

Legal Alert

Amendments to EU Telecom Regulations

December 2009

On 24 November 2009 the European Parliament passed a package of reforms in EU telecommunications regulations. The purpose of the amendments is to increase competition on the market for telecommunications services, strengthen consumer protection, and establish a new European watchdog.

Increased consumer protection standards

1. A user will have the right to:

transfer a telephone number in a fixed-line network or mobile network to another network within a single business day
obtain better information about selected services, prices and contract terms
enter into a contract with a telecom operator for no longer than 24 months, with the operator also being required to offer the user a 12-month contract
receive improved protection against unauthorized access to his or her personal data, and better protection against spam
enjoy security of user data processed by suppliers — the user and relevant authorities are also to be notified of any data protection violations
receive improved quality in data transmission services — national regulatory authorities will be entitled to set minimum quality standards for data transmission services via the Web
decide whether to consent to installation of “cookies”.

2. Access to the Internet may be restricted only in keeping with the principle of the presumption of innocence and the right to privacy, after a fair and impartial proceeding assuring the user the right to be heard.

3. Telecommunications services are to be made more accessible to the handicapped, so that they can use telecom services on the same basis as others, but using suitable means.

New regulatory body

The package of amendments includes a regulation establishing the Body of European Regulators for Electronic Communications (BEREC), which is to replace the current European Regulators Group (ERG).

BEREC is to be charged with the responsibility of overseeing harmonization of solutions adopted by national regulators, in order to insure healthy competition and high service quality. The new body will have the status of a community agency.

“Functional separation”

The new regulations authorize carrying out “functional separation.” This means that it will be possible in the case of a dominant operator to spin off a unit handling the sale of wholesale products and services using the telecommunications infrastructure, and administering the infrastructure. The unit would be required to apply equal terms for providing services to its “own” retail unit, arising out of the split of the dominant operator, and to other telecoms.

New emergency number 112

This amendment is designed to assure users better access to the 112 emergency number, using the latest technology. Greater emphasis is placed on operators' duty to provide information to emergency services about the location of persons dialling 112. Actions will also be taken among EU citizens to promote use of the 112 hotline.

Schedule for telecommunications legal reforms

18 December 2009: effective date of entire package of reforms, upon publication in the Official Journal of the European Union

Spring 2010: establishment of the Body of European Regulators for Electronic Communications (BEREC)

June 2011: deadline for implementation of the reform package into the national law of the 27 Member States.



Contact
Piotr Chochowski
E-mail ►
+48 22 50 50 730