

ANEC INPUT ON THE EU REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS REVISION

ANEC appreciates the opportunity to give our preliminary views on the application and functioning of the five directives that constitute the current EU framework for electronic communications. Our comments follow the sequencing of the Commission document and will focus on the issue we consider as relevant for consumers.

1. General Topics

- *What are the strengths and weaknesses of the framework?*

Although acknowledging the general positive effects of the current regulatory framework in terms of offering of electronic communications services, ANEC expresses some 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 the benefits.

Geographical coverage and reduced costs of national calls do not automatically mean accessibility. The framework should ensure accessibility of both the network and the service in order to limit the “digital divide” as much as possible.

- *To what extent has the framework achieved its objectives?*

ANEC would like to highlight the contradiction between the objectives to promote competition among operators and the lack of choice for consumers with disabilities.

- *What impacts has the framework produced to date?*
 - *How can the framework be improved?*
 - *How can the framework contribute further to the Lisbon goals of growth and jobs*

Please see below for ANEC’s suggestions and proposals.

2. Specific Topics

Convergence and technological development

Does the regulatory framework allow technological development and convergence to be adequately accommodated (bearing in mind the current

review of the Recommendation on relevant markets)? What adjustments to the framework could be made?

In ANEC's opinion, the application of the consumers protection measures of the framework should be extended to the provision of Next Generation Networks services. A set of Quality of Service standards should be developed to underpin those measures.

Consumer protection, citizens' interests and users' rights

Should the existing provisions on consumer protection and users rights be extended or strengthened in any areas, in particular with regard to disabled users? Do foreseeable market and technological developments (e.g. next generation networks) threaten or enhance freedom of choice for users?

ANEC would like to reiterate the views we expressed in July 2005 (ANEC2005/DFA/018) to respond to the consultation on this Communication 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 it 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 handsets and equipment that supports interactive texting. Given the popularity of SMS we believe that Interactive texting will enhance the experience of all users, not just deaf and hard of hearing people, if this facility is built into mainstream products and services.

Proper access to communications networks is particularly important in the context of access to emergency 112 services through relay services in an effective and reliable manner. SMS access, for example, is completely inadequate in this context. Standards to implement the above accessibility

requirements should be mandated by the Commission and implemented by the operators and service providers.

In ANEC's view, a better definition of the accessibility requirements contained in the Universal Service Directive is required. As the INCOM questionnaire shows, in fact, National Authorities have a very different interpretation of those requirements.

Finally, ANEC would like to call for regulators to be given the same powers they enjoy with regards to Universal Service, to broadband and new generation networks and services. This refers specifically to monitoring of quality and price of services. Transparent contract terms and legal security for the consumers should be ensured. 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 fully accessible by all consumers. We think that it would be advisable to provide all consumers, especially the ones who cannot afford it, public Internet access points or "multimodal kiosks" (voice, text and video communications).

Privacy and security

Do current provisions provide an adequate legal framework to protect citizens' privacy and security, and to promote consumer trust and confidence in the information society while contributing to the development of the internal market? What improvements could be made?

ANEC regards the protection of consumers privacy as one of the core issue 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 shows¹, a significative sample of consumers representatives from seven EU countries think that filters should be Internet Service Providers (ISP) based rather than installed on the consumer computer. Moreover, tests carried out by consumers associations show that consumers requirements (easy to use, clear labeling, 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 to help provide methods for checking the effectiveness of privacy enhancing technologies such as Internet filters, thus building up consumer 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.

¹ ANEC2005/R&T/013.

Standards and interoperability

To what extent does the process in Article 17 of the Framework Directive, whereby the Commission publishes a List of Standards in the OJ, serve to promote interoperability of services and freedom of choice for users? Are there better ways to secure interoperability?

ANEC would like to suggest introducing in the Framework Directive, a definition of interoperability which is currently missing in the framework 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 device, thus avoiding access to several different networks and terminals for similar services²".

Moreover, ANEC would favour the extension of art. 17 to other important aspects of the provision of harmonized electronic communications services across Europe, such as accessibility and usability.

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.

Institutional aspects

Are the mechanisms designed to ensure harmonisation between the Member States (Communication Committee, Radio Spectrum Committee, Radio Spectrum Policy Group, European Regulators Group) working efficiently with respect to the development of the Internal market? What could be improved?

ANEC appreciates the opportunity of attending the Communication Committee meetings as we support the participation of consumers in policy-making related to consumer protection and interests. However, we call for more transparency and timely access to meeting documentation.

² ANEC2003/ICT/008rev Report on Consumers Requirements in ICT standardization.



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.

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