



EU measures to strengthen consumer protection in electronic communications

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Disclaimer: The views expressed in this presentation are those of the author and do not necessarily reflect the opinion of the European Commission

Demand side

- "New deal for consumers" updates 4 general consumer protection Directives
- **Geoblocking** Reg. 2018/302

Supply side

- **Platform-to-business** Reg. (EU) 2019/1150)

General/sectoral consumer protection rules

- Update of **Consumer Rights Directive** (2011/83/EU)
- Reg. (EU) 2017/1128 on **cross-border portability of online content services**
- **End to Roaming charges**
- **Open Internet** (Reg. 2015/2120)
- Updated **telecommunications regulatory framework (EECC)**

The Code helps shaping the right environment for digital networks and services to flourish as part of the Digital Single Market



The Code modernises the current EU telecoms rules to:

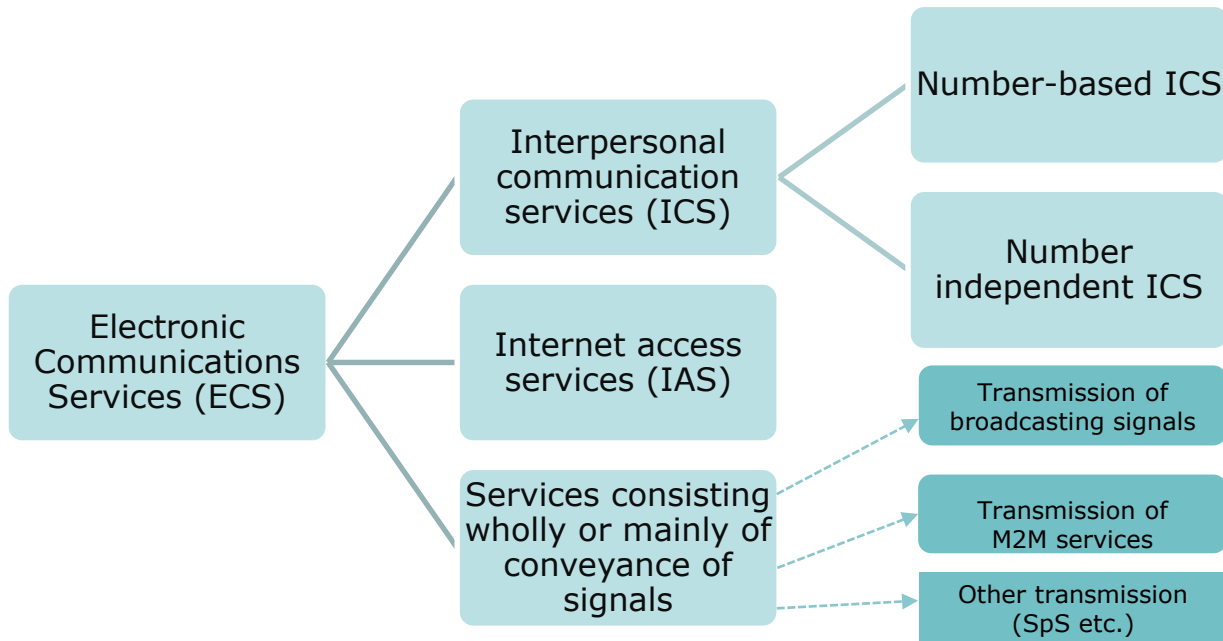
- ✓ promote connectivity and access to, and take-up of very high capacity networks
- ✓ stimulate sustainable competition
- ✓ drive investments
- ✓ reinforce the internal market
- ✓ **strengthen consumer rights**



Definitions



New definition of 'Electronic communications service' (ECS)



Stronger and future proof end-user protection

Adaptation of current telecoms rules



- **Enhanced protection** irrespective of communication via **traditional or web-based** services
- **Harmonised** rules to ensure a high level of consumer protection
- Better protection for end-users subscribing to **bundles** and **changing provider**
- Enabling **informed decisions**: understandable contracts, enhanced transparency, comparison tools, consumption control
- **Universal service** ensuring availability and affordability of broadband and voice
- Enhanced equivalent access for **end-users with disabilities**
- Increased protection in **emergency situations**
- Safeguard cap for **international (intra-EU) communications** (19c/minute and 6c/SMS)

Information requirements for contracts (Art. 102)



What are these?

- Benefit consumers but also micro- and small enterprises, not-for-profit organizations
- **Corresponds to Consumer Rights Directive:** Information requirements of **CRD** 2011/83/EC apply (Art. 5 or 6), relevant information provided in respect of the Code should be considered to fulfil the corresponding requirements of the CRD.
- **Complements the CRD:** the specificities of the electronic communications sector require a number of additional end-user protection provisions.
- **Contract summary Template:**
 - Main elements (“*at least*”): name, characteristics, prices, duration, designed for end-users with disabilities, internet access service: speed, remedies
 - Concise and easily readable
 - Ideally no longer than one A4 page, up to three A4 pages for bundles

Transparency, QoS, contract duration and termination

Art. 103, 104, 105 EECC



- **Transparency (Art. 103):** obligation for IAS and ICS providers to publish information; an obligation to ensure that end-users have access to at least one independent comparison tool, free of charge
- **Quality of service requirements (Art. 104):** Empower NRAs to require providers of IAS or ICS (who control some network elements) to publish specific QoS information
- **Contract duration (Art. 105):** max. commitment period of 24 months with a possibility for Member States to set shorter periods; Right to terminate upon notice of changes in the contract terms

Provider switching and number portability



Art. 106 EECC (ex Art. 30 USD)

- **Right to retain and port a number** upon termination of contracts with additional max. timeframes and process requirements for the porting
- Introducing an additional 1 month right to retain the number **after termination**
- **Refund possibility** upon termination of pre-paid services
- **Switching rules** for changing internet access services
- Obligation on Member States to define the rules for providers **to compensate end-users in the case of delay in or abuse of porting or switching**

Bundled offers



Art. 107 EECC (no equivalence in USD)

- **Bundles**, incl. terminal equipment; **at least one IAS or number-based ICS**
- The following provisions in the Code apply to such bundles:
 - Provision of a **contract summary** for all services (Art. 102(3))
 - Obligation to **publish information** (Art. 103(1))
 - Rules on **contract duration** and **termination** (Art. 105)
 - **IAS Switching** (Art. 106(1))
- **Right to terminate all elements of the bundle** in case the consumer has the right to terminate **one** element of a bundle (**lack of conformity with the contract or failure to supply**)

Intra-EU communications

Retail charges for regulated intra-EU communications



- **Why?** Significant price difference with domestic market.
- **Which prices?** Calls and SMS from domestic country to another MS, charged on actual consumption
- **What?** The price (excl. VAT) is capped to 19 cents for calls and 6 cents for SMS
- **For whom? Consumers.** They can also choose another tariff that would offer better conditions (e.g. on calls to non-EU countries)
- **Since 15 May 2019 until 15 May 2024**

Specific end-user review procedure (Art. 123)

- BEREC to monitor the market and technological developments (by 21/12/2021)
- Commission can subsequently react and submit a proposal where necessary

Next challenges (see e.g. mission letters to Commissioners-designate)

- “[...] empowering consumers to make **informed choices** and play an active role in the **green and digital transitions** [...]” (Reynders)
- “[...] legislation on a coordinated approach on the **human and ethical implications of artificial intelligence**, ensuring that fundamental rights are fully protected in the digital age. [...]” (Reynders)
- “[...] coordinated European approach on **artificial intelligence** and on the new **Digital Services Act** [...]” (Breton)

Thank you for your attention