European Electronic Communications Code. Recast

2016/0288(COD) - 23/10/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Pilar del CASTILLO VERA (EPP, ES) on the proposal for a directive of the European Parliament and of the Council establishing the European Electronic Communications Code (EECC) (recast).

The Committee on the Internal Market and Consumer Protection, exercising its prerogative as an associated committee in accordance with Article 54 of the Rules of Procedure, also gave its opinion on the report.

The committee recommended that the European Parliament adopt its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

The Consultative Working Party stated that the Commission proposal does not include any substantive amendments other than those identified as such in the proposal. It is limited to a straightforward codification of the existing texts, without any change in their substance.

The main amendments to the proposal concern, inter alia, the following points:

Universal access: Member States shall ensure that citizens of the Union have universal access to a wide range of information and high-quality and public value content. The Regulation shall guarantee freedom of expression and information, media pluralism, cultural diversity, consumer protection, respect for privacy and the protection of personal data.

Providing an affordable universal service: 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. Members considered that particular attention should be paid in this context to ensure that end-users with disabilities have equivalent access.

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.

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.

Network security: in order to ensure a safeguard the security and integrity of networks and services, Members sought to promote the use of end-to-end encryption and, where necessary, mandatory in accordance with the principles of data protection by design and privacy by design. In a situation of security breach, end-users shall be informed accordingly of any potential risks and possible protective measures or remedies which they can use.

The provision of information about security risks to the subscriber should be free of charge.

Single European emergency call number (Reverse 112 system): 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.

Rights of use for radio spectrum: the granting of rights of use for radio spectrum for 25 years or more shall be subject to conditions aimed at ensuring that general interest objectives, such as efficient and effective use and considerations relating to public order, security and defence, are safeguarded. Such rights of use shall therefore be subject to a mid-term assessment after no longer than ten years.

Public buildings and public infrastructure: these are visited and used daily by a significant number of end-users who need connectivity to access eGovernance, eTransport and other services. To ensure that public buildings can be used for very high capacity networks, Members proposed adding an access requirement for the deployment of small-cells.

Independence of national regulatory authorities: Member States shall ensure that national regulatory authorities are legally distinct and functionally independent from the industry and government in that they neither seek nor take instructions from any body, they operate in a transparent and accountable manner and have sufficient powers.

Continuous assessment: to encourage progress towards the achievement of the general objectives of this Directive, Members proposed putting in place a robust system of continuous assessment and benchmarking of Member States with respect to the availability of very high capacity connectivity in schools, transport hubs and major providers of public services, and highly digitized business, uninterrupted 5G coverage for urban areas and major terrestrial transport paths and the availability of electronic communications networks which are capable of providing at least 100 Mbps, and which are promptly upgradeable to gigabit speeds, to all households in each Member State.

To that end, the Commission shall present detailed policy orientations, establishing methods and objective, concrete and quantifiable criteria for benchmarking the effectiveness of measures adopted by Member States.