

COVER SHEET	
Public consultation on the review of	
EU regulatory framework for electronic communications network and services	
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Category of represented organisation(s) – indicate the category which best describes your organisation or – in case of an association, the main activity of your members	
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<input type="checkbox"/> Satellite operator	<input type="checkbox"/> Content provider <input type="checkbox"/> Scientific/Research Institute
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A. General comments

In this section, respondents are invited to express below their general comments on the Review of the EU Regulatory Framework for electronic communications networks and services.

ANEC COMMENTS ON THE EU REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS REVISION¹

ANEC appreciates the opportunity in giving our views on the revision of the current EU regulatory framework for electronic communications. Our comments focus on the use of standards as a tool for consumer protection and promoting their interests and follow the relevant sequencing of the Commission staff working document. We reiterate, when appropriate, our previous contributions².

General Comments

Although acknowledging the general positive effects of the current regulatory framework in terms of offering of electronic communications services, ANEC would like to express concerns on the current status of the access to those services, as a large number of consumers, and especially the most vulnerable, have failed to reap benefits.

Geographical coverage and reduced costs of national calls do not automatically mean accessibility for all. ANEC would like to highlight the contradiction between the objectives to promote competition among operators and the lack of choice for consumers with disabilities.

ANEC in Brief

ANEC is the European consumer voice in standardisation, representing and defending consumer interests in the process of standardisation and certification, also in policy and legislation related to standardisation. Our aim is a high level of consumer protection.

ANEC was set up in 1995 as an international non-profit association under Belgian law. It represents consumer organisations from the European Union Member States and the European Free Trade Association (EFTA) countries. Our General Assembly is composed of one national member per country, nominated jointly by the national consumer organisations in their country. The European Commission and EFTA fund ANEC, while national consumer organisations contribute in kind.

www.anec.org

¹ COMMISSION STAFF WORKING DOCUMENT and COMMUNICATION FROM THE COMMISSION on the Review of the EU Regulatory Framework for electronic communications networks and services, COM(2006) 334 final, Proposed Changes.

² ANEC2005/DFA/018) ANEC response to the consultation on this Communication on the review of the Universal Service Directive (COM(2005) 203; ANEC-ICT-2006-G-003 ANEC INPUT ON THE EU REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS REVIEW, Jan 06.

B. Position on proposed changes

The Commission Staff Working Document accompanying the Communication from the Commission on the Review of the EU Regulatory Framework for electronic communications networks and services summarises the changes being proposed.

In this section, respondents are invited to give comments on these specific proposals

Respondents are requested to express very clearly their position on proposed changes. Please *limit your response to no more than one page per item.*

3. Consolidating the internal market

3.10 Adapting the regulatory framework to cover telecommunications terminal equipment, ensuring constancy with the R&TTE Directive

ANEC welcomes the Commission's proposal to include electronic communications terminals under the new electronic communications regulatory framework and ensure consistency and constancy with the R&TTE Directive. This suggestion was already contained in the INCOM report of 2003, to which ANEC contributed.

However, ANEC does not understand what kind of effects this proposal could have, especially concerning the relaxation of the R&TTE directive obligation on network operators to publish their Network Termination Point (NTP) interface specification. One possible effect would be diversity of equipment protocols, resulting in incompatibility between terminals and networks. This would certainly not benefit consumers, especially consumers with disabilities, who are already suffering from lack of interoperability of text phones across Europe. ANEC would like the Commission to consider ensuring that all terminals are compatible.

4. Strengthening Consumer Protection and User Rights

4.1 Improve the transparency and publication of information for end-users

ANEC is supporting all measures aimed at improving the transparency of information for consumers. It would be advantageous to complement the suggested National Regulatory Authorities' (NRAs) increased powers, with a provision allowing the Commission to give a mandate to the European Standardisation Bodies (ESOs) in order to elaborate standards on comparability of prices and information of electronic communications services in the EU.

Moreover, it should be foreseen that if information providers implement those standards, there is a presumption of conformity with art 21 of the Universal Service Directive. This would ensure that any information to consumers is gathered and presented in an objective and transparent way and would provide Members States with a simplified form in complying with the obligation of art 21 of the Universal Service Directive.

4.2 Updating Universal Service

ANEC regrets the Commission's decision not to up-date the scope of the Universal Service but to wait until 2007 when it intends to issue a Green paper on the Universal service to launch a wide ranging debate.

ANEC would like to reiterate the views we expressed in July 2005 (ANEC2005/DFA/018) when we responded to the consultation on the review of the Universal Service Directive (COM(2005) 203).

In ANEC's opinion, the concept of Universal Service should be extended so that it includes access at any location. It is ANEC's understanding that Universal Service represents the basic set of services which all consumers are entitled to expect. As such, it is inevitable that the concept of Universal Service evolves with time as technological and social conditions change.

Whilst recognising that a significant majority of consumers are using mobile communications services, ANEC would like to highlight the fact that many consumers, older people and people with disabilities in particular, rely only on the provision of Universal Service (connection to the public telephone network at a fixed location). A minority of consumers are indeed excluded from society by not being able to use specific services as enjoyed by the majority.

If mobile services were considered as part of the Universal Service provision, then they would need to support the introduction of: character-by-character based interactive texting solutions that work across various networks ; platforms and relay services and easy, cheap access to the equipment supporting interactive texting. Given the popularity of SMS we believe that Interactive texting will enhance the experience of all users, not just people with hearing impairments, if this facility is built into mainstream products and services.

According to Annex V of the Universal Service Directive, the above elements must be taken into account by the Commission in considering whether a review of the scope of the Universal Service is needed. ANEC does not agree with the Commission evaluation of 2005 leading to the non-modification of the scope of the Universal Service. We would therefore like to suggest that Annex V of the Universal Service Directive specifically mention access by elderly and people with disabilities as a criterion to be taken into account before any revision of the Universal Service is considered.

4.3 Separate the provision of access to public communications networks from the provision of telephone services

ANEC is rather surprised by the Commission's stated intention not to revise the scope of the Universal Service but to propose the separation of access and provision of services. ANEC believes that it is too soon to proceed with such a modification while refusing to change the scope of the Universal Service, as it seems illogical to prepare the ground for some changes but not for others. Universal Service should ensure accessibility of both the network and the service in order to limit the "digital divide" as much as possible.

4.4 Remove provisions on universal directories and directory inquiry services from the scope of universal service

ANEC would like to voice its opposition on the proposed removal of provision on directories and directory inquiry services. We believe that regulation on directories and inquiry services is needed to ensure that directory services on the market are accessible to all consumers.

4.5 Adapt 'telephone service' specific' provisions to technology and market developments

ANEC supports the proposal to task a Committee of Member States (Comitology). However, we urge to complement this Committee by an expert group (stakeholder advisory forum), to set key requirements in order to react on market developments in a rapid and flexible way. This procedure must be transparent and open to all stakeholders in a structured way, in particular public interest stakeholders, such as consumers.

4.7 Ensure that regulators can impose minimum quality of service requirements

ANEC supports the proposal to give NRAs the power to set minimum quality levels for network transmission services in a Next Generation Networks (NGN) environment based on technical standards identified at EU level. By the time the revised framework will enter into force (2010), next generation services would have developed very significantly and it is essential to ensure that they are reliable and fully accessible by all consumers. Moreover, in ANEC's opinion, the application of the consumers' protection measures of the framework should be extended to the provision of NGN services. A set of Quality of Service standards should be developed to underpin those measures.

4.8 Strengthen the right of disabled users to access to emergency services via the number '112'

ANEC welcomes the suggestion to strengthen the rights of consumers with disabilities to access emergency services via the 112 number. We suggest that art 7 of the Universal Service Directive is modified in order to ensure that calls from text phones are handled by the relay service in an effective and reliable manner. SMS access, for example, is completely inadequate in this context because it does not provide equivalent real-time communication. Standards to implement the above accessibility requirements should be mandated by the Commission and should be implemented by the operators and service providers. This would also provide Member States with a simplified form in complying with the obligation of art 26 of the Universal Service Directive.

4.9 Introduce a Community mechanism to address eAccessibility issues

ANEC welcomes the Commission's intention to address in general terms eAccessibility issues as we believe that access to electronic communications products and services is a basic consumer's right. Discrimination exists if some consumers, elderly and people with disabilities, can not reap the benefit of the Information Society. Therefore, ANEC believes that a fundamental review of the regulatory framework is needed with respect to eAccessibility, going beyond the Commission's current proposal. In ANEC's view, a better definition of the accessibility requirements contained in the Universal Service Directive is needed. This should be done by strengthening the role of public authorities when elaborating detailed specifications. ANEC supports the proposal to task a Committee of Member States (Comitology), complemented by an expert group (stakeholder advisory forum), to set key eAccessibility requirements in order to react on market developments in a rapid and flexible way. This procedure must be transparent and open to all stakeholders, in particular public interest stakeholders, such as consumers.

Moreover, ANEC suggests the Commission to consider the extension of art. 17 of the Framework Directive to other important aspects of the provision of harmonized electronic communications services across Europe, such as accessibility and usability. Such a provision would allow the Commission to enhance the implementation of eAccessibility standards if consumers with disabilities needs are not met in terms of interoperability and freedom of choice.

5. Improving Security

5.1 Oblige operators to take security measures, and grant powers for NRAs to determine and monitor technical implementation

ANEC regards the protection of consumers' privacy and security as one of the core issues of the regulatory framework. At the moment, consumers seem to bear the cost of protecting themselves from any danger or prying attempts that come through the electronic communications networks.

As the ANEC R&T report on Internet filtering tools shows³, a significant sample of consumers representatives from seven EU countries think that filters should be Internet Service Providers (ISP) based rather than installed on the consumers' computer. Moreover, tests carried out by consumer associations show that consumer requirements (easy to use, clear labelling, reliability, security) are not met.

Endorsing standardisation as a useful tool to ensure consumer protection, ANEC would therefore like to suggest the Commission to mandate standards in order to provide methods for checking the effectiveness of privacy enhancing technologies such as Internet filters. This would assist in building consumers confidence in the future electronic communications products and services. Of course, it is vital that the consumer view is an integral part of any standardisation activity.

³ ANEC-R&T-2006-ICT-002.

D. Other comments

Respondents wishing to address any additional issues/topics in relation with the Review of the EU Regulatory Framework for electronic communications networks and services are invited to express their views below.

Please keep responses short and concise.

Additional ANEC comments

Standards and interoperability

ANEC would like to suggest introducing in the Framework Directive, a definition of interoperability which is currently missing, thus hampering perhaps the full application of art. 17. We would like to propose the following definition: "Different electronic communications services must be interoperable so that, in practice, any service can be accessed on any network on any relevant device⁴".

With regard to art 18 of the Framework Directive on digital interactive television, ANEC would like to suggest an additional provision stating that all digital TV platforms should support expansion modules that offer access to consumers with special needs. Audio description services and subtitling services should be available on all primary broadcasts. Both audio description and subtitling services should be provided on the basis of a common open and interoperable standard across Europe and worldwide if possible.

⁴ ANEC2003/ICT/008rev Report on Consumers Requirements in ICT standardization.