



**2016/0288(COD)**

04.07.2017

# **COMPROMISE AMENDMENTS 1-15**

## **V.6.**

**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 1

Rapporteur, EPP, S&D, ECR, ALDE, GUE, Greens/EFA, EFDD

Compromise amendment replacing all relevant amendments, including amendments 58, 318, 319, 320 (on Art 2, para 1, point 21), 321-324

### Proposal for a directive

#### Article 2 – paragraph 1 – point 32

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

(32) 'voice communications' means a service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan;

##### *Amendment*

(32) 'voice communications' means ***an electronic communications*** service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, ***and comprising other means of communication as an alternative to voice communication and intended specifically for end-users with disabilities, such as total conversation services (voice, video and real time text) and text based and video based relay services;***

Or. en

## Amendment 2

Rapporteur, EPP, S&D, ECR, ALDE, GUE, Greens/EFA, EFDD

Compromise amendment replacing all relevant amendments, including amendments 59, 325, 326

### Proposal for a directive

#### Article 2 – paragraph 1 – point 35 a (new)

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

##### *Amendment*

***(35a) 'relay services' means services that enable people who are deaf or hard of hearing or who have a speech impairment, to communicate by phone through an interpreter that uses text or sign language with another person in a manner that is functionally equivalent to the ability of an individual without a disability;***

Or. en

### **Amendment 3**

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

Compromise amendment replacing all relevant amendments, including amendments 60, 327, 328

### **Proposal for a directive**

**Article 2 – paragraph 1 – point 36 a (new)**

*Text proposed by the Commission*

*Amendment*

**(36a) 'real time text' means communication using the transmission of text where characters are transmitted by a terminal as they are typed in such a way that the communication is perceived by the user as being not delayed;**

Or. en

### **Amendment 4**

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

Compromise amendment replacing all relevant amendments, including amendments 63, 335-337, 340-342

### **Proposal for a directive**

**Article 3 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular **disabled users**, elderly users and users with special social needs.

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules, **by ensuring equivalent access and choice for end-users with disabilities** and by addressing the needs, such as for affordable prices, of specific social groups, in particular **users with disabilities**, elderly users and users with special social needs.

**Amendment 5**

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

Compromise amendment replacing all relevant amendments, including amendments 71-75, 451-467

**Proposal for a directive**

**Article 79**

*Text proposed by the Commission*

*Article 79 - Affordable universal service*

1. Member States shall ensure that all **end-users** in their territory have access at an affordable price, in the light of specific national conditions, to **available functional** internet access and voice communications services at the quality specified in their territory, including the underlying connection, **at least at** a fixed location.

2. **Member States** shall define the **functional** internet access service referred to in paragraph 1 with a view to **adequately** reflect services used by the majority of **end-users** in their territory. To that end, the **functional** internet access service shall be capable of supporting the minimum set of services set out in Annex V.

*Amendment*

*Article 79 - Affordable universal service*

1. Member States shall ensure that all **consumers** in their territory have access at an affordable price, in the light of specific national conditions, to **an available broadband** internet access and voice communications services at the quality specified in their territory, including the underlying connection, a fixed location.

**1a. In addition, Member States may also ensure affordability of services not provided at a fixed location, where they deem this to be necessary to ensure a consumer's full social and economic participation in society.**

2. **In accordance with BEREC guidelines, national regulatory authorities** shall define the **minimum capability of the** internet access service referred to in paragraph 1 with a view to reflect **the** services used by the majority of **consumers at a fixed location** in their territory **or relevant parts of their territory, which are indispensable to ensure social and economic participation in society.** To that end, the internet access service shall be capable of **delivering the bandwidth necessary for** supporting **at least** the minimum set of services set out in Annex V.

**By ... [18 months after the date of entry**

*into force of this Directive], BEREC shall, in order to contribute towards a consistent application of this Article, after consulting stakeholders and in close cooperation with the Commission, taking into account available Commission (Eurostat) data, adopt guidelines which allow national regulatory authorities to define the minimum quality of service requirements, including minimum bandwidth, to support at least the minimum set of services set out in Annex V and reflecting the average bandwidth availability to the majority of the population in each Member State. Those guidelines shall be updated every two years to reflect technological advances and changes in consumer usage patterns.*

3. When *an end-user* so requests, the connection referred to in *paragraph 1* may be limited to support voice communications only.

3. When *a consumer* so requests, the connection referred to in *paragraphs 1 and 1a* may be limited to support voice communications only.

*3a. Member States may extend the provisions of this article to micro and small enterprises and not-for-profit organisations as end-users.*

Or. en

## **Amendment 6**

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

Compromise amendment replacing all relevant amendments, including amendments 76-80, 468-480

## **Proposal for a directive**

### **Article 80**

*Text proposed by the Commission*

*Amendment*

*Article 80 - Provision of affordable universal service*

*Article 80 - Provision of affordable universal service*

1. National regulatory authorities shall monitor the evolution and level of retail tariffs of services identified in Article 79(1) available on the market, in particular in relation to national prices and national

1. National regulatory authorities shall monitor the evolution and level of retail tariffs of services identified in Article 79(1) available on the market, in particular in relation to national prices and national

**end-user** income.

2. Where Member States establish that, in the light of national conditions, retail prices for services identified in Article 79(1) are not affordable, because low-income or special social needs **end-users** are prevented from accessing such services, they **may** require **undertakings which provide** such services to offer to those **end-users** tariff options or packages different from those provided under normal commercial conditions. To that end, Member States **may** require such undertakings to apply common tariffs, including geographic averaging, throughout the territory. Member States shall ensure that **end-users** entitled to such tariff options or packages have a right to contract with an undertaking providing the services identified in Article 79(1) **and** that such undertaking provides them with an adequate period of availability of a number and avoid unwarranted disconnection of service.

3. Member States shall ensure that undertakings which provide tariff options or packages to low-income or special social needs **end-users** pursuant to paragraph 2, keep the national regulatory authorities informed of the details of such offers. National regulatory authorities shall ensure that the conditions under which undertakings provide tariff options or packages pursuant to paragraph 2 are fully transparent and are published and applied in accordance with the principle of non-discrimination. National regulatory authorities may require that specific schemes be modified or withdrawn.

4. Member States may, in the light of national conditions, ensure that support is provided to low-income or special social needs **end-users** in view of ensuring affordability of **functional** internet access and voice communications services at least

**consumer** income.

2. Where Member States establish that, in the light of national conditions, retail prices for services identified in Article 79(1) are not affordable, because low-income or special social needs **consumer** are prevented from accessing such services, they **shall** require **providers of** such services to offer to those **consumers** tariff options or packages different from those provided under normal commercial conditions. To that end, Member States **shall** require such undertakings to apply common tariffs, including geographic averaging, throughout the territory. Member States shall ensure that **consumers** entitled to such tariff options or packages have a right to contract with an undertaking providing the services identified in Article 79(1). **Member States shall also ensure** that such undertaking provides them with an adequate period of availability of a number and avoid unwarranted disconnection of service.

3. Member States shall ensure that undertakings which provide tariff options or packages to low-income or special social needs **consumers** pursuant to paragraph 2, keep the national regulatory authorities informed of the details of such offers. **Without prejudice on the freedom of the consumer to choose any provider,** national regulatory authorities shall ensure that the conditions under which undertakings provide tariff options or packages pursuant to paragraph 2 are fully transparent and are published and applied in accordance **with Article 92 and** with the principle of non-discrimination. National regulatory authorities may require that specific schemes be modified or withdrawn.

4. Member States may, in the light of national conditions, ensure that **further** support is provided to low-income or special social needs **consumers** in view of ensuring affordability of internet access and voice communications services **at least**

at a fixed location.

5. Member States shall ensure, in the light of national conditions, that support is provided as appropriate to **end-users** with disabilities, **or** that other specific measures are taken, in view of ensuring that related terminal equipment, specific equipment and specific services enhancing equivalent access are affordable.

6. When applying this Article, Member States shall seek to minimise market distortions.

at a fixed location. ***In addition, Member States may also ensure support is provided to low-income or special social needs consumers for mobile services, where they deem this to be necessary to ensure a consumer's full social and economic participation in society.***

5. Member States shall ensure, in the light of national conditions, that support is provided as appropriate to **consumers** with disabilities, **and** that other specific measures are taken, in view of ensuring that related terminal equipment **is accessible for persons with disabilities, and** specific equipment and specific services enhancing equivalent access are **available and** affordable. ***The average cost of the relay services for consumers with disabilities shall be equivalent to that of voice communication services pursuant to Article 79.***

6. When applying this Article, Member States shall seek to minimise market distortions.

***6a. Member States may extend the provisions of this article to micro and small enterprises and not-for-profit organisations as end-users.***

Or. en

## **Amendment 7**

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

Compromise amendment replacing all relevant amendments, including amendments 81-84, 481-493

## **Proposal for a directive**

### **Article 81**

*Text proposed by the Commission*

*Article 81 - Availability of universal service*

1. Where a Member State has **duly demonstrated, account taken** of the results

*Amendment*

*Article 81 - Availability of universal service*

1. Where a Member State has **established, taking into account** of the



of the geographical survey conducted in accordance with Article 22(1), that the availability at a fixed location of **functional** internet access service as defined in accordance with Article 79(2) and of voice communications service cannot be ensured under normal commercial circumstances or through other potential public policy tools, it may impose appropriate universal service obligations to meet all reasonable requests for accessing those services in its territory.

2. Member States shall determine the most efficient and appropriate approach for ensuring the availability at a fixed location of **functional** internet access service as defined in accordance with Article 79(2) and of voice communications service, whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality. They shall seek to minimise market distortions, in particular the provision of services at prices or subject to other terms and conditions which depart from normal commercial conditions, whilst safeguarding the public interest.

3. In particular, where Member States decide to impose obligations to ensure the availability at a fixed location of **functional** internet access service as defined in accordance with Article 79(2) and of voice communications service, they may designate one or more undertakings to guarantee the availability at a fixed location of functional internet access service as identified in accordance with Article 79(2) and of voice communications service in order to cover all the national territory. Member States may designate different undertakings or sets of undertakings to provide **functional** internet

results of the geographical survey, **where available**, conducted in accordance with Article 22(1), **or where the national regulatory authority is satisfied with alternative evidence**, that the availability at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service cannot be ensured under normal commercial circumstances or through other potential public policy tools **in its national territory or different parts thereof**, it may impose appropriate universal service obligations to meet all reasonable requests for accessing those services in **the relevant parts of** its territory.

2. Member States shall determine the most efficient and appropriate approach for ensuring the availability at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service, whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality. **This may include making available internet access service and voice communications service through wired or wireless technologies.** They shall seek to minimise market distortions, in particular the provision of services at prices or subject to other terms and conditions which depart from normal commercial conditions, whilst safeguarding the public interest.

3. In particular, where Member States decide to impose obligations to ensure the availability at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service, they may designate one or more undertakings to guarantee the availability at a fixed location of functional internet access service as identified in accordance with Article 79(2) and of voice communications service in order to cover all the national territory. Member States may designate different undertakings or sets of undertakings to provide internet access and

access and voice communications services at a fixed location and/or to cover different parts of the national territory.

4. When Member States designate **undertakings** in part or all of the national territory as **undertakings** having the obligation to ensure the availability at a fixed location of **functional** internet access service as defined in accordance with Article 79(2) and of voice communications service, they shall do so using an efficient, objective, transparent and non-discriminatory designation mechanism, whereby no **undertaking** is a priori excluded from being designated. Such designation methods shall ensure that **functional** internet access and voice communications services at a fixed location are provided in a cost-effective manner and may be used as a means of determining the net cost of the universal service obligation in accordance with Article 84.

5. When **an undertaking** designated in accordance with paragraph 3 intends to dispose of a substantial part or all of its local access network assets to a separate legal entity under different ownership, it shall inform in advance the national regulatory authority in a timely manner, in order to allow that authority to assess the effect of the intended transaction on the provision at a fixed location of **functional** internet access service as defined in accordance with Article 79(2) and of voice communications service. The national regulatory authority may impose, amend or withdraw specific obligations in accordance with Article 13(2).

voice communications services at a fixed location and/or to cover different parts of the national territory.

4. When Member States designate **providers** in part or all of the national territory as **providers** having the obligation to ensure the availability at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service, they shall do so using an efficient, objective, transparent and non-discriminatory designation mechanism, whereby no **provider** is a priori excluded from being designated. Such designation methods shall ensure that internet access and voice communications services at a fixed location are provided in a cost-effective manner and may be used as a means of determining the net cost of the universal service obligation in accordance with Article 84.

5. When **a provider** designated in accordance with paragraph 3 intends to dispose of a substantial part or all of its local access network assets to a separate legal entity under different ownership, it shall inform in advance the national regulatory authority in a timely manner, in order to allow that authority to assess the effect of the intended transaction on the provision at a fixed location of internet access service as defined in accordance with Article 79(2) and of voice communications service. The national regulatory authority may impose, amend or withdraw specific obligations in accordance with Article 13(2).

Or. en

## **Amendment 8**

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

Compromise amendment replacing all relevant amendments, including amendments 85-86, 494-501

**Proposal for a directive**  
**Article 82**

*Text proposed by the Commission*

*Article 82 - Status of existing universal services*

Member States may continue to ensure the availability or affordability of other services than **functional** internet access service as defined in accordance with Article 79(2) and voice communications service at a fixed location that were in force prior to [set date], if the need for such services is **duly demonstrated** in the light of national circumstances. When Member States designate **undertakings** in part or all of the national territory for the provision of those services, Article 81 shall apply. Financing of these obligations shall comply with Article 85.

Member States shall review the obligations imposed pursuant to this Article **at the latest** 3 years after the entry into force of this Directive and thereafter once every **year**.

*Amendment*

*Article 82 - Status of existing universal services*

**1.** Member States may continue to ensure the availability or affordability of other services than internet access service as defined in accordance with Article 79(2) and voice communications service at a fixed location that were in force prior to [set date], if the need for such services is **established** in the light of national circumstances. When Member States designate **providers** in part or all of the national territory for the provision of those services, Article 81 shall apply. Financing of these obligations shall comply with Article 85.

**2.** Member States shall review the obligations imposed pursuant to this Article **by ... [3 years after the entry into force of this Directive]** and thereafter **at least every three years**.

Or. en

**Amendment 9**

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

Compromise amendment replacing all relevant amendments, including amendments 502-511

**Proposal for a directive**  
**Article 85**

*Text proposed by the Commission*

*Article 85 - Financing of universal service obligations*

Where, on the basis of the net cost calculation referred to in Article 84, national regulatory authorities find that an undertaking is subject to an unfair burden, Member States shall, upon request from the

*Amendment*

*Article 85 - Financing of universal service obligations*

**1.** Where, on the basis of the net cost calculation referred to in Article 84, national regulatory authorities find that an undertaking is subject to an unfair burden, Member States shall, upon request from the

undertaking concerned, decide to introduce a mechanism to compensate that undertaking for the determined net costs under transparent conditions from public funds. ***Only the net cost, as determined in accordance with Article 84, of the obligations laid down in Articles 79, 81 and 82 may be financed.***

undertaking concerned, decide to introduce a mechanism to compensate that undertaking for the determined net costs under transparent conditions from public funds.

***1a. By way of exception to paragraph 1, Member States may adopt or maintain a mechanism to share the net cost of universal service obligations stemming from the obligations set out in Article 81 between providers of electronic communications networks and services and those undertakings providing information society services as defined in Directive 2000/31/EC.***

***1b. Member States adopting or maintaining such a mechanism shall review its functioning at least every three years in order to determine which net costs should continue to be shared under the mechanism and those which should be transferred to compensation from public funds.***

***1c. Only the net cost, as determined in accordance with Article 84, of the obligations laid down in Articles 79, 81 and 82 may be financed.***

***1d. Where the net cost is shared under paragraph 1a, Member States shall ensure that a sharing mechanism is in place, administered by the national regulatory authority or a body independent from the beneficiaries under the supervision of the national regulatory authority.***

***1e. A sharing mechanism shall respect the principles of transparency, least market distortion, non-discrimination and proportionality, in accordance with the principles of Annex IV, Part B. Member States may choose not to require contributions from certain types of undertaking or from undertakings whose national turnover is less than a set limit.***

***1f. Any charges related to the sharing of the cost of universal service obligations shall be unbundled and identified separately for each undertaking. Such charges shall not be imposed or collected from undertakings that are not providing services in the territory of the Member State that has established the sharing mechanism.***

Or. en

## **Amendment 10**

**Rapporteur, EPP, ECR, ALDE, Greens/EFA**

Compromise amendment replacing all relevant amendments, including amendments 142-147, 725-734

### **Proposal for a directive**

#### **Article 103**

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

Equivalent access and choice for ***disabled end-users***

1. Member States shall ensure that the competent authorities specify, ***where appropriate***, requirements to be met by ***undertakings providing*** publicly available electronic communications services to ensure that ***disabled*** end-users:

(a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users; and

##### *Amendment*

Equivalent access and choice for ***end-users with disabilities***

1. Member States shall ensure that the competent authorities specify requirements to be met by ***providers of*** publicly available electronic communications services to ensure that end-users ***with disabilities***:

(a) have access to electronic communications services, ***including the related contractual information provided pursuant to Article 95***, equivalent to that enjoyed by the majority of end-users; and

***Member States shall also ensure that providers of publicly available electronic communications services take the necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable and robust.***

***1a. To that end, Member States shall ensure, to the extent that this does not impose a disproportionate burden on providers of terminal equipment and of***

*electronic communication services, and of special equipment offering the necessary services and functions intended specifically for end-users with disabilities. The assessment of what is considered a disproportionate burden shall follow the procedure set out in article 12 of Directive xxx/YYYY/EU.*

2. In taking **the** measures referred to in paragraph 1, Member States shall encourage compliance with the relevant standards or specifications published in accordance with Article 39.

2. In taking measures referred to in paragraph 1, Member States shall encourage compliance with the relevant standards or specifications published in accordance with Article 39.

*Insofar as the provisions of this Article conflict with the provisions of Directive xxx/YYYY/EU of the European Parliament and of the Council<sup>1</sup>, the provisions of Directive xxx/YYYY/EU shall prevail.*

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<sup>1</sup> *Directive xxx/YYYY/EU of the European Parliament and of the Council of ... on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (OJ L ..., ..., p. ...).*

Or. en

**Note: Agreement on the principle that the EAA will prevail of the EEC and agreement to ensure that the EAA does not contain contradictory language**

#### **Amendment 11**

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

Compromise amendment replacing all relevant amendments, including amendments 8, 210-213

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

##### **Recital 196 and 196a**

*Text proposed by the Commission*

(196) A fundamental requirement of universal service is to ensure that all end-users have access at an affordable price to

*Amendment*

(196) A fundamental requirement of a universal service is to ensure that all consumers have access at an affordable

available functional internet access and voice communications services, at least at a fixed location. Member States should **also have the possibility to ensure affordability of services not provided at a fixed location but to citizens on the move, where they deem this necessary to ensure their full social and economic participation in society.** There should be no limitations on the technical means by which the connection is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations.

price to available internet access and voice communications services, at least at a fixed location. **However,** there should be no limitations on the technical means by which the connection **at a fixed location** is provided, allowing for wired or wireless technologies, nor any limitations on the category of operators which provide part or all of universal service obligations. **Particular attention should be paid in this context to ensure that end-users with disabilities have equivalent access. Member States should also have the possibility to ensure affordability to citizens on the move, where they deem this to be necessary to ensure full social and economic participation in society.**

Or. en

## **Amendment 12**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 9, 214-216

## **Proposal for a directive**

### **Recital 197**

*Text proposed by the Commission*

(197) The speed of Internet access experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a connection is being used. **The affordable functional** internet access service should **be sufficient in order** to support access to and use of a minimum set of basic services that reflect the services used by the majority of **end-users**. This minimum list of services should be further defined by **Member States, in order to allow** an adequate level of social inclusion and participation in the digital society and economy in their territory.

*Amendment*

(197) The speed of Internet access experienced by a given user may depend on a number of factors, including the provider(s) of Internet connectivity as well as the given application for which a connection is being used. **The availability of affordable broadband** internet access service **provided under the universal service obligation** should **have** sufficient **capability** to support access to and use of **at least** a minimum set of basic **internet services and at least a minimum bandwidth that reflects the average use of such services by a majority of the population, with the aim of ensuring an adequate level of social inclusion and participation in the digital society and**

*economy. It is for the national regulatory authorities, in accordance with BEREC guidelines, to establish the most appropriate way in which to ensure the delivering of the bandwidth necessary to support at least such a minimum list of services while seeking to reflect the internet access capability available to the majority of the population of a Member State's territories or parts thereof. For instance, they may define capability in terms of the minimum quality of service requirements, including minimum bandwidth and data volumes. The requirements of Union law on open internet, in particular as provided for in Regulation (EU) No 2015/2120 of the European Parliament and of the Council<sup>1a</sup>, should apply to any such internet access service, including any list of services or minimum bandwidth adopted under the universal service obligation.*

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*<sup>1a</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1.)*

Or. en

### **Amendment 13**

**Rapporteur, ALDE**

Compromise amendment replacing all relevant amendments, including amendments 16, 222-224

**Proposal for a directive**

**Recital 206**



(206) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for **disabled end-users**, including equipment with assistive technologies. This can be achieved, inter alia, by referring to European standards, or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council **on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services**<sup>38</sup> Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for **disabled end-users** under normal economic conditions.

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<sup>38</sup> OJ C [...], [...], p. [...].

(206) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for **consumers with disabilities, following a universal design approach**, including, **where appropriate**, equipment with assistive technologies **that is interoperable with publically available electronic communication equipment and services**. This can be achieved, inter alia, by referring to European standards, **such as European standard EN 301 549 V1.1.2 (2015-04)** or by introducing requirements in accordance with Directive xxx/YYYY/EU of the European Parliament and of the Council<sup>38</sup>. Member States should define appropriate measures according to national circumstances, which gives flexibility for Member States to take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for **consumers with disabilities** under normal economic conditions. **The average cost of the relay services for consumers with disabilities should be equivalent to that of voice communication services in order not to prejudice consumers with disabilities. The net costs of providers of relay services should be compensated based on Article 84.**

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<sup>38</sup> **Directive xxx/YYYY/EU of the European Parliament and of the Council of ... on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (OJ L ..., ..., p. ...).**

Or. en

Compromise amendment replacing all relevant amendments, including amendments 22, 228

### Proposal for a directive

#### Recital 214

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

(214) In order to provide stability and support a gradual transition, Member States should be able to continue to ensure the provision of universal services in their territory, other than **functional** internet access and voice communications services at a fixed location, that are included in the scope of their universal obligations on the basis of Directive 2002/22/EC at the entry into force of this Directive, provided the services or comparable services are not available under normal commercial circumstances. Allowing the continuation of the provision of public payphones, directories and directory enquiry services under the universal service regime, as long as the need is still demonstrated, would give Member States the flexibility necessary to duly take into account the varying national circumstances. However, the financing of such services should be done via public funds as for the other universal service obligations.

##### *Amendment*

(214) In order to provide stability and support a gradual transition, Member States should be able to continue to ensure the provision of universal services in their territory, other than internet access and voice communications services at a fixed location, that are included in the scope of their universal obligations on the basis of Directive 2002/22/EC at the entry into force of this Directive, provided the services or comparable services are not available under normal commercial circumstances. **Member States should be able to provide public pay telephones and communications access points in the main entry points of the country, such as airports or train and bus stations, as well as places used by people in cases of emergencies, such as hospitals, police stations and highway emergency areas, to meet the reasonable needs of end-users, including end-users with disabilities.** Allowing the continuation of the provision of public payphones, directories and directory enquiry services under the universal service regime, as long as the need is still demonstrated, would give Member States the flexibility necessary to duly take into account the varying national circumstances. However, the financing of such services should be done via public funds as for the other universal service obligations.

Or. en

#### Amendment 15

##### Rapporteur, ALDE

Compromise amendment replacing all relevant amendments, including amendments 48, 274, 275, 276, 191, 192, 193, 727, 726

**Proposal for a directive**  
**Recital 261**

*Text proposed by the Commission*

(261) In order to ensure that **disabled end-users** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements for **disabled end-users** to be met by **undertakings providing** publicly available electronic communications services. Such requirements can include, in particular, that **undertakings** ensure that **disabled end-users** take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by these **undertakings**. Other requirements can relate to wholesale arrangements between **undertakings**. In order to avoid creating an excessive burden on service providers national regulatory authorities should verify, whether the objectives of equivalent access and choice can actually be achieved without such measures.

*Amendment*

(261) **Member States should ensure that end-users with disabilities enjoy equivalent access and choice to electronic communication services, in line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the universal design approach. In particular, in** order to ensure that **end-users with disabilities** benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, **and after consulting representative organisations of persons with disabilities**, consumer protection requirements for **end-users with disabilities** to be met by **providers of** publicly available electronic communications services **and related terminal equipment**. Such requirements can include, in particular, that **providers** ensure that **end-users with disabilities** take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, **and access to related terminal equipment** as those offered to their other end-users, irrespective of any additional costs incurred by these **providers**. Other requirements can relate to wholesale arrangements between **providers**. In order to avoid creating an excessive burden on service providers national regulatory authorities should verify, whether the objectives of equivalent access and choice can actually be achieved without such measures.

Or. en

**Note: proposal to hold a block vote on Art 103 plus rec 261, deletion of 262 and new recital 262a and 262 b.**