

## **Digital Agenda: how new EU telecoms rules would ensure easier and fairer access to telecoms services for customers**

*Telephone and internet customers enjoy significant new rights including more transparency, guaranteed quality of service and the right to switch operator within one working day under new EU telecoms rules due be implemented in national law in all Member States by 25<sup>th</sup> May 2011. This MEMO explains the details of these new rights for customers.*

### **Right to switch, in one working day, fixed or mobile phone operator while keeping the same number**

Currently it takes on average four days for EU customers to switch their mobile operator and seven days to switch their fixed operator while keeping the same phone number, with some customers facing even longer delays. Under the new rules, customers have the right to do this in just one working day. This means customers will be able to shop around and take advantage of attractive alternative offers from telecoms operators with minimum inconvenience or interruption of service.

### **Contract duration**

The new rules also make it easier for customers to switch phone operator, and so take advantage of more attractive offers, by preventing operators from binding in customers with contracts of three years or more. Instead, the maximum initial duration of a contract signed by a customer with an operator must be no longer than twenty four months. Operators must also offer customers the possibility of a contract with a maximum duration of twelve months, if the customer so desires.

### **Greater transparency on services available to customers**

Under the new rules, operators must give customers better information to help them to make informed choices. In particular, operators must give comprehensive and accurate information to customers in advance - before customers sign a contract – about what they can or cannot do with the communications services to which they are subscribing.

For example, customer contracts must specify, among other things, information on the minimum service quality levels, as well as on compensation and refunds if these levels are not met, subscriber's options as regards listing in telephone directories and clear information on the qualifying criteria for promotional offers.

Internet service providers must, for example, inform their customers about possible restrictions on access to particular services (such as voice over internet services) or degradation of such services (e.g. by so-called 'bandwidth throttling'), actual connection speeds and possible limits on internet speeds. Customers should not be led to believe they can access services that in practice are blocked or degraded. Nor should customers be given misleading claims about connection speeds.

### **Better quality of internet services**

The new rules require Member States' telecoms regulatory authorities to promote the ability of internet users "to access and distribute information or run applications and services of their choice" (Article 8(§4)g of the telecoms Framework Directive 2002/21/EC, as amended by [Directive 2009/140/EC](#)).

Under the new EU rules, national telecoms authorities also have the powers to set minimum quality levels for network transmission services so as to promote "net neutrality" and "net freedoms".

Internet service providers have powerful tools at their disposal that allow them to differentiate between the various data transmissions on the internet, such as voice or 'peer-to-peer' communication. Even though traffic management (such as 'bandwidth throttling') may allow premium high-quality services (such as IPTV) to develop and can help ensure secure communications, the same techniques may also be used to degrade the quality of other services to unacceptably low levels or to strengthen dominant positions on the market.

The Commission has asked the Body of European Regulators for Electronic Communications ([BEREC](#)) to undertake a rigorous fact-finding exercise on issues crucial to ensuring an open and neutral internet, including barriers to changing operators, blocking or throttling internet traffic (e.g. voice over internet services), transparency and quality of service.

The Commission will publish, by the end of 2011, evidence from BEREC's investigation. If BEREC's findings and other feedback indicate outstanding problems, the Commission will assess the need for more stringent measures.

### **Redress**

If customers encounter problems exercising their rights under the new telecoms rules, they may contact the telecommunications regulatory authority in their Member State:

Austria - [Rundfunk und Telekom Regulierungs-GmbH](#) (RTR)

Belgium - [Institut Belge des services Postaux et de Télécommunications](#) (BIPT)

Bulgaria - [Communications Regulation Commission](#) (CRC)

Cyprus - [Office of the Commissioner of Electronic Communications and Postal Regulation](#) (OCECPR)

Czech Republic - [Český telekomunikační úřad](#) (CTU)

Denmark - [Telestyrelsen - National Telecom Agency](#) (NTA)

Estonia - [KONKURENTSIAMET](#) (KONKURENTSIAMET)

Finland - [Viestintävirasto Kommunikationsverket](#) (FICORA)

France - [Autorité de Régulation des Communications Electroniques et des Postes \(ARCEP\)](#)

Germany - [Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen \(BNETZA\)](#)

Greece - [National Telecommunications and Post Commission \(EETT\)](#)

Hungary - [Nemzeti Hírközlési Hatóság \(NHH\)](#)

Ireland - [Commission for Communications Regulation \(ComReg\)](#)

Italy - [Autorità per le Garanzie nelle Comunicazioni \(Agcom\)](#)

Latvia - [Sabiedrisko pakalpojumu regulēšanas komisija \(SPRK\)](#)

Lithuania - [Ryšių reguliavimo tarnyba \(RRT\)](#)

Luxembourg - [Institut Luxembourgeois de Régulation \(ILR\)](#)

Malta - [Malta Communications Authority \(MCA\)](#)

Netherlands - [Onafhankelijke Post en Telecommunicatie Autoriteit \(OPTA\)](#)

Poland - [Urząd Komunikacji Elektronicznej \(UKE\)](#)

Portugal - [Autoridade Nacional de Comunicações \(ANACOM\)](#)

Romania - [Autoritatea Națională pentru Administrare și Reglementare în Comunicații \(ANCOM\)](#)

Slovak Republic - [Telekomunikacný úrad Slovenskej republiky \(TO SR\)](#)

Slovenia - [Agencija za pošto in elektronske komunikacije RS \(APEK\)](#)

Spain - [Comisión del Mercado de las Telecomunicaciones \(CMT\)](#)

Sweden - [Post- och Telestyrelsen \(PTS\)](#)

United Kingdom - [Office of Communications \(Ofcom\)](#)

See also [MEMO/11/320](#) and [MEMO/11/321](#)

**Digital Agenda website:**

[http://ec.europa.eu/information\\_society/digital-agenda/index\\_en.htm](http://ec.europa.eu/information_society/digital-agenda/index_en.htm)

Neelie Kroes' website: [http://ec.europa.eu/commission\\_2010-2014/kroes/](http://ec.europa.eu/commission_2010-2014/kroes/)

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