



**2016/0288(COD)**

05.07.2017

# **COMPROMISE AMENDMENTS**

## **16-**

**Draft opinion**  
**Dita Charanzová**  
(PE602.838v010-00)

European Electronic Communications Code (Recast)

Proposal for a directive  
(COM(2016)0590 – C8-0379/2016 – 2016/0288(COD))

AM\_Com\_LegCompr

## **Amendment 16**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including AM 95, 523-525

### **Proposal for a directive**

#### **Article 92**

##### *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.

Or. en

## **Amendment 17A**

**Rapporteur, S&D, ALDE, GUE, Greens/EFA, EFDD**

Compromise amendment replacing all relevant amendments, including AM 96, 526-529

### **Proposal for a directive**

#### **Article 92a**

##### *Text proposed by the Commission*

##### *Amendment*

##### ***Article 92a***

##### ***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 mobile 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.*

Or. en

**Alternative Compromise Amendment 17B  
EPP, ALDE**

Compromise amendment replacing all relevant amendments, including AM 96, 526-529

**Proposal for a directive  
Article 92a**

*Text proposed by the Commission*

*Amendment*

**Article 92a**

***Intra-Union calls***

***1. If an evidence based comprehensive market assessment by the European Commission shows the market is not functioning correctly due to a lack of competition, the Commission will, without delay, take measures to ensure that providers of publicly available number based interpersonal communications services shall not apply tariffs to intra-Union fixed and mobile communications services termination in another Member State that are different from tariffs for services terminating in the same Member State, unless the provider demonstrates the existence of materially relevant costs***

*that are objectively justified.*

*2. In that case, the Commission shall specify, by means of an implementing act, the methodology to be used for the purpose of determining the materially relevant costs that are objectively justified pursuant to paragraph 1. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011.*

Or. en

#### **Amendment 18**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including AM 99, 531-534

#### **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*

Member States shall not maintain or introduce in their national law end-user protection provisions **or general authorisation conditions** 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.

Or. en

#### **Amendment 19**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including AM 100-109, AM 536-591

#### **Proposal for a directive**

**Article 95**

Article 95

Information requirements for contracts

Information requirements for contracts

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:

(a) as part of the main characteristics of each service provided:

(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,
- for publicly available

**–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/ without prejudice to] the information requirements laid down in Directive 2011/83/EU. 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.**

1. Before a consumer is bound by a contract or any corresponding offer **which is [subject to remuneration]**, providers of **internet access** services, publicly available interpersonal communications services **and services consisting in the transmission of broadcasting signals**<sup>1</sup>, shall provide, **where applicable, the following information to the consumer, to the extent that such information pertains to a service they provide.**

(a) as part of the main characteristics of each service provided:

(i) any minimum service quality levels to the extent that these are offered, and in accordance with BEREC guidelines to be adopted **pursuant to 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

1 Commission proposal for alternative wording : **“transmission services used for broadcasting”**. Proposal to discuss and resolve at technical level, following overall decision at Shadow meeting. Applies throughout text.

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,

(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;

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

(c) as part of the information on price:

(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,

number-based interpersonal communications services: at least the time for the initial connection, failure probability, call signalling delays ***in accordance with Annex IX of this Directive*** 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.***

(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;***

(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 takes place due to known software or hardware vulnerabilities for which patches have been issued by the manufacturer or developer and the service providers has not applied those patches or taken any other appropriate counter-measure***

(c) as part of the information on ***price and means of remuneration:***

(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,

**(ia) 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,**

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

**(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;**

(ii) tariff information regarding any numbers or services subject to particular pricing conditions; with respect to individual categories of services, NRAs may require such information to be provided immediately prior to connecting the call,

(iii) for bundled services and bundles including both services and equipment the price of the individual elements of the bundle to the extent they are also marketed separately,

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

(v) the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

(d) as part of the information on the duration of the contract and the conditions for renewal and termination of the contract:

(i) any minimum usage or duration required to benefit from promotional terms,

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

(ii) tariff information regarding any numbers or services subject to particular pricing conditions; with respect to individual categories of services, NRAs may require such information to be provided immediately prior to connecting the call,

(iii) for bundled services and bundles including both services and equipment the price of the individual elements of the bundle to the extent they are also marketed separately,

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

(v) the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained

(d) as part of the information on the duration of the contract and the conditions for renewal and termination of the contract:

(i) any minimum usage or duration required to benefit from promotional terms,

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



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

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

(e) details on products and services designed for disabled end-users and how updates on this information can be obtained;

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

(g) the type of action that might be taken by the undertaking in reaction to security or integrity incidents or threats and vulnerabilities.

2. In addition to the requirements set out in paragraph 1 providers of publicly available number-based interpersonal communications services shall provide the following information in a clear and comprehensible manner:

- any constraints on access to emergency services and/or caller location information due to a lack of technical feasibility;
- the end-user's right to determine whether or not to include his or her personal data in a directory, and the types of data concerned, in accordance with Article 12 of Directive 2002/58/EC;

3. Paragraphs 1 and 2 shall apply also

switching,

(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,

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

(e) details on products and services designed for disabled end-users and how updates on this information can be obtained;

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

(g) the type of action that might be taken by the undertaking in reaction to security or integrity incidents or threats and vulnerabilities.

2. In addition to the requirements set out in paragraph 1 providers of publicly available number-based interpersonal communications services shall provide the following information in a clear and manner:

- 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**;
- the end-user's right to determine whether or not to include his or her personal data in a directory, and the types of data concerned, in accordance with Article 12 of Directive 2002/58/EC;

3. Paragraphs 1 and 2 **and 6** shall apply

to micro or small enterprises as end-users unless they have **explicitly** agreed to waive all or parts of those provisions,

4. Providers of internet access services shall provide the information mentioned in paragraphs 1 and 2 in addition to the information required pursuant to Article 4(1) of Regulation (EU) 2015/2120.

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,

(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.

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,

4. Providers of internet access services shall provide the information mentioned in paragraphs 1 and 2 in addition to the information required pursuant to Article 4(1) of Regulation (EU) 2015/2120.

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).**

Providers subject to the obligations under paragraphs 1-4 shall duly complete this contract summary template with the **required** information and provide it to consumers, **and** micro and small enterprises, **prior to the conclusion of the contract. The contract summary shall become an integral part** of the contract.

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 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 subject to the obligations under paragraphs 1-4 shall duly complete this contract summary template with the **applicable** information and provide it to consumers, micro and small enterprises **and not-for-profit organisations, where appropriate, prior to the conclusion** of the contract **or, where this is not possible, without undue delay thereafter.**

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

**6a. Member State as may maintain or introduce in their national law additional requirements applicable to internet access services and number-based interpersonal communications services and services consisting in the transmission of broadcasting signals 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.*

**Note:** proposal to vote AM 590 separately.

**Amendment 20**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including AM 110-114, AM 592-610

**Proposal for a directive**

**Article 96**

*Text proposed by the Commission*

*Amendment*

*Article 96*

*Article 96*

**Transparency, comparison of offers and publication of information**

**Transparency, comparison of offers and publication of information**

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

1. National regulatory authorities shall ensure that, ***where the provision of relevant services is subject to terms and conditions,*** the information referred to in Annex VIII is published in a clear, comprehensive, ***machine-readable*** and easily accessible form, ***including in particular for end-users with disabilities,*** by the ***providers of internet access services, providers of publicly available interpersonal communications services and services consisting in the transmission of broadcasting signals.*** ***Such information shall be updated regularly.*** National regulatory authorities may ***maintain or introduce in their national law additional requirements in relation to the transparency requirements set out in this paragraph.***

2. 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

2. 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.

The comparison tool shall:

- (a) be operationally independent by ensuring that service providers are given equal treatment in search results;
- (b) clearly disclose **their** owners and operators;
- (c) set out clear, objective criteria on which the comparison will be based;
- (d) use plain and unambiguous language;
- (e) provide accurate and up-to-date information and state the time of the last update;
- (f) include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results;
- (g) provide an effective procedure to report incorrect information.

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

**where appropriate, indicative figures addressing** the quality of service performance of different **internet access services and** publicly available **number-based** interpersonal communications services.

The comparison tool shall:

- (a) be operationally independent by ensuring that service providers are given equal treatment in search results;
- (b) clearly disclose **the** owners and operators **of the comparison tool**;
- (c) set out clear, objective criteria on which the comparison will be based;
- (d) use plain and unambiguous language;
- (e) provide accurate and up-to-date information and state the time of the last update;
- (f) include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results;
- (g) provide an effective procedure to report incorrect information

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

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

comparison tools.

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 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:

- (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
- (b) the means of protection against risks to personal security, privacy and personal data when using internet access services and publicly available number-based interpersonal communications services.

independent comparison tools.

3. Member States may require that **both national authorities and the providers of** internet access services, publicly available interpersonal communications services, **or both**, 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 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:

- (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
- (b) the means of protection against risks to personal security, privacy and personal data when using internet access services and publicly available number-based interpersonal communications services.

Or. en

**Amendment 21**  
**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including AM 115-116, 611-619

**Proposal for a directive**  
**Article 97**

*Text proposed by the Commission*

*Article 97 - Quality of service*

*Amendment*

*Article 97 - Quality of service*

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.

2. National regulatory authorities shall specify, taking utmost account of BEREC guidelines, the quality of service parameters to be measured and the applicable measurement methods, and the content, form and manner of the information to be published, including possible quality certification mechanisms. Where appropriate, the parameters, definitions and measurement methods set out in Annex shall be used.

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.

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.**

2. National regulatory authorities shall specify, taking utmost account of BEREC guidelines, the quality of service parameters to be measured and the applicable measurement methods, and the content, form and manner of the information to be published, including possible quality certification mechanisms. Where appropriate, the parameters, definitions and measurement methods set out in Annex shall be used.

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.

**Amendment 22****Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including AM 117-122, 620-637

**Proposal for a directive****Article 98***Text proposed by the Commission**Article 98 - Contract duration and termination*

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 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.

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**

*Amendment**Article 98 - Contract duration and termination*

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 access services, number-based** interpersonal communications services **and services consisting in the transmission of broadcasting signals**, do not mandate a commitment period longer than 24 months. Member States may adopt or maintain shorter maximum durations for the **contractual** commitment period. **Member States may also require that providers offer consumers the possibility to subscribe to a contract with a maximum duration of 12 months or less.**

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 **to very high capacity connectivity networks. An instalment contract for the deployment of a physical connection shall not include terminal equipment or internet access service equipment, such as a router or modem and shall not preclude consumers from exercising their rights under this Article.**

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**



***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.

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.

***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.***

***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.***

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 internet access services***, publicly available ***number-based*** interpersonal communications services ***and services consisting in the transmission of broadcasting signals***, unless the proposed changes are ***exclusively to the benefit of the end-user or are of a purely technical nature and have a neutral effect on 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 ***change in the contractual conditions***, 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 ***by the same means as the provider ordinarily uses in its communications with consumers.***

***[3 a. Any significant and detrimental discrepancy, continuous or regularly recurring, between the actual performance of number-based***

***interpersonal communications service and services consisting in the transmission of broadcasting signals 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.]***

4. Where an ***early termination of a contract on a publicly available electronic communications service by the end-user is possible in accordance with*** this Directive, other provisions of Union law or national law, no compensation shall be due by the end-user ***other than for the pro rata temporis value of subsidised equipment bundled with the contract at the moment of the contract conclusion and a pro rata temporis reimbursement for any other promotional advantages marked as such at the moment of the contract conclusion.*** 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.

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 services consisting in the transmission of broadcasting signals, 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 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.***

Or. en

Compromise amendment replacing all relevant amendments, including AM 123-130, 638-652

## Proposal for a directive

### Article 99

*Text proposed by the Commission*

*Article 99 - Change of provider and number portability*

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.

National regulatory authorities shall ensure the efficiency of the switching process for the end-user.

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*

*Article 99 - Change of provider and number portability*

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 **and simplicity** of the switching process for the end-user.

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.

**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**

3. National regulatory authorities shall ensure that pricing between operators and/or service providers related to the provision of number portability is cost-oriented, and that no direct charges are applied to end-users.

4. National regulatory authorities shall not impose retail tariffs for the porting of numbers in a manner that would distort competition, such as by setting specific or common retail tariffs.

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 conclusion of such an agreement.

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

**renounced by the end-user.**

3. National regulatory authorities shall ensure that pricing between operators and/or service providers related to the provision of number portability is cost-oriented, and that no direct charges are applied to end-users.

4. National regulatory authorities shall not impose retail tariffs for the porting of numbers in a manner that would distort competition, such as by setting specific or common retail tariffs.

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 agreed date. 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.***

**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 though 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

another provider against their will.

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.

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.

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.

***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.*

*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.*

*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.*

Or. en

#### **Amendment 24**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including AM 131-133, 653-666

#### **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**

*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

*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*.

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 offered at a special promotional price available only on the condition that the existing contract period is re-started*.

*number-based interpersonal communications service*, 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 *consumer*.

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 when subscribing to the additional services or terminal equipment*.

*2a. Providers of internet access services or of publicly available number-based interpersonal communications services shall give consumers the possibility to cancel or switch individual parts of the bundled contract.*

*2c. 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.*

*2 d. Member States may maintain or introduce in their national law additional requirements to ensure a higher level of consumer protection in relation to contracts to which paragraph 1 of this Article applies.*

Or. en

## **Amendment 25**

### **Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 135-140 667-719

**Proposal for a directive**  
**Article 102**

*Text proposed by the Commission*

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 number '112' and any national emergency number specified by Member States.

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).**

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

*Amendment*

1. 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, **or, where applicable, an [internal] emergency services**, through emergency communications free of charge and without having to use any means of payment, by using the single European emergency number '112' and any national emergency number specified by Member States..

2. Member States, in consultation with national regulatory authorities and emergency services and providers of electronic communications services, shall ensure that **providers of** 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 communication services that do not offer 112 access shall inform end-users that access to the emergency number 112 is not supported.**

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, **considering the need to handle calls in a**



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.

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 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.

5. Member States shall ensure that caller location information is 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

**multilingual manner**. 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.

**3 a. 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.**

4. Member States shall ensure that access for end-users **with disabilities** to emergency services is available through emergency communications and equivalent to that enjoyed by other end-users, **including through total conversation services or third-party relay services. The Commission and the national regulatory and other competent authorities shall take appropriate** measures to ensure that end-users **with disabilities can** access emergency services **on an equivalent basis with others**, whilst travelling in other 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.

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,**

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.

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.

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.7.

**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.

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.**

7. 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 26**  
**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments xxx

**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 system 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.**

Or. en

**Amendment 27**  
**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments xxx

**Proposal for a directive**  
**Article 102 b**

*Text proposed by the Commission*

*Amendment*

**Article 102 b**

**Missing children hotline number**

**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'.**

**2. Member States shall ensure that end-users with disabilities are able to access services provided under the number '116000' 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.**

**2a. Member States and the Commission shall ensure that citizens are adequately informed of the existence and use of services provided under the '116 000' number.**

Or. en

**NOTE: Amendment 521 would be voted as an addition.**

## **Amendment 28**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 736-741

## **Proposal for a directive**

### **Article 105**

*Text proposed by the Commission*

Interoperability of consumer digital television equipment

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

*Amendment*

Interoperability of consumer **digital radio and television equipment**

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

Or. en

**NOTE: If adopted, Amendment 283 shall be deemed adopted. Amendments 740 and 741 to be voted as additions**

## Amendment 29

Rapporteur, ALDE

Compromise amendment replacing all relevant amendments, including amendments 742-759

### Proposal for a directive

#### Article 106

##### *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.

##### *Amendment*

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 **to content and electronic programming guide for** end-users **with disabilities** and data supporting connected TV services and electronic programme guides, on undertakings under their jurisdiction providing electronic communications networks **and services** used for the distribution of radio or television broadcast channels to the public where a significant number of end-users of such networks **and services** use them as their principal means to receive radio and television broadcast channels.

***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.***

**[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.]**

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 have carried out such a review within the previous four years.

Member States shall review 'must carry' obligations at least every five years.

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.

**1b.** The obligations referred to in the first **and second paragraphs** 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.

Member States shall review 'must carry' obligations at least every five years.

2. Neither paragraph 1 of this Article nor Article 57(2) shall prejudice the ability of Member States to determine **in their legislation** 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 **and services**. **If** remuneration is **to be** provided for, **the requirement for remuneration and its amount shall be laid down by law and such remuneration shall be** applied in a proportionate and transparent manner.

Or. en

**NOTE RECITAL Compromises on 269 and 270 shall be drafted to match when this is agreed.**

### **Amendment 30**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 270,271

### **Proposal for a directive**

#### **Recital 232**

*Text proposed by the Commission*

(232) Provisions on contracts in this

*Amendment*

(232) Provisions on contracts in this

Directive should apply *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, 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.

Directive should apply **[if any payment is required of an end-user, either at the point of the start of use or potentially in the future as set out in the terms and conditions of a contract, such as via premium services or fees related to excess usage limits.]** 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 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.**

Or. en

**Amendment 31**  
**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 247

**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, BEREC should adopt guidelines on relevant quality of service parameters which national regulatory authorities should take into utmost account.

*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. 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. ***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 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.

Or. en

**Amendment 32**  
**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 42, 255, 256

**Recital 252**

*Text proposed by the Commission*

(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

*Amendment*

(252) Bundles comprising 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 and/or a number-based interpersonal communications service with different but complementary terminal equipment and services 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

locked in with a provider by means of a contractual de facto extension of the **initial** contract period.

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 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.***

Or. en

### **Amendment 33** **Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 257,258,259

### **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.

#### *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***

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.

***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.

Or. en

**Amendment 34**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 44, 260, 261

**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<sup>41</sup>.

*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, and where applicable through internal emergency services**]. 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<sup>41</sup>. **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.*

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<sup>41</sup> Regulation 2015/758/EU of the European Parliament and of the Council concerning type-approval requirements for the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC(OJ L 123, 19.5.2015, p. 77)

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<sup>41</sup> Regulation 2015/758/EU of the European Parliament and of the Council concerning type-approval requirements for the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC(OJ L 123, 19.5.2015, p. 77)

Or. en

### **Amendment 35**

#### **Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 45,262,263, 264

### **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

##### *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

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.

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. ***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 36**

#### **Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 46, 267,268,269

### **Proposal for a directive**

#### **Recital 257**

*Text proposed by the Commission*

(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 **for hearing-impaired users, text relay services, or other specific equipment**.

*Amendment*

(257) Member States should take specific measures to ensure that emergency services, including ‘112’, are equally accessible to **end-users with disabilities**, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users **through total conversation services or the use of third party relay services interoperable with the telephony networks across the EU**. This could **also** involve the provision of special terminal devices **people with disabilities when the abovementioned ways of communication are not suitable for them**.

Or. en

**Amendment 37**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 270,271

**Proposal for a directive**

**Recital 259**

*Text proposed by the Commission*

(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

*Amendment*

(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 **which includes both network-based location information and where available, enhanced handset caller location information** should comply with relevant Union law on the processing of personal data **and security measures**. Undertakings that provide network-based location should make caller location information available to emergency services as soon as the call reaches that

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.

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, *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.

Or. en

**NOTE: Rapporteur amendment 47 on Recital 260 is put to the vote**

### **Amendment 39**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 155, 573

### **Proposal for a directive**

#### **Annex VI – part 1 – subpart a**

##### *Text proposed by the Commission*

Member States are to ensure that national regulatory authorities, subject to the requirements of relevant legislation on the protection of personal data and privacy, may lay down the basic level of itemised bills which are to be provided by

##### *Amendment*

Member States are to ensure that national regulatory authorities, subject to the requirements of relevant legislation on the protection of personal data and privacy, may lay down the basic level of itemised bills which are to be provided by

undertakings to end-users free of charge in order that they can:

(i) allow verification and control of the charges incurred in using the public communications network at a fixed location and/or voice communications services, or number-based interpersonal communications services in the case of Article 107; and

(ii) adequately monitor their usage and expenditure and thereby exercise a reasonable degree of control over their bills.

Where appropriate, additional levels of detail may be offered to end-users at reasonable tariffs or at no charge.

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.

undertakings to end-users free of charge in order that they can:

(i) allow verification and control of the charges incurred in using the public communications network at a fixed location and/or voice communications services, or number-based interpersonal communications services in the case of Article 107; and

(ii) adequately monitor their usage and expenditure and thereby exercise a reasonable degree of control over their bills.

***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.***

Where appropriate, additional levels of detail may be offered to end-users at reasonable tariffs or at no charge.

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.***

Or. en

#### **Amendment 40**

#### **Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 163, 776, 777, 778, 779, 780

#### **Proposal for a directive**

#### **ANNEX X**

*Text proposed by the Commission*

INTEROPERABILITY OF **DIGITAL**

*Amendment*

INTEROPERABILITY OF CONSUMER



CONSUMER EQUIPMENT REFERRED  
TO IN ARTICLE 105

EQUIPMENT REFERRED TO IN  
ARTICLE 105

— ...

## 2. INTEROPERABILITY FOR ~~ANALOGUE AND~~ DIGITAL TELEVISION SETS

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.

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.***

### 2a. FUNCTIONALITY FOR RADIO SETS

***Any radio set which is put on the market for sale or rent or which is otherwise made available in the Union from [date of transposition] shall be capable of receiving digital terrestrial radio broadcasts. Such radio sets shall also support analogue terrestrial radio broadcasts unless clearly marked otherwise.***