

Electronic communications: universal service, users' rights relating to networks and services, processing of personal data, protection of privacy, consumer protection cooperation.

'Telecoms Package'

2007/0248(COD) - 16/02/2009 - Council position

The Common Position incorporates all, part or the thrust of a large number of amendments adopted at first reading by the European Parliament (87 of a total of 155).

The Council, like the European Parliament, has opted for an approach emphasising the importance of facilitating access for disabled end-users. It also agrees with the European Parliament regarding a specific article on harmonised numbers for harmonised services of social value, even if the level of detail decided on by the Council is not totally in line with the Parliament's view.

One overall difference compared with the Commission proposal concerns the question of committee procedure and references to the authority. Another overall difference, this time compared with the European Parliament's position, concerns references to the content. In both cases, the number of such references has been reduced to a minimum. Moreover, the Council has added or modified a number of provisions in order to clarify the text's objectives and their implementation.

The Council's Common Position is largely in line with that of the European Parliament. The most important points on which the Council has opted for an approach differing from that of the European Parliament or the Commission are indicated hereafter:

Contracts: the Council endorsed the general approach of the Commission proposals but, in agreement here with the European Parliament, thought it necessary to increase the level of detail in the information to be provided in contracts, particularly as regards service-quality indicators, customer services and conditions governing the minimum duration of contracts in the case of promotions.

Quality of service: the chief question examined by the Council was that of the level and nature of Commission intervention. The approach adopted is to leave it up to the NRAs to determine the minimum quality requirements for service involving undertakings which provide public communication networks.

Notification of breaches of security: the Council opted for an approach enabling the provider of an electronic communication service accessible to the public to assess the seriousness of the breach and the need to notify the NRA and/or the subscriber concerned, contrary to the European Parliament which would not like to leave such assessment entirely up to the discretion of the provider and would prefer to make notification to the NRA compulsory in all cases together with publication of the breaches committed. To ensure an appropriate level of harmonisation, the Council is making it compulsory for Member States to see that the NRAs are able to issue detailed rules concerning the circumstances, format and procedures applicable to the information and notification requirements relating to breaches of personal data.