

# The new EU Telecoms package: strengthening the rules on consumer protection

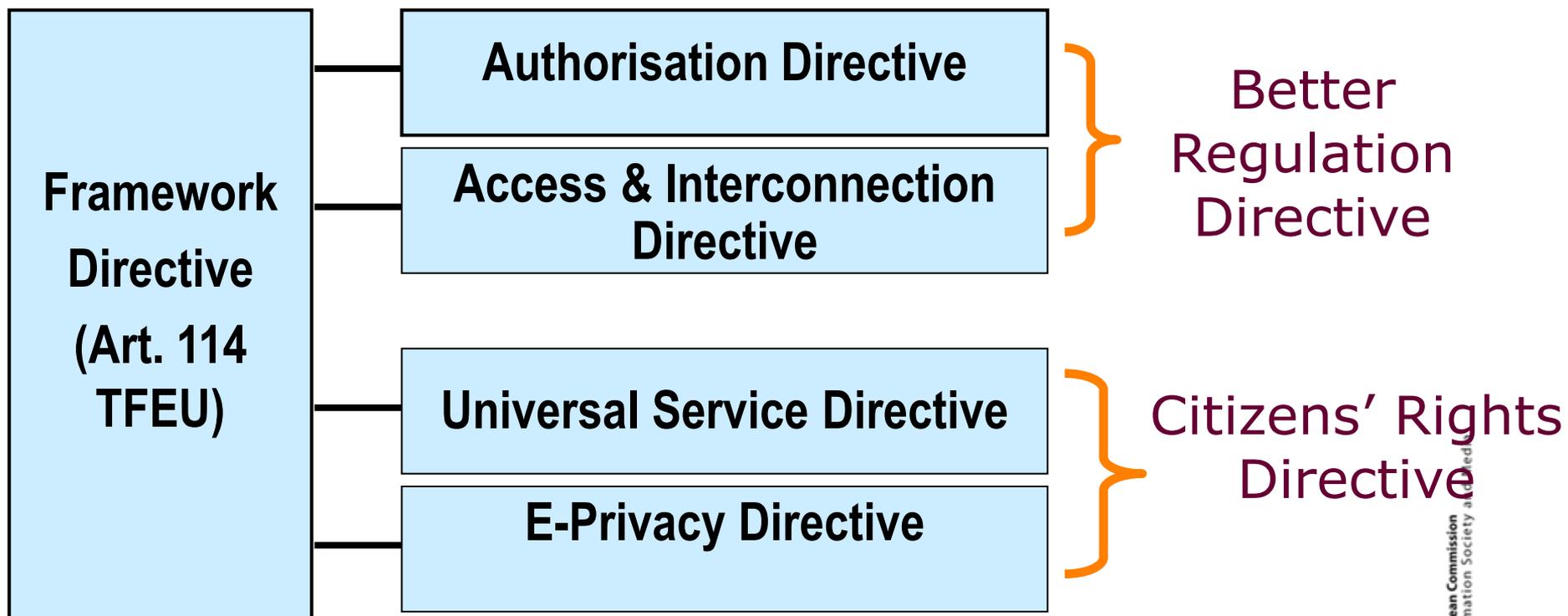
29 November 2010

*Merijn Schik  
Member of Cabinet, Commissioner Kroes  
Vice-President, responsible for the Digital Agenda*



# The review of the EU telecom framework (25.11.2009)

**BEREC Regulation**



# The current telecoms rules (USD and ePrivacy Directive)

## *Provision of universal service*

- i.e. basic set of services of reasonable quality at affordable prices regardless of geographical location.
- This must include the possibility to access emergency services, and also enable people with disabilities or specific needs to access telecom services.



# The current telecoms rules

## Ensure interests and rights

- To receive a written contract including specific details, in particular on tariffs and costs, with the possibility to break the contract if the supplier changes the terms
- Transparency and up-to date information of telecoms services
- Access to emergency numbers (112)
- Number portability
- Access to out of court dispute resolution mechanism



# The current telecom rules

## End user privacy and security of networks

- Telecommunication service providers and operators to ensure that their networks and services are secure.
- High standards of data protection for personal data stored or transmitted over the telecommunication network
- Protection against spam
- Procedures to protect users identity (non itemised bills, calling line identification)



# The new rules: Universal service obligations

- Some modifications but no change to concept, financing, costing, mechanism, etc.
- Flexibility for MS to upgrade to broadband (Recital 5)
  - Data connection at satisfactory data rates
  - Prevailing bandwidth used by the majority of subscribers
  - Technological feasibility
- Disabled: MS shall take measures allowing access to services
- Separation of connection and services

USD Revision ongoing



# Contracts and transparency

- Better information on supply conditions
  - quality of services provided
  - access to emergency services
  - conditions limiting access to services or applications
  - traffic management procedures
  - restriction on terminal equipment supplied
  - renewal/termination conditions
- Improved comparability of tariffs



# Emergency calls

- Access to all emergency services to be provided by all undertakings originating calls to the public network
- Strengthened provision of caller location information to emergency authorities
- Appropriate answering and handling of calls by emergency call centers – parity with calls to national emergency numbers
- Better access to emergency services for disabled users
- More publicity for the European emergency number 112



# Number portability

- Porting of numbers and their subsequent activation within one working day (“subscribers who have concluded an agreement”)
- Conditions and procedure should not represent disincentive to change of supplier
- Contracts not exceeding 24 months (but also max. 12 month contract to be offered)
- Protection against ‘slamming’



# Net neutrality

## Existing rules

- Competitive market
- Rules on SMP operators
- End-to-end connectivity

## With the review

- Consumer transparency
- Quality of service – supervision by NRAs

Report on NN by the end of this year



# Copyright and telecoms

- Information to consumers on consequences of copyright infringements/dissemination of harmful content
- MS may require undertakings to distribute standard information on uses of electronic communications to engage in unlawful activities
- measures taken by Member States regarding access to or use of services and applications through telecoms networks must respect the fundamental rights and freedoms of citizens

# Personal data breach notification

- Scope limited to eCommunications service providers: telcos, mobile, ISPs
- All breaches notified without undue delay to the competent national authority
  - Notification to the subscriber or individual: only when a breach is likely to adversely affect the personal data or privacy of a subscriber or individual
- No notification to subscriber if provider has implemented appropriate protection measures (encryption)



# Spam: right of action

- Any natural or legal person adversely affected by spam (including phishing)
  - Including an electronic communications service provider protecting its legitimate business interests
- Stronger enforcement through the Consumer protection network



# Malware, spyware, “cookies”

- All means of installation covered (e.g. CD-ROMs, USB keys, etc.)
- Principle of transparency
- “Consent”
- Recital 66: proportionality, user-friendliness, browser settings



For more information

EU regulatory framework

[http://ec.europa.eu/information\\_society/policy/ecommm/current/index\\_en.htm](http://ec.europa.eu/information_society/policy/ecommm/current/index_en.htm)

