

Opinion of the Committee of the Regions on the 'Proposal for a Directive of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services'

(2001/C 144/18)

THE COMMITTEE OF THE REGIONS,

having regard to the proposal for a Directive of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services [COM(2000) 392 final — 2000/0183 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services [COM(2000) 393 final — 2000/0184 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities [COM(2000) 384 final — 2000/0186 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector [COM(2000) 385 final — 2000/0189 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council on authorisation of electronic communications networks and services [COM(2000) 386 final — 2000/0188 (COD)];

having regard to the proposal for a Regulation of the European Parliament and of the Council on unbundled access to the local loop [COM(2000) 394 final — 2000/0185 (COD)];

having regard to the proposal for a Decision of the European Parliament and of the Council on a regulatory framework for spectrum policy in the European Community [COM(2000) 407 final — 2000/0187 (COD)];

having regard to the decision taken by the Council on 25 October 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision taken by its Bureau on 13 June 2000 to direct Commission 3 for Trans-European Networks, Transport and the Information Society to draw up the relevant opinion;

having regard to the opinion of the Committee of the Regions of 17 November 1999 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on The Convergence of the Telecommunications, Media and Information Technology Sectors and the Implications for Regulation: results of the public consultation on the Green Paper (COM(97) 623 final — CdR 149/98 fin)⁽¹⁾ (COM(1999) 108 final — CdR 191/99 fin)⁽²⁾;

having regard to the opinion of the Committee of the Regions of 13 April 2000 on the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the Fifth Report on the implementation of the Telecommunications Regulatory Package and the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Towards a new framework for electronic communications infrastructure and associated services — the 1999 Communications Review (COM(1999) 537 final and COM(1999) 539 final — CdR 520/99 fin)⁽³⁾;

⁽¹⁾ OJ C 373, 2.12.1998, p. 26.

⁽²⁾ OJ C 57, 29.2.2000, p. 5.

⁽³⁾ OJ C 226, 8.8.2000, p. 56.

having regard to the draft opinion adopted by Commission 3 on 8 November 2000 (CdR 274/2000 rev. 1) (rapporteur: Mr Koivisto, Mayor of Pirkkala, FIN/PSE),

unanimously adopted the following opinion at its 36th plenary session on 13 and 14 December 2000 (meeting of 14 December).

The Committee of the Regions' views and recommendations concerning the proposal

1. The Committee of the Regions agrees with the Commission's objectives with regard to the criteria for reforming the telecommunications regulatory framework and welcomes the improved clarity concerning the universal service procedures and the measures to promote the interests of users and consumers.

2. The Committee also agrees with the draft directive's objective to ensure, through these measures, the availability of information society services to all at an affordable price.

3. The Committee feels that the variations prevalent in information society services and pricing are above all a regional policy problem, and that if a solution is to be found, the reliance on telecommunications policy will have to be supplemented with a coordinated use of the Community's regional policy tools.

4. The Committee wishes to draw the Commission's attention to the fact that variations in the availability and pricing of information society services do not always respect regional borders, and that localised problems can emerge even within densely populated towns.

5. The Committee agrees with the Commission's view that to obtain a truer picture of the situation, the availability and quality of services must be monitored at a lower geographical level than has so far been the case.

6. The Committee considers that the level of universal service required in the draft directive is too low to meet even the existing needs of users. Nor does it respond to the general

objectives of the new regulatory framework to ensure more rapid Internet connection. The Member States should be given the right to lay down more stringent requirements for universal service at national level.

7. The Committee hopes that the general aim of the regulatory framework to promote competition will also be taken into account in determining the level of universal service and the objective should therefore be to ensure the availability of information society services subject to competition throughout the Community.

7a. The Committee agrees with the Commission that it is of importance to ensure that transparent information on applicable prices, tariffs, standard terms and conditions is available to the public. In order for consumers to make an informed choice, it has to be emphasised that this information is clearly comparable. This can be done by for example indicating the price of call per second.

8. The Committee however wants to point out to the European Commission that the way of distributing net costs in companies might be unfair from the point of view of companies outside the system.

9. The Committee considers it important to implement the users' rights proposals on the use of a European emergency number and a European telephone access code as quickly as possible.

10. The Committee agrees with the Commission's proposal that users' should have the right to number portability and carrier selection. However, the Committee calls on the Commission to ensure that, prior to the proposal entering into force, procedures have been agreed upon which guarantee that the consumer is always aware in advance of the cost of his/her phone call.

Brussels, 14 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT