

WRITTEN QUESTION P-0360/04
by Benedetto Della Vedova (NI)
to the Commission

Subject: Failure to include directory services among universal service obligations

In September 2003 the Italian Government issued a legislative decree approving the 'Electronic Communications Code', which transposes into national law Directives 2002/19/EC¹ (Access Directive), 2002/20/EC² (Authorisation Directive), 2002/21/EC³ (Framework Directive) and 2002/22/EC⁴ (Universal Service Directive).

However, under the terms of the 'Code':

- (a) the directory service (known in Italy as 'Service 12', provided by Telecom Italia) is not included among the services supplied as part of the universal service (Article 55 of the Code);
- (b) the periodic review of the services to be included in the universal service is carried out by the Government, following consultation of the Telecommunications Authority (Article 65 of the Code).

- Articles 5 and 25 of the Universal Service Directive (2002/22/EC) provide for the inclusion of directory inquiry services among universal service obligations (this was reiterated, with reference to the '12' service, by the Italian Communications Authority in its decision 103/03/CONS of April 2003); and Article 3 therefore stipulates that Member States will ensure that such services are made available 'at the quality specified to all end-users in their territory, independently of geographical location, and, in the light of specific national conditions, at an affordable price'.

- Article 15 of Directive 2002/22/EC stipulates that the Commission (and not the national governments) will be responsible for carrying out a periodic review of the scope of universal service, in the light of social, economic and technological developments.

- The seriousness of the problem referred to in point (a) above is highlighted by the fact that it has caused a steady increase in the cost of the '12' service between November and January, and almost a doubling of costs for residential users.

Does the Commission not consider, in view of the information given in points (a) and (b) above, that the 'Electronic Communications Code' contravenes the Universal Service Directive (2002/22/EC)?

¹ OJ L 108, 24.4.2002, p. 7.

² OJ L 108, 24.4.2002, p. 21.

³ OJ L 108, 24.4.2002, p. 33.

⁴ OJ L 108, 24.4.2002, p. 51.