entry into force + 12 months], the Commission, after consulting BEREC, shall adopt a contract summary template, which identifies the main elements of the information requirements in accordance with paragraphs 1 and 2. Those main elements shall include at least summary information on:
(a) the name, address and contact information of the provider and, if different, the contact information for any complaint,
(b) the main characteristics of each service provided,
(c) the respective prices,
(d) the duration of the contract and the conditions for its renewal and termination,
(e) the extent to which the products and services are designed for disabled end-users.
(f) with respect to internet access services, the information required pursuant to Article 4 (1) of Regulation (EU) 2015/2120.

That template shall not be longer than one single-sided A4 page. It shall be easily readable. Where a number of different services are bundled into a single contract, additional pages may be necessary, but the document shall be limited to a total of three pages.

The Commission may adopt an implementing act specifying the template referred to in this paragraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 110(4).

Amendment 183

Proposal for a directive
Article 95 – paragraph 6

Text proposed by the Commission

6. Providers of internet access services and providers of publicly available number-based interpersonal communications services shall offer end-users the facility to monitor and control the

Amendment

6. Providers of internet access services and providers of publicly available number-based interpersonal communications services shall offer consumers the facility to monitor and
usage of each of those services which is billed on the basis of either time or volume consumption. This facility shall include access to timely information on the level of consumption of services included in a tariff plan.

Providers of internet access services and of publicly available number-based interpersonal communications services shall give consumers best-tariff advice relating to their services upon request and, at the latest, 3 months prior to the termination of the contract period.

**Amendment 184**

**Proposal for a directive**

**Article 95 – paragraph 6 a (new)**

Text proposed by the Commission

6a. Member States may maintain or introduce in their national law additional requirements applicable to internet access services and number-based interpersonal communications services and transmission services used for broadcasting to ensure a higher level of consumer protection in relation to the information requirements set out in paragraphs (1) and (2) of this Article. Member States may also maintain or introduce in their national law provisions to temporarily prevent further usage of the relevant service in excess of a financial or volume limit determined by the competent authority.

**Amendment 185**

**Proposal for a directive**

**Article 96 – paragraph 1**

Text proposed by the Commission

1. National regulatory authorities shall ensure that the information referred to in

1. National regulatory authorities shall ensure that, where the provision of
Annex VIII is published in a clear, comprehensive and easily accessible form by the undertakings providing publicly available electronic communications services other than number-independent interpersonal communications services, or by the national regulatory authority itself. National regulatory authorities may specify additional requirements regarding the form in which such information is to be published.

**Amendment 186**

Proposal for a directive
Article 96 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

National regulatory authorities shall ensure that end-users have access free of charge to at least one independent comparison tool which enables them to compare and evaluate prices and tariffs, and the quality of service performance of different publicly available electronic communications services other than number-independent interpersonal communications services.

*Amendment*

National regulatory authorities shall ensure that end-users have access free of charge to at least one independent comparison tool which enables them to compare and evaluate prices and tariffs, and, where appropriate, indicative figures addressing the quality of service performance of different internet access services and publicly available number-based interpersonal communications services.

**Amendment 187**

Proposal for a directive
Article 96 – paragraph 2 – subparagraph 2 – point b

*Text proposed by the Commission*

(b) clearly disclose their owners and operators;

*Amendment*

(b) clearly disclose the owners and operators of the comparison tool.
Amendment 188
Proposal for a directive
Article 96 – paragraph 2 – subparagraph 2 – point g a (new)

Text proposed by the Commission

(ga) include prices and tariffs, and the quality of service performance for both end-users who are businesses and end-users who are consumers.

Amendment 189
Proposal for a directive
Article 96 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Comparison tools fulfilling the requirements in points (a) to (g) shall, upon request, be certified by national regulatory authorities. Third parties shall have a right to use, free of charge, the information published by undertakings providing publicly available electronic communications services, other than number-independent interpersonal communications services, for the purposes of making available such independent comparison tools.

Amendment

Comparison tools fulfilling the requirements in points (a) to (g) shall, upon the request of the provider of the tool, be certified by national regulatory authorities. Third parties shall have a right to use, free of charge and in open data formats, the information published by providers of internet access services or publicly available number-based interpersonal communications services for the purposes of making available such independent comparison tools.

Amendment 190
Proposal for a directive
Article 96 – introductory part

Text proposed by the Commission

3. Member States may require that the undertakings providing internet access services or publicly available number-based interpersonal communications services distribute public interest information free of charge to existing and new end-users, where appropriate, by the same means as those they ordinarily use in

Amendment

3. Member States may require that both national authorities and the providers of internet access services, publicly available number-based interpersonal communications services, or both, distribute public interest information free of charge to existing and new end-users, where appropriate, by the same
their communications with end-users. In such a case, that public interest information shall be provided by the relevant public authorities in a standardised format and shall, inter alia, cover the following topics:

Amendment 191
Proposal for a directive
Article 96 – paragraph 3 – point a

Text proposed by the Commission

(a) the most common uses of internet access services and publicly available number-based interpersonal communications services to engage in unlawful activities or to disseminate harmful content, particularly where it may prejudice respect for the rights and freedoms of others, including infringements of copyright and related rights, and their legal consequences; and

Amendment

(a) the most common uses of internet access services and publicly available number-based interpersonal communications services to engage in unlawful activities or to disseminate harmful content, particularly where it may prejudice respect for the rights and freedoms of others, including infringements of data protection rights, copyright and related rights, and their legal consequences; and

Amendment 192
Proposal for a directive
Article 97 – paragraph 1

Text proposed by the Commission

1. National regulatory authorities may require providers of internet access services and of publicly available number-based interpersonal communications services to publish comprehensive, comparable, reliable, user-friendly and up-to-date information for end-users on the quality of their services and on measures taken to ensure equivalence in access for disabled end-users. That information shall, on request, be supplied to the national regulatory authority in advance of its publication.

Amendment

1. National regulatory authorities may require providers of internet access services and of publicly available interpersonal communications services to publish comprehensive, comparable, reliable, user-friendly and up-to-date information for end-users on the quality of their services to the extent that they offer minimum levels of service quality and on measures taken to ensure equivalence in access for disabled end-users. That information shall, on request, be supplied to the national regulatory authority in advance of its publication. Such measures
to ensure quality of service shall be in compliance with Regulation (EU) 2015/2120.

Providers of publicly available interpersonal communication services shall inform the consumer, if the quality of services they provide depends on any external factors, such as control of signal transmission or network connectivity.

Amendment 193

Proposal for a directive
Article 97 – paragraph 2 – subparagraph 2

Text proposed by the Commission

By [entry into force plus 18 months], in order to contribute to a consistent application of this paragraph, BEREC shall adopt, after consultation of stakeholders and in close cooperation with the Commission, guidelines on the relevant quality of service parameters, including parameters relevant for disabled end-users, the applicable measurement methods, the content and format of publication of the information, and quality certification mechanisms.

Amendment

By [entry into force plus 18 months], in order to contribute to a consistent application of this paragraph and of Annex IX, BEREC shall adopt, after consultation of stakeholders and in close cooperation with the Commission, guidelines detailing the relevant quality of service parameters, including parameters relevant for end-users with disabilities, the applicable measurement methods, the content and format of publication of the information, and quality certification mechanisms.

Justification

technical corrections

Amendment 194

Proposal for a directive
Article 98 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that conditions and procedures for contract termination are not a disincentive against changing service provider and that contracts concluded between consumers and undertakings providing publicly

Amendment

1. Member States shall ensure that conditions and procedures for contract termination are not a disincentive against changing service provider and that contracts concluded between consumers and providers of publicly available internet
available electronic communications services, other than number-independent interpersonal communications services, do not mandate an initial commitment period longer than 24 months. Member States may adopt or maintain shorter maximum durations for the initial commitment period.

This paragraph shall not apply to the duration of an instalment contract where the consumer has agreed in a separate contract to instalment payments for deployment of a physical connection.

Amendment 195

Proposal for a directive
Article 98 – paragraph 2

Text proposed by the Commission

2. Where a contract or national law provides for a fixed duration contract to be automatically prolonged, the Member State shall ensure that, after the expiration of the initial period and unless the consumer has explicitly agreed to the extension of the contract, consumers are entitled to terminate the contract at any time with a one-month notice period and without incurring any costs except the cost of providing the service during the notice period.

Amendment

2. Where a contract or national law provides for a fixed duration contract to be automatically prolonged, the Member State shall ensure that, after such an automatic prolongation, consumers are entitled to terminate the contract at any time with a maximum one-month notice period and without incurring any costs except the charges for receiving the service during the notice. Before the contract is automatically prolonged, providers shall inform the consumer in a prominent way about the end of the initial contract period and about the means to terminate the
contract, if so requested. Providers shall use the same means as those normally used in their communications with consumers.

Amendment 196

Proposal for a directive
Article 98 – paragraph 2 a (new)

Text proposed by the Commission

2a. Paragraphs 1 and 2 shall also apply to end-users that are micro and small enterprises or not-for-profit organisations unless they have expressly agreed to waive those provisions.

Amendment 197

Proposal for a directive
Article 98 – paragraph 3

Text proposed by the Commission

3. End-users shall have the right to terminate their contract without incurring any costs upon notice of changes in the contractual conditions proposed by the provider of publicly available electronic communications services other than number-independent interpersonal communications services, unless the proposed changes are exclusively to the benefit of the end-user or they are strictly necessary to implement legislative or regulatory changes. Providers shall notify end-users, at least one month in advance, of any such change, and shall inform them at the same time of their right to terminate their contract without incurring any costs if they do not accept the new conditions. Member States shall ensure that notification is made in a clear and comprehensible manner on a durable medium and in a format chosen by the end-user at the time of concluding the contract.
contract.

durable medium by the same means as the provider ordinarily uses in its communications with consumers.

Amendment 198
Proposal for a directive
Article 98 – paragraph 3 a (new)

Text proposed by the Commission

3a. Any significant discrepancy, continued or regularly recurring, between the actual performance of an electronic communication service and the performance indicated in the contract, shall be considered as non-conformity of performance for the purposes of triggering the remedies available to the consumer in accordance with national law, including the right to terminate the contract without any cost.

Amendment 199
Proposal for a directive
Article 98 – paragraph 4

Text proposed by the Commission

4. Where an end-user has the right to terminate a contract for a publicly available internet access services, number-based interpersonal communications service and transmission services used for broadcasting, before the end of the agreed contract term pursuant to this Directive, other provisions of Union law or national law, no penalties and no compensation shall be due by the end-user other than for retained subsidised terminal equipment. Where the end-user chooses to retain terminal equipment bundled at the moment of the contract conclusion, any compensation due shall not exceed its pro rata temporis value at the moment of the contract conclusion or on the remaining
latest upon payment of such compensation. **part of the service fee until the end** of the contract, *whichever amount is smaller*. *Member States may choose other methods of calculating the compensation rate, where such a rate is equal to or less than the compensation calculated above.* Any restriction on the usage of terminal equipment on other networks shall be lifted, free of charge, by the provider at the latest upon payment of such compensation. *Member States may adopt or maintain additional requirements in relation to this paragraph to ensure a higher level of consumer protection.*

**Amendment 200**

**Proposal for a directive**

**Article 99 – paragraph 1**

*Text proposed by the Commission*

1. In case of switching between providers of internet access services, the providers concerned shall provide the end-user with adequate information before and during the switching process and ensure continuity of the service. The receiving provider shall ensure that the activation of the service shall occur on the date agreed with the end-user. The transferring provider shall continue to provide its services on the same terms until the services of the receiving provider are activated. Loss of service during the switching process shall not exceed one working day.

*Amendment*

1. *In the* case of switching between providers of internet access services, the providers concerned shall provide the end-user with adequate information before and during the switching process and ensure continuity of the service. The receiving provider shall *lead the switching process to* ensure that the activation of the service shall occur on the date *and within the timeframe expressly* agreed with the end-user. The transferring provider shall continue to provide its services on the same terms until the services of the receiving provider are activated. Loss of service during the switching process shall not exceed one working day *where both providers use the same technological means.* Where the providers use different technological means, they shall *endeavour to limit loss of service during the switching process to one working day, unless a longer period, which shall not exceed two working days, is duly justified.*

National regulatory authorities shall ensure the efficiency of the switching process for National regulatory authorities shall ensure the efficiency *and simplicity* of the
Amendment 201

Proposal for a directive
Article 99 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that all end-users 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 Part C of Annex VI.

Amendment

2. Member States shall ensure that all end-users with numbers from the national telephone numbering plan who so request shall have the right to retain their number(s) independently of the undertaking providing the service in accordance with the provisions of Part C of Annex VI.

Amendment 202

Proposal for a directive
Article 99 – paragraph 2 a (new)

Text proposed by the Commission

2a. Where an end-user terminates a contract with a provider, the end-user shall retain the right to port a number to another provider for six months after the date of termination, unless that right is renounced by the end-user.

Amendment

2a. Where an end-user terminates a contract with a provider, the end-user shall retain the right to port a number to another provider for six months after the date of termination, unless that right is renounced by the end-user.

Amendment 203

Proposal for a directive
Article 99 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. Porting of numbers and their subsequent activation shall be carried out within the shortest possible time. In any case, end-users who have concluded an agreement to port a number to a new undertaking shall have that number activated within one working day from the

Amendment

5. Porting of numbers and their subsequent activation shall be carried out within the shortest possible time. In any case, consumers who have concluded an agreement to port a number to a new undertaking shall have that number activated within one working day from the
The conclusion of such an agreement. The transferring provider shall continue to provide its services on the same terms until the services of the receiving provider are activated.

This paragraph shall apply also to micro or small enterprises and not-for-profit organisations as end-users unless they have expressly agreed to waive all or parts of those provisions.

Amendment 204
Proposal for a directive
Article 99 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The receiving provider shall lead the switching and porting process. National regulatory authorities may establish the global process of switching and of porting of numbers, taking into account national provisions on contracts, technical feasibility and the need to maintain continuity of service to the end-user. In any event, loss of service during the process of porting shall not exceed one working day. In case of failure of the porting process, the transferring provider shall reactivate the number of the end-user until the porting is successful National regulatory authorities shall also take appropriate measures ensuring that end-users are adequately informed and protected throughout the switching process and are not switched to another provider against their will.

Amendment

5a. The receiving provider shall lead the switching and porting process and both the receiving and transferring providers shall cooperate in good faith. National regulatory authorities may establish the global process of switching and of porting of numbers, taking into account national provisions on contracts, technical feasibility and the need to maintain continuity of service to the end-user. This shall include, where available, a requirement for the porting to be completed through over-the-air provisioning, unless an end-user requests otherwise.

In any event, loss of service during the process of porting shall not exceed one working day.

The end-users' contracts with the transferring provider shall be terminated automatically upon conclusion of the switching process. Transferring providers shall refund any remaining credit to the consumers using pre-paid services.
Refund may be subject to a fee only if stated in the contract. Any such fee shall be proportionate and commensurate with the actual costs incurred by the transferring provider in offering the refund. In case of failure of the porting process, the transferring provider shall reactivate the number or service of the end-user, on the same terms and conditions as the end-user was on prior to the switching process being initialised, until the porting or switching process is successful National regulatory authorities shall also take appropriate measures ensuring that end-users are adequately informed and protected throughout the switching and porting processes and are not switched to another provider against their will.

Amendment 205

Proposal for a directive
Article 99 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that appropriate sanctions on undertakings are provided for, including an obligation to compensate end-users in case of delay in porting or abuse of porting by them or on their behalf.

Amendment

6. Member States shall ensure that appropriate sanctions on undertakings are provided for in case of delay in porting or abuse of porting by them or on their behalf.

Amendment 206

Proposal for a directive
Article 99 – paragraph 6 a (new)

Text proposed by the Commission

6a. Member States shall ensure that end-users are entitled to receive compensation from providers in the case of delay in porting or switching or abuse of porting or switching. The minimum compensation for a delay shall be:
(a) where porting is delayed for longer than one or two working days as laid down in Article 99(1) and Article 99(5) respectively, an amount per additional day;

(b) where there is a loss of service exceeding one working day, an amount per additional day;

(c) where there is a delay in activating a service, an amount per day for every day after the agreed day for activation; and

(d) where a service appointment is missed or cancelled with less than 24 hours' notice, an amount per appointment.

National regulatory authorities shall set out the amounts due under this paragraph.

Amendment 207

Proposal for a directive
Article 99 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. The compensation referred to in paragraph 6a shall be paid by way of deduction from the following invoice, in cash, by electronic transfer or, in agreement with the end-user, in service vouchers.

Amendment 208

Proposal for a directive
Article 99 – paragraph 6 c (new)

Text proposed by the Commission

Amendment

6c. Paragraph 6a shall be without prejudice to any right to further compensation pursuant to national law or Union law. Member States may lay down additional rules ensuring that any end-
user who has suffered material or non-material damage pursuant to this article can seek and receive compensation from an undertaking for the damages suffered. The minimum compensation paid pursuant to paragraph 6a may be deducted from any such compensation. Payment of compensation pursuant to paragraph 6a shall not prevent the receiving provider from seeking compensation from a transferring provider where appropriate.

Amendment 209
Proposal for a directive
Article 100 – paragraph 1

Text proposed by the Commission

1. If a bundle of services or a bundle of services and goods offered to an end-user comprises at least a publicly available electronic communications service other than number-independent interpersonal communications services, Articles 95, 96 (1), 98 and 99 (1) shall apply mutatis mutandis to all elements of the bundle except where the provisions applicable to another element of the bundle are more favourable to the end-user.

Amendment

1. If a bundle of services or a bundle of services and terminal equipment offered to a consumer comprises at least an internet access service or a publicly available number-based interpersonal communications services, Articles 95, 96 (1), 98 and 99 shall apply mutatis mutandis to all elements of the bundle except where the provisions applicable to another element of the bundle are more favourable to the consumer.

Amendment 210
Proposal for a directive
Article 100 – paragraph 2

Text proposed by the Commission

2. Any subscription to additional services or goods provided or distributed by the same provider of publicly available electronic communications services other than number-independent interpersonal communications services shall not re-start the contract period of the initial contract unless the additional services or goods are

Amendment

2. Any subscription to additional services or terminal equipment provided or distributed by the same provider of internet access services or of publicly available number-based interpersonal communications services shall not extend the term of the contract unless the consumer expressly agrees otherwise.
offered at a special promotional price available only on the condition that the existing contract period is re-started.

when subscribing to the additional services or terminal equipment.

Amendment 211
Proposal for a directive
Article 100 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Providers of electronic communications services other than number independent interpersonal communications service shall give consumers the possibility to cancel or switch individual parts of the bundled contract, where this option is included in the contract.

Amendment 212
Proposal for a directive
Article 100 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Paragraphs 1 and 2 shall also apply to end-users who are micro or small enterprises, or not-for-profit organisations unless they have explicitly agreed to waive all or parts of those provisions.

Amendment 213
Proposal for a directive
Article 100 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Member States may broaden the application of paragraph 1 to bundles of services or bundles of services and terminal equipment offered to a consumer, which comprise at least a
Member States shall take all necessary measures to ensure the fullest possible 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 necessary measures to ensure uninterrupted access to emergency services.

**Justification**

The term "publicly available telephone service" is replaced in the directive by "voice communications" and therefore seems to have remained here in error. Internet access service was not seen as an essential service when this article was originally drafted and therefore it should be open to amendment during this recast.

Member States shall ensure that all end-users of the service referred to in paragraph 2, including users of public pay telephones, are able to access the emergency services through emergency communications free of charge and without having to use any means of payment, by using the single European emergency communication networks, are able to access the emergency services through emergency communications free of charge and without having to use any means of payment.

**Amendment 215**

Proposal for a directive

**Article 102 – paragraph 1**

1. Member States shall ensure that all end-users of the service referred to in paragraph 2, including users of public pay telephones, are able to access the emergency services through emergency communications free of charge and without having to use any means of payment, by using the single European emergency communication networks, are able to access the emergency services through emergency communications free of charge and without having to use any means of payment.

Member States shall ensure that all end-users of the service referred to in paragraph 2, including users of public pay telephones and of private electronic communication networks, are able to access the emergency services through emergency communications free of charge and without having to use any means of payment.
number ‘112’ and any national emergency number specified by Member States.

payment, by using the single European emergency number ‘112’ and any national emergency number specified by Member States.

Amendment 216

Proposal for a directive
Article 102 – paragraph 2

Text proposed by the Commission

2. Member States, in consultation with national regulatory authorities and emergency services and providers of electronic communications services, shall ensure that undertakings providing end-users with number-based interpersonal communications service provide access to emergency services through emergency communications to the most appropriate PSAP. In case of an appreciable threat to effective access to emergency services the obligation for undertakings may be extended to all interpersonal communications services in accordance with the conditions and procedure set out in Article 59 (1) (c).

Amendment

2. Member States, in consultation with national regulatory authorities and emergency services and providers of electronic communications services, shall ensure that providers of end-users with number-based interpersonal communications, where that service allows end-users to originate national calls to a number in a national or international telephone numbering plan, provide access to emergency services through emergency communications to the most appropriate PSAP using location information that is available to number-based interpersonal communications service providers and in a manner that is consistent with Member States’ emergency calling infrastructures.

Providers of number-independent interpersonal communications services that do not offer 112 access shall inform end-users that access to the emergency number 112 is not supported.

Amendment 217

Proposal for a directive
Article 102 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all emergency communications to the single European emergency number ‘112’ are appropriately answered and handled in the

Amendment

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

Amendment 218

Proposal for a directive
Article 102 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission, having consulted the national regulatory authorities and emergency services, shall adopt performance indicators applicable to the Member States’ emergency services. The Commission shall every two years submit a report to the European Parliament and the Council on the effectiveness of the implementation of the European emergency call number "112" and on the functioning of the performance indicators.

Amendment 219

Proposal for a directive
Article 102 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that access for disabled end-users to emergency services is available through emergency communications and equivalent to that enjoyed by other end-users. Measures taken to ensure that disabled end-users are able to access emergency services through emergency communications whilst travelling in other Member States shall be based to the greatest extent possible on
users with disabilities can access emergency services on an equivalent basis with others, whilst travelling in another Member State, where feasible, without any pre-registration. These measures shall seek to ensure interoperability across Member States and shall be based to the greatest extent possible on European standards or specifications published in accordance with the provisions of Article 39, and they shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in this Article.

Amendment 220

Proposal for a directive
Article 102 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that caller location information is made available to the PSAP without delay after the emergency communication is set up. Member States shall ensure that the establishment and the transmission of the caller location information are free of charge for the end-user and to the authority handling the emergency communication with regard to all emergency communications to the single European emergency number ‘112’. Member States may extend that obligation to cover emergency communications to national emergency numbers. Competent regulatory authorities shall lay down criteria for the accuracy and reliability of the caller location information provided.

Amendment

5. Member States shall ensure that caller location information is made available to the most appropriate PSAP without delay after the emergency communication is set up. This shall include both network-based location information and, where available, handset-derived caller location information. Member States shall ensure that the establishment and the transmission of the end-user location information are free of charge for the end-user and to the PSAP with regard to all emergency communications to the single European emergency number ‘112’. Member States may extend that obligation to cover emergency communications to national emergency numbers. This shall not prevent competent authorities, after consulting BEREC, from laying down criteria for the accuracy and reliability of the caller location information provided.
Amendment 221

Proposal for a directive
Article 102 – 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 number ‘112’, in particular through initiatives specifically targeting persons travelling between Member States.

Amendment

6. Member States shall ensure that citizens are adequately informed about the existence and use of the single European emergency number ‘112’, as well as its accessibility features, including through initiatives specifically targeting persons travelling between Member States, and persons with disabilities. That information shall be provided in accessible formats, addressing different types of disabilities. The Commission shall support and complement Member States’ action.

Amendment 222

Proposal for a directive
Article 102 – paragraph 7 – subparagraph 1

Text proposed by the Commission

In order to ensure effective access to emergency services through emergency communications to ‘112’ services in the Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 109 on the measures necessary to ensure the compatibility, interoperability, quality, reliability and continuity of emergency communications in the Union with regard to caller location solutions, access for disabled end-users and routing to the most appropriate PSAP.

Amendment

In order to ensure effective access to emergency services through emergency communications to ‘112’ services in the Member States, the Commission shall, after consulting BEREC, be empowered to adopt delegated acts in accordance with Article 109 on the measures necessary to ensure the compatibility, interoperability, quality, reliability and continuity of emergency communications in the Union with regard to caller location solutions, access for end-users, accessibility for persons with disabilities and routing to the most appropriate PSAP.

The Commission shall maintain a database of E.164 numbers of European emergency services to ensure that they are able to contact each other from one Member State to another.
Amendment 223
Proposal for a directive
Article 102 a (new)

Text proposed by the Commission

Amendment

Article 102a
Reverse "112" system

1. Member States shall ensure, through the use of electronic communications networks and services, the establishment of national efficient 'Reverse-112' communication systems for warning and alerting citizens, in case of imminent or developing natural and/or man-made major emergencies and disasters, taking into account existing national and regional systems and without hindering privacy and data protection rules.

Amendment 224
Proposal for a directive
Article 102 b (new)

Text proposed by the Commission

Amendment

Article 102 b
Missing children and child helpline hotlines

1. Member States shall ensure that citizens have access to a service operating a hotline to report cases of missing children free of charge. The hotline shall be available on the number '116000'. Member States shall ensure that children have access to a child-friendly service operating a helpline. The helpline shall be available on the number '116111'.

2. Member States shall ensure that end-users with disabilities are able to access services provided under the number '116000' and '116111' on equal basis with other end-users, including
through total conversation services. Measures taken to facilitate the access of end-users with disabilities to such services whilst travelling in other Member States shall be based on compliance with relevant standards or specifications published in accordance with Article 39.

3. Member States shall ensure that appropriate measures needed to achieve a sufficient level of service quality in operating the 116 000 number as well as engaging necessary financial resources to operate the hotline are implemented.

4. Member States and the Commission shall ensure that citizens are adequately informed of the existence and use of services provided under the '116 000' and '116111' number.

Amendment 225

Proposal for a directive
Article 103 – title

Text proposed by the Commission
Equivalent access and choice for disabled end-users

Amendment
Equivalent access and choice for end-users with disabilities

Amendment 226

Proposal for a directive
Article 103 – paragraph 1 – introductory part

Text proposed by the Commission
1. Member States shall ensure that the competent authorities specify, where appropriate, requirements to be met by undertakings providing publicly available electronic communications services to ensure that disabled end-users:

Amendment
1. Member States shall ensure that the competent authorities specify requirements to be met by providers of publicly available electronic communications services to ensure that end-users with disabilities:
Amendment 227

Proposal for a directive
Article 103 – paragraph 1 – point a

**Text proposed by the Commission**

(a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users; and

**Amendment**

(a) have access to electronic communications services, **including the related contractual information provided pursuant to Article 95**, equivalent to that enjoyed by the majority of end-users; and

*Member States shall also ensure that providers of publicly available electronic communications services take the necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable and robust.*

Amendment 228

Proposal for a directive
Article 103 – paragraph 1 a (new)

**Text proposed by the Commission**

1a. To that end, *Member States shall ensure, to the extent that this does not impose a disproportionate burden on providers of terminal equipment and of electronic communication services, and of special equipment offering the necessary services and functions intended specifically for end-users with disabilities.* The assessment of what is considered a disproportionate burden shall follow the procedure set out in article 12 of Directive xxx/YYYY/EU.

Amendment 229

Proposal for a directive
Article 103 – paragraph 2
Text proposed by the Commission

2. In taking the measures referred to in paragraph 1, Member States shall encourage compliance with the relevant standards or specifications published in accordance with Article 39.

Amendment

2. In taking measures referred to in paragraph 1, Member States shall encourage compliance with the relevant standards or specifications published in accordance with Article 39.

Insofar as the provisions of this Article conflict with the provisions of Directive xxx/YYY/EU of the European Parliament and of the Council\(^1\), the provisions of Directive xxx/YYY/EU shall prevail.

\(^1\) Directive xxx/YYY/EU of the European Parliament and of the Council of ... on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (OJ L ..., ..., p. ...).

Amendment 230

Proposal for a directive
Article 104 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that all undertakings which assign telephone numbers to end-users meet all reasonable requests to make available, for the purposes of the provision of publicly available directory enquiry services and directories, the relevant information in an agreed format on terms which are fair, objective, cost oriented and non-discriminatory.

Amendment

1. Member States shall ensure that all undertakings providing voice communication services meet all reasonable requests to make available, for the purposes of the provision of publicly available directory enquiry services and directories, the relevant information in an agreed format on terms which are fair, objective, cost oriented and non-discriminatory.

Amendment 231

Proposal for a directive
Article 105 – title
Text proposed by the Commission

Interoperability of consumer digital television equipment

Amendment

Interoperability of consumer radio and television equipment

Amendment 232

Proposal for a directive
Article 105 – paragraph 1

Text proposed by the Commission

In accordance with the provisions of Annex X, Member States shall ensure the interoperability of the consumer digital television equipment referred to therein.

Amendment

In accordance with the provisions of Annex X, Member States shall ensure the interoperability of the consumer radio and television equipment referred to therein.

Amendment 233

Proposal for a directive
Article 105 – paragraph 1 a (new)

Text proposed by the Commission

1a. Providers of digital television services shall ensure interoperability of terminal equipment so that where technically feasible the terminal equipment is reusable with other providers and if this is not consumers need to be given the possibility through a free and easy process to return the terminal equipment.

Amendment

Member States may impose reasonable ‘must carry’ obligations, for the transmission of specified radio and television broadcast channels and related

Amendment 234

Proposal for a directive
Article 106 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States may impose reasonable ‘must carry’ obligations, for the transmission of specified radio and television broadcast channels and related
complementary services, particularly accessibility services to enable appropriate access for disabled end-users and data supporting connected TV services and electronic programme guides, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or television broadcast channels to the public where a significant number of end-users of such networks use them as their principal means to receive radio and television broadcast channels. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly defined by each Member State and shall be proportionate and transparent.

Member States shall only impose 'must carry' obligations on analogue television broadcast transmissions where a lack of such an obligation would cause a significant disturbance for a significant number of end-users or where there are no other transmission means for specified television broadcast channels.

'Must carry' obligations referred to in the first subparagraph shall only be imposed where they are necessary to meet general interest objectives as clearly defined by each Member State and shall be proportionate and transparent.

Amendment 235

Proposal for a directive
Article 106 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The obligations referred to in the first subparagraph shall be reviewed by the Member States at the latest within one year of [date of entry into force of this Directive], except where Member States

Amendment

1a. The obligations referred to in the first paragraph shall be reviewed by the Member States at the latest within one year of [date of entry into force of this Directive], except where Member States
have carried out such a review within the previous four years.

Amendment 236

Proposal for a directive
Article 106 – paragraph 1 b (new)

Text proposed by the Commission

1b. Member States may additionally impose reasonable 'must offer' entitlements, in respect of specified radio and television broadcast channels of general interest, to the undertakings subject to must-carry obligations under their jurisdiction.

Amendment 237

Proposal for a directive
Article 106 – paragraph 2

Text proposed by the Commission

(2) Neither paragraph 1 of this Article nor Article 57(2) shall prejudice the ability of Member States to determine appropriate remuneration, if any, in respect of measures taken in accordance with this Article while ensuring that, in similar circumstances, there is no discrimination in the treatment of undertakings providing electronic communications networks. Where remuneration is provided for, Member States shall ensure that it is applied in a proportionate and transparent manner.

Amendment 238

Proposal for a directive
Article 107 – paragraph 1
1. Without prejudice to Article 83(2), Member States shall ensure that national regulatory authorities are able to require all **undertakings** that provide internet access services and/or publicly available number-based interpersonal communications services to make available all or part of the additional facilities listed in Part B of Annex VI, subject to technical feasibility and economic viability, as well as all or part of the additional facilities listed in Part A of Annex VI.

**Amendment 239**

**Proposal for a directive**
**Article 107 – paragraph 2**

*Text proposed by the Commission*

2. A Member State **shall** waive paragraph 1 in all or part of its territory if it considers, after taking into account the views of interested parties, that there is sufficient access to these facilities.

*Amendment*

2. A Member State **may decide to** waive paragraph 1 in all or part of its territory if it considers, after taking into account the views of interested parties, that there is sufficient access to these facilities.

**Amendment 240**

**Proposal for a directive**
**Annex I – part A – point 4**

*Text proposed by the Commission*


*Amendment*

4. deleted
Amendment 241
Proposal for a directive
Annex V – subheading 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF SERVICES WHICH THE FUNCTIONAL INTERNET ACCESS SERVICE SHALL BE CAPABLE OF SUPPORTING IN ACCORDANCE WITH ARTICLE 79(2)</td>
<td>LIST OF SERVICES WHICH THE INTERNET ACCESS SERVICE IN ACCORDANCE WITH ARTICLE 79(2) SHALL BE CAPABLE OF SUPPORTING</td>
</tr>
</tbody>
</table>

Justification

Aligns the title to the removal of the word 'functional' from the text

Amendment 242
Proposal for a directive
Annex VI – part A – point a – paragraph 1 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Such itemised bills shall include an explicit mention of the identity of the supplier, the typology and the duration of the services charged by any premium numbers to the end-user.</td>
<td></td>
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</table>

Amendment 243
Proposal for a directive
Annex VI – part A – point a – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calls which are free of charge to the calling end-users, including calls to helplines, are not to be identified in the calling end user's itemised bill.</td>
<td>Calls which are free of charge to the calling end-users, including calls to helplines, are not to be identified in the calling end user's itemised bill, but may be made available through other means, such as online interfaces.</td>
</tr>
</tbody>
</table>
Justification

while it should not be in the itemised bill, it can be made available to end-users via a website, for example.

Amendment 244
Proposal for a directive
Annex VI – part A – point a – paragraph 3 a (new)

Text proposed by the Commission

National regulatory authorities may require operators to provide calling-line identification (CLI) free of charge.

Amendment

It should be free of charge

Amendment 245
Proposal for a directive
Annex VII – title 1

Text proposed by the Commission

CALCULATING THE NET COST, IF ANY, OF UNIVERSAL SERVICE OBLIGATIONS AND ESTABLISHING ANY RECOVERY OR SHARING MECHANISM IN ACCORDANCE WITH ARTICLES 84 AND 85

Amendment

CALCULATING THE NET COST, IF ANY, OF UNIVERSAL SERVICE OBLIGATIONS IN ACCORDANCE WITH ARTICLES 84 AND 85

Amendment 246
Proposal for a directive
Annex VII – subtitle 1 a (new)

Text proposed by the Commission

PART A: CALCULATION OF NET COST

Amendment
Amendment 247
Proposal for a directive
Annex VII – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

PART B: RECOVERY OF ANY NET COSTS OF UNIVERSAL SERVICE OBLIGATIONS

The recovery or financing of any net costs of universal service obligations requires designated undertakings with universal service obligations to be compensated for the services they provide under non-commercial conditions. Because such a compensation involves financial transfers, Member States are to ensure that these are undertaken in an objective, transparent, non-discriminatory and proportionate manner. This means that the transfers result in the least distortion to competition and to user demand.

In accordance with Article 85(3), a sharing mechanism based on a fund should use a transparent and neutral means for collecting contributions that avoids the danger of a double imposition of contributions falling on both outputs and inputs of undertakings.

The independent body administering the fund is to be responsible for collecting contributions from undertakings which are assessed as liable to contribute to the net cost of universal service obligations in the Member State and is to oversee the transfer of sums due and/or administrative payments to the undertakings entitled to receive payments from the fund.

Amendment 248
Proposal for a directive
Annex VIII – paragraph 1
The national regulatory authority has a responsibility to ensure that the information in this Annex is published, in accordance with Article 96. It is for the national regulatory authority to decide which information is to be published by the undertakings providing publicly available electronic communications services, except number-independent interpersonal communications services and which information is to be published by the national regulatory authority itself, so as to ensure that consumers are able to make informed choices. If deemed appropriate, national regulatory authorities may promote self- or co-regulatory measures prior to imposing any obligation.

**Amendment 249**

**Proposal for a directive**  
Annex VIII – point 2 – point 2.1

2.1. Scope of the services offered and the main characteristics of each service provided, including any minimum service quality levels offered and any restrictions imposed by the provider on the use of terminal equipment supplied.

**Amendment**

2.1. Scope of the services offered and the main characteristics of each service provided, including any minimum service quality levels offered and any restrictions imposed by the provider on the use of terminal equipment supplied, and accessible information about the functioning of the service and its accessibility characteristics and facilities.

**Justification**

Includes coverage for persons with disabilities

**Amendment 250**

**Proposal for a directive**  
Annex VIII – point 2 – point 2.2
2.2. Tariffs of the services offered, including information on communications volumes of specific tariff plans and the applicable tariffs for additional communication units, numbers or services subject to particular pricing conditions, charges for access and maintenance, all types of usage charges, special and targeted tariff schemes and any additional charges, as well as costs with respect to terminal equipment.

**Justification**

As 'volumes' is not defined, general examples are needed in order to mirror the text of Article 95

**Amendment 251**

Proposal for a directive
Annex VIII – point 2 – point 2.5

Text proposed by the Commission

2.5. If the undertaking is a provider of number-based interpersonal communications services, information on access to emergency services and caller location information.

Amendment

2.5. **Provide end-users with information on access to emergency services and caller location.** If the undertaking is a provider of number-based interpersonal communications services, information on access to or on any limitations on the provision of emergency services and caller location information.

**Amendment 252**

Proposal for a directive
Annex VIII – point 2 – point 2.6

Text proposed by the Commission

2.6. Details of products and services designed for **disabled users.**

Amendment

2.6. Details of products and services designed for **users with disabilities,**
including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations.

Justification

Based on the wording of the EAA Directive on telecoms, Annex I.

Amendment 253

Proposal for a directive
Annex VIII – point 2 – point 2.6 a (new)

Text proposed by the Commission

Amendment

2.6a. Accessible information to facilitate complementarities with assistive services.

Justification

Based on the wording of the EAA Directive on telecoms

Amendment 254

Proposal for a directive
Annex IX – table 3

Text proposed by the Commission

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>DEFINITION</th>
<th>MEASUREMENT METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jitter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packet loss</td>
<td></td>
<td></td>
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</tbody>
</table>

Amendment

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>DEFINITION</th>
<th>MEASUREMENT METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latency (delay)</td>
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<td>ITU-T Y.2617</td>
</tr>
<tr>
<td>Jitter</td>
<td>ITU-T Y.2617</td>
<td>ITU-T Y.2617</td>
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<tr>
<td>Packet loss</td>
<td>ITU-T Y.2617</td>
<td>ITU-T Y.2617</td>
</tr>
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</table>
Amendment 255
Proposal for a directive
Annex X – title 1

Text proposed by the Commission

INTEROPENERABILITY OF DIGITAL CONSUMER EQUIPMENT REFERRED TO IN ARTICLE 105

Amendment

INTEROPENERABILITY OF CONSUMER EQUIPMENT REFERRED TO IN ARTICLE 105

Amendment 256
Proposal for a directive
Annex X – point 2 – paragraph 1

Text proposed by the Commission

Any digital television set with an integral screen of visible diagonal greater than 30 cm which is put on the market for sale or rent in the Union is to be fitted with at least one open interface socket (either standardised by, or conforming to a standard adopted by, a recognised European standards organisation, or conforming to an industry-wide specification) permitting simple connection of peripherals, and able to pass all relevant elements of a digital television signal, including information relating to interactive and conditionally accessed services.

Amendment

Any digital television set with an integral screen of visible diagonal greater than 30 cm which is put on the market for sale or rent in the Union is to be fitted with at least one open interface socket (either standardised by, or conforming to a standard adopted by, a recognised European standards organisation, or conforming to an industry-wide specification) permitting simple connection of peripherals, and able to pass all relevant elements of a digital television signal, including information relating to interactive and conditionally accessed services. Terminal equipment of digital television sets needs to be interoperable where technically feasible so that it can be easily reusable with other providers.

Amendment 257
Proposal for a directive
Annex X – point 2 a (new)

2a. FUNCTIONALITY FOR RADIO SETS
Any radio set which is put on the market in the Union from [date of transposition] shall be capable of receiving digital and analogue terrestrial radio broadcasts. This paragraph shall not apply to low value, small consumer radio equipment or products where a receiver is purely ancillary. It shall also not apply to radio equipment used by radio amateurs within the meaning of Article 1, definition 56, of the International Telecommunications Union (ITU) Radio Regulations.
## PROCEDURE – COMMITTEE ASKED FOR OPINION

<table>
<thead>
<tr>
<th>Title</th>
<th>European Electronic Communications Code (Recast)</th>
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<tbody>
<tr>
<td>Committee responsible</td>
<td>ITRE</td>
</tr>
<tr>
<td>Date announced in plenary</td>
<td>24.10.2016</td>
</tr>
<tr>
<td>Opinion by</td>
<td>IMCO</td>
</tr>
<tr>
<td>Date announced in plenary</td>
<td>24.10.2016</td>
</tr>
<tr>
<td>Associated committees - date announced in plenary</td>
<td>16.3.2017</td>
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<tr>
<td>Rapporteur</td>
<td>Dita Charanzová</td>
</tr>
<tr>
<td>Date appointed</td>
<td>11.10.2016</td>
</tr>
<tr>
<td>Date adopted</td>
<td>4.9.2017</td>
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| Result of final vote | +: 31
-: 1
0: 2 |
| Members present for the final vote | Dita Charanzová, Carlos Coelho, Anna Maria Corazza Bildt, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, John Flack, Evelyne Gebhardt, Liisa Jaakonsaari, Philippe Juvin, Morten Løkkegaard, Marlene Mizzi, Jiří Pospíšil, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Jasenko Selimovic, Ivan Štefanec, Richard Sulík, Róza Gräfin von Thun und Hohenstein, Mylène Troszczyńska, Marco Zullo |
| Substitutes present for the final vote | Birgit Collin-Langen, Julia Reda, Marc Tarabella, Lambert van Nistelrooij |
| Substitutes under Rule 200(2) present for the final vote | Jonathan Arnott, Paul Brannen, Isabella De Monte, Karoline Graswander-Hainz, Dennis Radtke, Esther de Lange |
### FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<table>
<thead>
<tr>
<th>31</th>
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<tr>
<td>ALDE</td>
<td>Dita Charanzová, Morten Løkkegaard, Jasenko Selimovic</td>
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<tr>
<td>ECR</td>
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<td>EFDD</td>
<td>Marco Zullo</td>
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<tr>
<td>PPE</td>
<td>Carlos Coelho, Birgit Collin-Langen, Anna Maria Corazza Bildt, Philippe Juvin, Jiří Pospíšil, Dennis Radtke, Andreas Schwab, Ivan Štefanec, Róža Gráfin von Thun und Hohenstein, Esther de Lange, Lambert van Nistelrooij</td>
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<tr>
<td>S&amp;D</td>
<td>Paul Brannen, Nicola Danti, Isabella De Monte, Evelyne Gebhardt, Karoline Graswander-Hainz, Liisa Jaakonsaari, Marlene Mizzi, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Marc Tarabella</td>
</tr>
<tr>
<td>Verts/ALE</td>
<td>Pascal Durand, Julia Reda</td>
</tr>
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</table>

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<tr>
<td>GUE/NGL</td>
<td>Dennis de Jong</td>
</tr>
</tbody>
</table>

**Key to symbols:**
+ : in favour
- : against
0 : abstention