



European Electronic Communications Code

Toolkit for transposition

January 2020



Table of contents

.....	1
Table of contents.....	2
About the European Disability Forum (EDF)	4
Part 1 – Orientation and key information	4
1. Key documents.....	5
2. Timeline from transposition to implementation.....	5
3. Key definitions.....	6
4. Who are the key players for transposition at national level?	10
5. The Code is a Directive - what does this mean?.....	17
Part 2 – Working towards effective transposition	18
1. Affordable Universal Services (article 84).....	18
2. Provision of affordable universal service (article 85).....	19
3. Availability of universal service (article 86)	21
4. Existing and additional universal service (Article 87 and article 92)	22
5. Missing children and child helpline hotlines (article 96)	23
6. Non-discrimination (article 99) and Fundamental rights safeguard (article 100) 23	
7. Level of harmonisation (article 101)	24
8. Ensuring informed choice by end-users (articles 102 and 103).....	24
9. Quality of service related to internet access services and publicly available interpersonal communications services (article 104)	26
10. Ensuring flexibility of choice between providers for end-users (articles 105, 106 and 107)	27
11. Availability of services (article 108).....	28
12. Emergency communications and the single European emergency number (article 109).....	28
13. Public warning system (Article 110)	32
14. Equivalent access and choice for end-users with disabilities (Article 111)....	32
15. ‘Must carry’ obligations (Article 114).....	34
16. European Accessibility Act!	35
17. Enforcement of the Code	37
18. Monitoring and reporting	39
19. European Commission review	41



Final considerations.....	42
Reference Documents and Contacts:	43
Acknowledgments.....	47
Contact persons at the EDF secretariat:	47



This publication has received financial support from the European Union. The information contained in this publication does not necessarily reflect the official position of the European Commission.



About the European Disability Forum (EDF)

The European Disability Forum (EDF) is an umbrella organization of persons with disabilities that defends the interests of over 100 million persons with disabilities in the EU. It is a unique platform run by persons with disabilities and their families, and is a strong, united voice of persons with disabilities advocating for the implementation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) in the EU.

Part 1 – Orientation and key information

The recast European Electronic Communications Code or the EECC¹ (referred to as ‘the Code’ throughout this text) was adopted and entered into force in December 2018. It sets an EU-level legal framework to coordinate national legislation on electronic communications networks and services, from the telephony services and the single European emergency number ‘112’ to basic internet access that must now be considered as a universal service² by EU countries.

Thus, the Code aims, among other things, to ensure the provision of good quality, affordable, publicly available electronic communication services to end-users. This also includes ensuring that end-users with disabilities enjoy access and choice to these services on an equal basis with others.

This toolkit aims to support disability advocates across the EU to advocate for strong national telecommunications rules based on the Code. In [Part 1](#) we give a brief introduction of the Code with key definitions, provide a timeline for transposition and implementation, and indicate who the key players of the process are. We will also explain that as a [Directive](#), the Code provides a general framework for regulation while giving some flexibility to national lawmakers, and what this means in practice. [Part 2](#) focuses on the provisions that are relevant for end-users with disabilities. There we provide you with recommendations on how to develop these provisions at national level, so persons with disabilities enjoy equal access and choice to telecommunications.³

¹ Full name: [Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code \(Recast\)Text with EEA relevance](#)

² See explanation under [Part 1.3 Key definitions](#).

³ Note that throughout the toolkit we will refer to **Articles** from the main text of the Code, as well as **Recitals** from the preamble. Recitals are legally not binding and mostly intend to explain and clarify things. Articles however are fully binding provisions of legal texts such as this Code.



1. Key documents

- Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)Text with EEA relevance. [Full text of the Directive is available in all languages.](#)
- **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).** [Link to the UN CRPD in different languages](#) – The EU and all its members have ratified the UNCRPD and therefore are obliged to ensuring access for persons with disabilities, on an equal basis with others, to information and communication technologies and systems, including the internet, among other things.
- Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance) – the **European Accessibility Act** aims to harmonize accessibility requirements for certain products and services across the EU, including electronic communication services, products used to access those services, and accessibility requirements for answering emergency communications to the single European emergency number ‘112’. [Full text of the Act is available in all languages.](#)

2. Timeline from transposition to implementation

- | | |
|------------------|---|
| 21 December 2020 | Deadline for Member States to adopt and publish laws, regulations and administrative provisions necessary to comply with this Code. They shall immediately communicate the text of those provisions to the European Commission. |
| 21 December 2020 | Member States must apply the measures required under the Code from this day onwards. |
| 21 December 2020 | Deadline for the first report by the European Commission on the effectiveness of the implementation of the single European emergency number ‘112’. This reporting must be done every two years thereafter. ⁴ |

⁴ Article 109.4 of [Directive \(EU\) 2018/1972](#)



21 December 2025 Deadline for the first report by the European Commission on the functioning of the Code, and the scope of universal service. This reporting must be done every five years thereafter.⁵

3. Key definitions

This section explains the main legal and technical terminology necessary to understand the Code, and the process of updating national laws and rules. The full list of definitions used in the Code can be found in Article 2 (Chapter I) of the Code. In this toolkit we will only use those terms that are important for persons with disabilities during national transposition of the Code. We will also explain terms which are not explained in the Code but are used in it and/or are necessary for background knowledge. The latter ones will be marked with an asterisk (*). The definitions will not follow an alphabetical order but be grouped based on their relevance to each other.

Terms related to electronic communications networks and services

Electronic communications networks are the systems which allow the transfer of signals by wire, radio, electromagnetic waves or other means. Satellite, mobile, or fixed networks such as group of connected computers or printers, are types of electronic communications networks. Other types of electronic communications networks include those used for radio and television broadcasting and television cable networks. Electricity cable systems can be considered electronic communications networks as long as they transfer signals.

Electronic communications service is a service which is normally provided for a certain price through electronic communications networks. There are three main types of electronic communications services:⁶

- **internet access services**
- **interpersonal communications services**, and

⁵ Articles 122.1 and 122.2 of [Directive \(EU\) 2018/1972](#)

⁶ Services which provide content or exercise control over content, even if they are transmitted through electronic communications networks, are not considered electronic communications services. Example of such services are online newspapers. In addition, services which allow interpersonal communication merely as minor add-on feature to their main service, are not considered electronic communications services. An example of this would be online games with a chat function.



- services consisting wholly or mainly in the conveyance of signals such as transmission services for machine-to-machine communications and broadcasting

Terminal equipment are, in the context of this toolkit, devices which are directly or indirectly connected to a public telecommunications network to send, process or receive information - for example a smartphone connected to a network.

Interpersonal communications service is a service the main purpose of which is to enable direct interpersonal and interactive exchange of information via electronic communications networks between a limited number of persons. The persons initiating or participating in the communication determine its recipients. These include not only traditional voice calls between two individuals but also emails, messaging services, or group chats.⁷ The important thing is that the service allows the recipient of the information to respond directly. Interpersonal communications services can be:

- **number-based**, having a public telephone number connected to the public telephone network,⁸ and
- **number-independent**, such as WhatsApp or Gmail.

Electronic programme guides (EPGs)* are menu-based systems that provide users of television, radio and other media applications with continuously updated menus that display scheduling information for current and upcoming broadcast programming (most commonly, TV listings).

Total conversation service is a multimedia real time conversation service that allows simultaneous video, voice and text service in telecommunications. Total conversation enables people in two or more locations to: (a) see each other, (b) hear each other, and (c) conduct a text interaction (**real-time text**) with each other, or choose to communicate with any combination of those three modes and to do so in real-time.⁹

Real-time text (RTT)* is text transmitted instantly as it is typed or created. Recipients can immediately read the message while it is being written, without waiting.¹⁰ This can be done between two or more end-users.¹¹

⁷ [Executive Summary 2: Services, End-users' rights](#), Review of the Electronic Communications Regulatory Framework, DG Connect, European Commission

⁸ Number-based services do not only include 'traditional' calls or SMS, but also services such as Skype when making calls to telephone numbers.

⁹ See legal definition in point 35 of Article 2 of [Directive \(EU\) 2018/1972](#)

¹⁰ Legal definition in point 14 of Article 3 of [Directive \(EU\) 2019/882](#)

¹¹ See also recital 227 of [Directive \(EU\) 2018/1972](#)



Relay services* refer to services which enable two-way communication between remote end-users who prefer or require different modes of communication (for example text, sign language, speech) by providing conversion between those modes of communication, normally by a human operator that works as intermediary between users. For instance, a deaf person calling their doctor can make use of a video relay service to communicate with a sign language interpreter that will call the doctor on their behalf. Or a hard of hearing person struggling to understand the voice of their friend by phone can make use of a text-relay service in which an interpreter transcribes what the friend says, whereas the hard of hearing person communicates by speech.¹²

Operator means an undertaking providing or authorised to provide a public electronic communications network or an associated facility. In Belgium for example the three largest telecommunications operators are Orange Belgium, Proximus, and Base.

Universal service* is an economic, legal and business term used mostly in regulated industries, referring to the practice of providing a baseline level of services to every resident of a country.¹³ The aim is to ensure that all users have access to quality services at an affordable price. In the Code, a fundamental requirement of universal service is that countries ensure all consumers have access at a **nationally-specified quality** and **affordable price** to

- adequate broadband internet access;
- voice communications services

at a fixed location, and may also ensure affordability of these services to citizens on the move.

- Making emergency calls such as to the ‘112’ European emergency number in any EU country free of charge from any telephone, including public payphones;

The Code also requires Member States to ensure that end-users with disabilities have equivalent access to universal services.¹⁴

Terms related to emergency communication

¹² See also recital 227 of [Directive \(EU\) 2018/1972](#)

¹³ See also recital 212 of [Directive \(EU\) 2018/1972](#)

¹⁴ See Recital 214 of [Directive \(EU\) 2018/1972](#)



Emergency communication means communication by means of interpersonal communications services between an end-user and the **Public safety answering point (PSAP)** with the goal to request and receive emergency services.

Public safety answering point or **PSAP** means a physical location where an emergency communication is first received under the responsibility of a public authority or a private organisation recognised by the state. PSAPs are basically the calling centres that receive and handle calls, such as the calls to national emergency numbers (e.g. 999 in the UK), and the European single emergency number '112'. Accessibility requirements for PSAPs are set out in the European Accessibility Act, so they can respond and handle emergency calls in an accessible manner (see [Part 2.16](#)). The wording '**most appropriate PSAP**' is used in the Code. This means a PSAP which is established by responsible authorities to cover emergency communications from a certain area or for certain type of emergency communications.

Terms related to consumers

End-user is a term widely used in the Code and in our toolkit. It includes individuals, but also small businesses, organisations and other entities which use electronic communications services and do not provide such services themselves. **Organisations of persons with disabilities** would qualify as end-users.

Consumer is also used in the Code to distinguish individual end-users from other types of end-users mentioned above. This is necessary because individual end-users have greater protection of rights in comparison to small companies or organisations. We use **end-users with disabilities** with the same meaning as consumers with disabilities.

Organisations of persons with disabilities (DPOs)* are organisations which are run by and represent the interest of persons with disabilities.

Terms relevant for national advocacy

Member States* are the countries which are [members of the European Union](#).

Transposition* is the process of adopting new national legislation or adapting existing ones to comply with an EU Directive.

Terms important for interoperability



Interoperability* is the ability of a system to work with or use the parts or equipment of another system.¹⁵ In other words, interoperability means that different products and services “speak” the same “language”, so they “communicate” effectively and seamlessly.

Standards* are voluntary technical documents with the main objective to ensure a common approach and interoperability when developing products and services: electricity plugs, elevators, mobile phone chargers, subtitling, audio description, etc. Standards are crucial to guarantee adequate levels of quality, safety, environmental friendliness, and accessibility for persons with disabilities. In the EU, we have two ‘categories’ of standards:

- **European standards (ENs)*** which are adopted by the European standardisation organisations,¹⁶ and are agreements mainly between stakeholders.
- **Harmonised standard (HENS)*** are European standards adopted based on a request made by the European Commission for the application of European Union harmonisation legislation (such as the Code, and the Accessibility Act). Organisations can use harmonised standards to show that they are obeying EU legislation.

4. Who are the key players for transposition at national level?

4.1. Member States (EU countries)

Member States are responsible for transposing the Code into national law. Once this is done, countries need to communicate the text of those measures to the Commission.¹⁷ They also must ensure all consumers have access to affordable services at a quality determined at national level.

Advice for Organisations of persons with disabilities:

- Contact the responsible ministry as soon as possible to ensure your interests are taken on board. Governments must draft and adopt national laws to ensure new rules are in place before the deadline. Relevant ministries are already preparing for this, so now is a good time to identify them and get involved at national level to brief officials to get the best out of the Code for persons with disabilities in your country. If you don’t know who oversees this work, ask your minister in charge of disability affairs or your minister in charge of digital or telecommunication affairs.

¹⁵ [Merriam-Webster online dictionary](#)

¹⁶ [Find out more about European standardisation organisations](#)

¹⁷ See Article 124 of [Directive \(EU\) 2018/1972](#)



- Be aware that there may be several ministries involved. If you don't have existing contacts, visit the [website of BEREC](#), where you will see the contact information of the national regulatory authorities. These authorities can also advise you which ministries are responsible for the transposition of the Code and support later during any irregularities regarding implementation.
- Once you have identified the right official or minister: write to them and request an appointment to set out your position and offer your advice.
- Contact Members of your national parliament who have an interest in disability and digital and electronic communications accessibility. They may be able to help you by putting pressure on your government to ensure an effective implementation of the Code.
- When negotiating with representatives of your government, always refer to their existing obligations under the UN Convention on the Rights of Persons with Disabilities, as well as existing EU legislation (e.g. public procurement),¹⁸ and national laws (e.g. antidiscrimination law, consumer protection laws).

Countries must ensure that, when realising their functions, national regulatory and other competent authorities act impartially, objectively, transparently and in a non-discriminatory and proportionate manner.¹⁹ To guarantee the independence of national regulatory and other competent authorities, Member States must ensure that these have adequate technical, financial and human resources to carry out the tasks assigned to them.²⁰

Countries must also ensure that the above-mentioned authorities establish a consultation mechanism, accessible for end-users with disabilities, ensuring that in their decisions on issues related to end-user and consumer rights concerning publicly available electronic communications services, due consideration is given to consumer interests in electronic communications.²¹

Advice for Organisations of persons with disabilities:

- Ask your government how they plan to ensure that:

¹⁸ See article 42 of Directive (EU) 2014/24

¹⁹ See Article 3(4) of [Directive \(EU\) 2018/1972](#)

²⁰ See Article 6 of [Directive \(EU\) 2018/1972](#)

²¹ Article 24.1 of [Directive \(EU\) 2018/1972](#)



- national regulatory and other competent authorities tasked with the implementation of the Code have enough expertise, financial and human resources, and independence to adequately perform their mandates.
- consultation mechanisms, procedures and forms are accessible for end-users with disabilities, and that their views are taken on board when developing and implementing policies.

4.2. National regulatory and other competent authorities

Countries must ensure that each of the tasks laid down in the Code is realised by a competent authority. Article 5 of the Code sets the main tasks that the **national regulatory bodies** should be responsible for. It is important to note that the Code states the minimum that these bodies should do, and does not stop countries to designate them more powers and tasks. Some of the main tasks given to national regulatory bodies are implementing market regulation, ensuring tariff transparency,²² contributing to the protection of end-users' rights, where relevant in coordination with other competent authorities.²³

Advice for Organisations of persons with disabilities:

- What additional tasks do you think are important to add to your national regulatory or other competent bodies' work? For any additional mandate these bodies should be equipped with the right expertise and resources, so make sure to highlight this in your national advocacy.

As noted, countries might designate certain tasks to **other competent bodies**. They must publish the tasks they assign to national regulatory and other competent bodies. This publication should be 'in an easily accessible form'. Competent bodies are meant to realise tasks such as requiring providers of internet access services or publicly available interpersonal communication services to publish information regarding their tariffs, quality of service, conditions of supplied terminal equipment (namely, cost and any restrictions of use), and other relevant statistics.

Advice for Organisations of persons with disabilities:

- Ensure national rules clarify what are the 'other competent bodies' and what mandate they will have. For example, competent authority specialising on checking compliance with accessibility requirements of the Code would be important.

²² See recital 279 of [Directive \(EU\) 2018/1972](#)

²³ for the exhaustive list of tasks see Article 5(1) of [Directive \(EU\) 2018/1972](#)



- Inquire what is meant by the requirement of publishing tasks of regulatory and other competent bodies '*in an easily accessible form*'. Highlight that all public information must be easy to find, understand, and in accessible electronic and print formats.

Competent authorities must also ensure certain requirements are met by providers of publicly available communication services to protect the rights of end-users with disabilities and ensure their equal access to these services. These requirements can be, for example, ensuring that end-users with disabilities take advantage of services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to other end-users, irrespective of any additional costs the providers might face.²⁴

Advice for Organisations of persons with disabilities:

- Ensure that national rules make explicit what minimum rights of end-users with disabilities relevant authorities will protect, how they will protect them and that these bodies are adequately empowered to do their work. For example, ensuring that end-users with disabilities take advantage of services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to other end-users, irrespective of any additional costs the providers might face, is important.

Competent authorities will also, where relevant, with national regulatory authorities, establish a consultation mechanism, accessible for end-users with disabilities to ensure that their views are reflected in decisions by these authorities on issues related to end-user and consumer rights concerning publicly available electronic communications services.²⁵

Advice for Organisations of persons with disabilities:

- Discuss with the relevant authorities how they plan to make their consultation mechanisms accessible for end-users with disabilities and share with them what is important for you to engage effectively. Besides technical accessibility, consulting users with disabilities from the very start of putting in place new policies and programs is vital, as is ensuring sustainability of engagement by users and their representing organisations, for example through providing funding for participation costs in meetings and discussions.

²⁴ See recital 297 of [Directive \(EU\) 2018/1972](#)

²⁵ Article 24(1) of [Directive \(EU\) 2018/1972](#)



Finally, these bodies can investigate cases of non-compliance to security provisions of the Code by providers, inquire information from them, and issue binding instructions.²⁶

National regulatory bodies and other competent authorities must coordinate their work with each other, as well as BEREC and the Commission, in order to ensure consistent application of the Code.

4.3. The European Commission

The European Commission has several powers and roles in relation to the implementation of the Code, which are important to consider.²⁷

Infringement: The Commission has the power to pursue infringement proceedings against a particular EU country in case of incorrect transposition or application of the Code. The Commission may learn about such infringements through the complaints by citizens, parliamentary questions or monitoring carried out by independent consultants. Similar procedure was launched in the summer of 2019, as a result of four [Member States failing to ensure equivalent access to the European emergency number 112 for users with disabilities](#).

Advice for Organisations of persons with disabilities:

- In case you notice infringement, please notify the [European Commission](#), EDF, and your [Member of the European Parliament](#).

Standardisation: As regards the Code, the Commission will publish a list of non-compulsory standards or technical specifications to support the harmonised provision of electronic communications networks, services and associated facilities and services, and their interoperability. The Commission may decide to make relevant European standards compulsory.²⁸

Implementing acts: The Commission may also adopt implementing acts to ensure the harmonised application of this Code and to advance the achievement of the objectives set out in Article 3 (for example, to identify a coordinated approach to access to emergency services through the single European emergency number '112').²⁹

²⁶ See Article 41 of [Directive \(EU\) 2018/1972](#)

²⁷ At the moment, [Unit B1 - Electronic Communications Policy and Unit B2 – Implementation of the Regulatory Framework](#) are responsible for the Code.

²⁸ See Article 39 of [Directive \(EU\) 2018/1972](#)

²⁹ Article 102.3 of [Directive \(EU\) 2018/1972](#). EDF has provided [feedback to the Commission proposal for the implementing act on contract summary templates](#). And the [Implementing Act has been published](#).



Delegated acts: The Commission also has the power, when necessary, to adopt delegated acts,³⁰ for example, to ensure the compatibility, interoperability, quality, reliability and continuity of emergency communications in the EU,³¹ or to set quality of service parameters,³² among other objectives.

4.4. Body of European Regulators for Electronic Communications (BEREC)

The Body of European Regulators for Electronic Communications (BEREC) was established by EU law to promote greater regulatory coordination and consistency across the EU.³³ It is also supposed to advise national regulatory authorities, the [European Commission, the European Parliament, and the Council](#) on technical matters regarding electronic communications, as well as the Commission when preparing legislative proposals, including amending the Code in the future.³⁴ In its work, BEREC may consult and cooperate with relevant national authorities, such as those competent in the fields of competition, consumer protection and data protection.

Advice for Organisations of persons with disabilities:

- If not already in contact, reach out to BEREC member national regulatory authorities and discuss your needs as users of electronic communications services. These authorities will not only be key in ensuring that the Code is properly implemented in your country, but can help you raise national concerns at EU-level.
- If you need any advice in relation to BEREC, please contact EDF.

4.5. Organisations of persons with disabilities (DPOs) and other civil society organisations

DPOs are key stakeholders who have expertise and can influence how effectively the Code will be implemented in their country. The Code obliges Member States to ensure that end-users with disabilities, among other interested parties, are sufficiently consulted on issues related to the protection of their rights, including equivalent access and choice for end-users with disabilities, concerning publicly available electronic communications services. For this

³⁰ Article 117 of [Directive \(EU\) 2018/1972](#)

³¹ Article 109.8 of [Directive \(EU\) 2018/1972](#)

³² See article 116 reference to Annex X in [Directive \(EU\) 2018/1972](#)

³³ Article 4 of [Regulation \(EU\) 2018/1971](#)

³⁴ BEREC's full list of tasks is mentioned in Article 4 of [Regulation \(EU\) 2018/1971 establishing the Body of European Regulators for Electronic Communications \(BEREC\) and the Agency for Support for BEREC \(BEREC Office\)](#).



purpose, national regulatory authorities and other competent authorities must establish consultation mechanisms that are accessible for end-users with disabilities.³⁵

DPOs' role will be important because countries have a great deal of freedom in how they implement some aspects of the Code.

Advice for Organisations of persons with disabilities:

- Proactively exercise your right to be consulted as soon as possible to ensure your interests are taken on board.
- Engage with other groups (e.g. representing persons with a range of disabilities, older people or other consumer groups) to find out if you can work together on the Code. If you can have a dialogue with your national authorities as part of a large coalition, this is likely to be very effective. If you decide to work as part of a coalition, agree a common strategy before any meeting with representatives of your government.
- Get in touch with national [members of the European Consumer Organisation \(BEUC\)](#), as they are very active and knowledgeable about consumers' rights in relation to telecommunications.

4.6. Electronic Communications Service Providers

Electronic Communications Service Providers are key stakeholders that are regulated by the Code. These can be divided into three main types: internet service providers, interpersonal communication service providers (e.g. traditional voice calls between two individuals but also all types of emails, messaging services, or group chats), and providers of services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting.

Service providers have certain obligations towards end-users, which we will detail in [Part 2.8](#) and [Part 2.10](#) of this toolkit.

Advice for Organisations of persons with disabilities:

- Ensure that national rules clearly oblige service providers to have an accessible contact point, including for complaints, allowing more than one accessible channel of communication for persons with disabilities.

³⁵ Article 24.1 of [Directive \(EU\) 2018/1972](#)



- Inform yourself about the biggest providers of electronic communications service providers in your country.
- Check if they have specialists working on accessibility and offer your support as users in assessing your needs.
- Try also to meet with management of those providers, who have decision-making power and discuss your needs as consumers.
- In discussions emphasise the legal requirements that electronic communications service providers must follow but also raise awareness about the benefits of making all communication accessible, for example reaching wider consumer base and increasing competitiveness in the market.

5. The Code is a Directive - what does this mean?

As noted, the Code establishes a harmonised framework for the regulation of electronic communications in the EU.³⁶ It does not limit obligations on electronic communications services and networks imposed by national law.³⁷ This means that as a [Directive](#), the Code generally sets out the **absolute minimum requirements** that have to be met, which does not mean that EU countries cannot do more. So, if there are better provisions already in place in a country, the government of that country does **not** have to weaken those provisions. On the contrary, they can take the opportunity of the transposition process and further strengthen national rules. More importantly, they must define and arrange measures at national level to comply with the provisions of this Code (for example, provision of specific services that enhance equivalent access for persons with disabilities should be implemented by providing relay services around the clock).

However, when it comes to end-user rights, the Code aims to establish as much equality between the conditions in different countries as possible. Therefore, article 101 (level of harmonisation) notes that countries shall not maintain or introduce in their national law end-user protection provisions different from the provisions concerning end-user rights (articles 102 to 115), including more, or less, stringent provisions, unless otherwise stated in a particular article. We discuss end-user rights in [Part 2](#) of this toolkit and will note when there is possibility to demand stricter national rules than what is already established by the Code.

³⁶ Article 1 of [Directive \(EU\) 2018/1972](#)

³⁷ Article 1.3(a) of [Directive \(EU\) 2018/1972](#)



Advice for Organisations of persons with disabilities:

- Tell your government that you want them to keep existing provisions in your country that are more beneficial to persons with disabilities (please note: this will not be the case in many countries, and it is important to consider all the provisions in the Code carefully before you do this).
- Use discussions with your government as an opportunity to strengthen and extend persons with disabilities' right to access electronic communications services at national-level when the Code allows.
- Be prepared to demonstrate the benefits for persons with disabilities and the wider society of even more ambitious provisions.

Part 2 – Working towards effective transposition

The focus of Part 2 will be provisions related to the protection of end-user rights, which, apart from the countries' obligations to ensure affordable universal services (article 85), are covered under Title III, End-User Rights (Articles 98 – 116) of the Code. We will go through these provisions, introduce their content and advise on how these can be implemented in practice and what can be strengthened at national level. We will also cover important aspects of the Code regarding enforcement, monitoring and reporting and European Commission's review of how countries implement the Code in the years to come.

With this, we aim to help you push for stronger national legislation and best possible implementation for persons with disabilities in your country.

1. Affordable Universal Services (article 84)

Member States must ensure that all consumers in their territories have access at an affordable price to an adequate broadband internet access service and to voice communications services at the quality specified in their territories, at a fixed location.³⁸

Countries may also ensure the affordability of the mentioned services not provided at a fixed location if they think it's necessary for full social and economic participation.³⁹

³⁸ Article 84.1 of [Directive \(EU\) 2018/1972](#)

³⁹ Article 84.2 of [Directive \(EU\) 2018/1972](#)



Countries must define what is considered adequate broadband internet access service.⁴⁰ In Annex V, the Code sets the minimum set of services which broadband internet must be able to deliver (e.g. email, online shopping, video and voice calls, social media and instant messaging, etc.).⁴¹

Member States may extend the above measures to end-users that are not-for-profit organisations, including organisations of persons with disabilities.⁴²

Advice for Organisations of persons with disabilities:

- Discuss with your lawmakers how they plan to define affordability. When doing so, they should ensure that consumers with disabilities do not face additional costs if requiring accessibility services to have equal access to communications services.
- Advocate that affordability requirements are extended to non-fixed location services,⁴³ for example, mobile services that are not linked to a place of residence or work.
- Ensure that when defining adequate broadband internet access, countries include provision of relay and total conversation services through the internet among the list of required services in addition to those mentioned in Annex V of the Code.
- Convince your country to ensure affordability of broadband internet and voice communication services to not-for-profit organisations such as DPOs, as these organisations often have limited financial resources and high costs of services would impede their work.

2. Provision of affordable universal service (article 85)

To make sure that all consumers have access to affordable services, Member States must monitor the evolution and level of retail prices of the services available on the market, in relation to national prices and consumer income.⁴⁴

When countries decide that prices of noted services are not affordable, because consumers with low income or 'special social needs' (this includes persons with disabilities) cannot

⁴⁰ See [Draft BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service](#)

⁴¹ Article 84.3 of [Directive \(EU\) 2018/1972](#)

⁴² Article 84.5 of [Directive \(EU\) 2018/1972](#)

⁴³ See recital 214 of [Directive \(EU\) 2018/1972](#)

⁴⁴ Article 85.1 of [Directive \(EU\) 2018/1972](#)



access those services, they must take measures to ensure affordability of services for those consumers at least at a fixed location.

Member States may ensure affordability either by providing support to targeted consumers for communication purposes or require providers of such services to offer those consumers tariff options or packages tailored to their needs, or both. Countries might choose to impose this obligation only on designated undertakings. In this case, Member States must ensure that all consumers with low-income or “special social needs” still have choice of undertakings offering tariff options addressing their needs, unless impossible.⁴⁵ This means that persons with disabilities with low income can access special tariffs, which is already the case in several EU countries.⁴⁶

Member States must ensure that appropriate support is provided to consumers with disabilities. They must also ensure that specific measures are taken to ensure that required terminal equipment (e.g. accessible smartphone or accessible computer), or other specific equipment (i.e. assistive technologies) and services that enhance equivalent access (i.e. total conversation **and** relay services) are available and affordable to persons with disabilities.⁴⁷

Advice for Organisations of persons with disabilities:

- Make sure your country sets special prices and ensures availability of the most accessible terminal equipment for persons with disabilities based on their needs. For example, such equipment can be a smartphone that supports the right video resolution to access total conversation services, or video relay for deaf people.
- Make sure your country ensures the availability and affordability of assistive technologies necessary to access communications services. For example, such technology can be an augmentative and alternative communication (AAC) device, required by a person with a speech disability.
- Explain to your government what the special services are required for equal access to electronic communications services by persons with disabilities and sets special prices for them, notably text and video relay services.

⁴⁵ Article 85.2 of [Directive \(EU\) 2018/1972](#)

⁴⁶ See [BEREC 2018 Report on NRAs' practices for ensuring equivalence of access and choice for disabled end-users](#) and [Update of BEREC 2015 report on equivalent access and choice for disabled end-users](#) (esp. p. 11)

⁴⁷ Article 85.4 of [Directive \(EU\) 2018/1972](#)



- Flag to your government and national regulatory authorities that they need to ensure compliance of telecom operators and equipment manufacturers with the accessibility requirements of the European Accessibility Act, so any person can make a call using total conversation, anytime and anywhere in the EU, as any other voice call. This is especially important during emergency situations (see [Part 2.12](#))!
- Emphasize that key relay services (text relay services, and video relay services) are available 24/7. Only this will ensure equal access and is crucial in emergency situations (see [Part 2.12](#))!
- Emphasize that provision of a relay service should not increase the price of a call. Remind your government that the Code notes that the cost to consumers with disabilities of relay services should be equivalent to the average cost of voice communications services.⁴⁸
- Emphasize that provision of total conversation services should never increase the price of a call, and that special tariffs should be applied to end-users with disabilities.

Member States may extend the scope of application of this article to end-users that are not-for-profit organisations, which include organisations of persons with disabilities.⁴⁹

Advice for Organisations of persons with disabilities:

- Highlight to your governments that DPOs have limited resources and many times employ persons with disabilities. In view of this, request to get special tariffs and equipment to undertake your tasks when using electronic communications. This could be by asking for special tariffs for communications services or assistive technologies for staff with disabilities.

3. Availability of universal service (article 86)

When a country establishes that the availability at a fixed location of an adequate broadband internet access service and of voice communications services cannot be ensured under normal commercial circumstances or through other potential public policy tools in its national territory or different parts, it may impose appropriate universal service obligations to meet all

⁴⁸ See Recital 226 of [Directive \(EU\) 2018/1972](#)

⁴⁹ Article 85.6 of [Directive \(EU\) 2018/1972](#)



reasonable requests by end-users for accessing those services in the relevant parts of its territory.⁵⁰

Advice for Organisations of persons with disabilities:

- Assess within your territory if there are persons with disabilities who have difficulties in accessing electronic communication services and equipment due to lack of sufficient broadband internet, assistive technologies, relay services, etc. Highlight this to your government and request to ensure the availability of these universal services to them.
- Stress that persons with disabilities in rural areas are especially at greater risk of not being able to access communications services with adequate quality, so focused measures should be taken to ensure equivalent access for them.

4. Existing and additional universal service (Article 87 and article 92)

Member States may continue to ensure the availability or affordability of other services than adequate broadband internet access and voice communications services at a fixed location that were in force on 20 December 2018. These were, for example provision of publicly available directory enquiry services and directories, or availability of payphones in public spaces. Member States may decide to make services additional to those included in the universal service obligations referred to in Articles 84 to 87, publicly available on their territories.

Advice for Organisations of persons with disabilities:

- If you think services that were in force before December 2018, for example public directories or public payphones, would still be useful for persons with disabilities in your county, advocate to keep these under the new Code.
- Highlight that any such services should be accessible for end-users with disabilities.
- If you have additional national universal service obligations which are useful for persons with disabilities in your country, tell your lawmakers to keep them.⁵¹

⁵⁰ Article 86.1 of [Directive \(EU\) 2018/1972](#)

⁵¹ See [BEREC Report on equivalent access and choice for disabled end-users \(December 2015\) for examples of national universal services.](#)



5. Missing children and child helpline hotlines (article 96)

Member States must ensure that end-users have access free of charge to a service operating a hotline to report cases of missing children. The hotline shall be available on the number '116000'.⁵²

They must ensure that end-users with disabilities can access services provided under the number '116000' to the greatest extent possible, including whilst travelling in other Member States.⁵³

Many countries have a separate number '116111' through which they provide a child-friendly service operating a helpline for children in need of care and protection.

Member States and the Commission must ensure that end-users are adequately informed of the existence and use of services provided under the numbers '116000' and, where appropriate, '116111'.

Advice for Organisations of persons with disabilities:

- Advocate that your country ensures that both hotlines are accessible to persons with disabilities, including children with disabilities. They can reach this is by ensuring that the entities responding and handling the calls can do it in compliance with the accessibility requirements as PSAPs for emergency communication laid down in the European Accessibility Act (i.e. total conversation and relay services).
- Emphasize that attention should be given to ensuring accessibility of number '116111' to children with disabilities, and that call centres should be adequately informed and trained on the specific needs of children with disabilities.
- Emphasise to your government that communication on raising awareness among citizens, and among children with disabilities about the existence and offered services of the hotlines should be done in accessible, easy to understand manner via multiple modes of communication (accessible online, published materials, etc.).

6. Non-discrimination (article 99) and Fundamental rights safeguard (article 100)

The obligations to provide communications networks and services to all end-users in a non-discriminatory manner applies to all providers, including microenterprises which provide

⁵² Article 96.1 of [Directive \(EU\) 2018/1972](#)

⁵³ Article 96.2 of [Directive \(EU\) 2018/1972](#)



number-independent interpersonal communications services. Any limitation of end-user rights to access these networks and services, must be objectively justified and within the limits of law. For example, situations when such limitation might occur could arise from public health and security concerns, or during investigation of criminal offences.

Advice for Organisations of persons with disabilities:

- Contact your national [equality body](#). Many equality bodies are mandated to protect persons with disabilities from discrimination and promote their equality in relation to accessing goods and services. As public bodies, they can provide legal guidance and may be able to connect you with relevant government authorities.

7. Level of harmonisation (article 101)

Article 101 significantly limits countries' rights to have stronger legal provisions to protect end-users' interests. The Code states that EU countries shall not maintain or introduce stronger or weaker end-user protection provisions in their national law that are different from those stated in most articles which refer to end-user rights in the Code (articles 102 to 115), unless stated under particular articles.⁵⁴

Throughout this toolkit we provide recommendations when national laws can still advance the requirements of the Code. In many of the cases this will be done by detailing how the requirements of the Code will be met in practice, for example, highlighting which standards should be met to ensure accessibility of communications services. This is important to keep in mind, as in certain cases national regulatory authorities can draw up specific more detailed requirements even if country laws cannot strengthen the provisions of the Code.

8. Ensuring informed choice by end-users (articles 102 and 103)

Articles 102 and 103 set obligations on Member States to ensure that end-users can make an informed decision before signing a contract with a provider of an electronic communications service.

Article 102 requires providing clear, comprehensive information about the offered service,⁵⁵ enclosing a concise and easily readable contract summary⁵⁶ based on a template specified by

⁵⁴ Article 101.1 of [Directive \(EU\) 2018/1972](#)

⁵⁵ Article 102.1 of [Directive \(EU\) 2018/1972](#)

⁵⁶ Article 102.3 of [Directive \(EU\) 2018/1972](#)



the European Commission,⁵⁷ which also notes to what extent the products and services are designed for persons with disabilities. These must be provided in accessible format in accordance to the European Accessibility Act to persons with disabilities when requested. There must also be a facility where consumers can track their consumption.⁵⁸ Countries can decide to extend some of the measures to benefit not-for-profit organisations such as DPOs.⁵⁹ Countries are also free to keep or introduce into national law provisions relating to aspects not regulated by this Article.⁶⁰ So, this article gives opportunity to strengthen right to informed choice of services by end-users, including of those with disabilities.

Article 103 ensures that end-users' right to being informed about the characteristics, offers and nature of the services is protected, by ensuring that published information is accessible in accordance with the European Accessibility Act.⁶¹ The authorities must also ensure that end-users have access free of charge to at least one independent comparison tool which allows them to compare and evaluate different internet access and interpersonal communications services.⁶² The comparison tool must fulfil several conditions, including use plain and clear language and providing up-to-date information to end-users.⁶³

Advice for Organisations of persons with disabilities:

- Emphasise to your national lawmakers they must ensure that all information, contract summary and tracking facilities provided by the electronic communications service providers are accessible by default, as obliged by the European Accessibility Act. The comparison tools should also be accessible. They can ensure this by following the below recommendations:
 - The information about the service, the contract summary, consumption tracking facility, service comparison tools and platforms are accessible by default in accordance with the Harmonised European Standard on Accessibility requirements for ICT products and services (EN 301 549 v3) and relevant standards to meet the requirements of the European Accessibility Act when those are published.

⁵⁷ The implementing regulation establishing a template for the contract summary has already been adopted by the EU. You can read [more information about the contract summary](#) and [answers to most common questions related to the contract summary](#) on the European Commission Website.

⁵⁸ Article 102.5 of [Directive \(EU\) 2018/1972](#)

⁵⁹ Article 102.2 of [Directive \(EU\) 2018/1972](#)

⁶⁰ Articles 102.6 and 102.7 of [Directive \(EU\) 2018/1972](#)

⁶¹ Article 103.1 of [Directive \(EU\) 2018/1972](#)

⁶² Article 103.2 of [Directive \(EU\) 2018/1972](#)

⁶³ Article 103.3 of [Directive \(EU\) 2018/1972](#)



- Besides accessible electronic publication all of the above information is provided in accessible formats via multiple channels (e.g. in person with sign interpretation, in braille, etc.) by default and not only when requested.
 - Encourage to designate an accessible contact point that would provide consumption-related information to end-users with disabilities.
 - For ease of understanding, any specialised language, technical jargon and acronyms should be clearly defined and explained in an understandable manner, without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.⁶⁴
- What additional information do you find important for you as consumers with disabilities to be able to make an informed choice between services? Flag it to your national regulatory and other competent authorities. This information could be on the accessibility of services, including their customer support services, points of contact and complaints procedures. Accessibility in all forms of communication must be ensured, for example in person information provided through the national sign language.

9. Quality of service related to internet access services and publicly available interpersonal communications services (article 104)

National regulatory and other competent authorities may require internet access and interpersonal communications services to publish comprehensive, comparable, reliable, user-friendly and up-to-date information for end-users on their service quality, and on measures taken to ensure equivalent access for end-users with disabilities. They may also require services to inform end-users if quality of their services may depend on external factors, such as network connectivity, which might be out of their control.⁶⁵

Advice for Organisations of persons with disabilities:

- Stress to your regulatory and other competent authorities that the information on service quality should be obligatory to publish, and that all such information should be accessible to end-users with disabilities. This should contain relevant quality parameters when it comes to equal access for persons with disabilities, for example, which relay services are available at national level or when these are available.

⁶⁴ [Council of Europe Common European Framework of Reference for Languages](#)

⁶⁵ Article 104.1 of [Directive \(EU\) 2018/1972](#)



National regulatory and other competent authorities will consider the published guidelines issued by BEREC when specifying the measurement of service quality parameters, including for end-users with disabilities.⁶⁶

10. Ensuring flexibility of choice between providers for end-users (articles 105, 106 and 107)

Articles 105 to 107 set requirements for Member States to ensure consumers have more freedom and flexibility for opting out of a service, switching to another service, and ‘taking’ their number with them. This is also true when subscribing to bundled offers.

Article 105 details countries obligation to ensure that the conditions and procedures for terminating a contract are not set up in a way (for example are too complicated, time-consuming, or create penalties) that consumers are demotivated to stop or change their subscriptions.

Article 106 obliges services, among other things, to provide end-users with sufficient information to support their right to switching between providers. Previous and future service providers must also work together to ensure that the end-user’s transfer is done as quickly and effectively as possible, and in case of communications services the end-user can keep their ‘old’ number with the new provider.

Finally, **article 107** requires providers to ensure end-users’ informed choice in relation to bundled offers by complying to the requirements of articles 102 and 103 described above, and not create unnecessary barriers for end-users who want to stop their subscriptions.

Advice for Organisations of persons with disabilities:

- Stress to your national lawmakers to set requirements to ensure that the procedures and information are simple and accessible to persons with disabilities. They can do this by:
 - Ensuring that end-users with disabilities are provided all information in accessible formats via more than one channel (electronic but also in person).
 - requiring easy to understand language without exceeding a level of complexity superior to level B1 (intermediate) of the Council of Europe’s Common European Framework of Reference for Languages is used, that the information is accessible. This includes also providing information in easy-to-read.

⁶⁶ You may find EDF’s feedback to the EDF feedback on BEREC Guidelines detailing Quality of Service Parameters in [PDF](#) and [Word](#) formats. See also, [BEREC Guidelines detailing Quality of Service Parameters](#)



- Ensuring that multiple modes of cancellation, switching of services are used, for example by phone, email, in person with sign language interpretation.

11. Availability of services (article 108)

In the event of catastrophic network breakdown or force majeure, countries must take all necessary measures to ensure the fullest possible availability of voice communications and internet access services. They will also have to ensure that providers of voice communications services take all necessary measures to ensure uninterrupted access to emergency services and uninterrupted transmission of public warnings.⁶⁷

Advice for Organisations of persons with disabilities:

- Discuss with your national lawmakers what measures they will take to ensure that the mentioned services are also available and accessible to persons with disabilities. The right of persons with disabilities to access the services available to other end-users during catastrophic network breakdown and force majeure should be explicitly mentioned in national law.
- Highlight that limiting the requirement of availability of services to Internet access and voice communication is not sufficient to protect all persons with disabilities. Especially in emergency situations it is vital that total conversation and relay services are fully available to end-users with disabilities.
- Remind your national lawmakers that the State (country) is obliged to protect persons with disabilities during natural disaster or other emergency situations according to the UN Convention on the Rights of Persons with Disability.⁶⁸

12. Emergency communications and the single European emergency number (article 109)

Countries must ensure that all end-users who can make calls to a national or international number, including when using public pay telephones, have access to emergency services through emergency communications free of charge by the single European emergency number '112' and any national emergency number determined by the country.

⁶⁷ Article 108 of [Directive \(EU\) 2018/1972](#)

⁶⁸ [Article 11 - Situations of risk and humanitarian emergencies of the United Nations Convention on the Rights of Disabilities](#)



Countries must also ensure that providers of publicly available number-based interpersonal communications services which allow calls to a national or international number, provide access to emergency services through emergency communications to the most appropriate public-safety answering point (PSAP).⁶⁹

Countries must ensure that all emergency communications to ‘112’ are answered and handled at least with the same level of speed and efficiency as any national emergency number.⁷⁰

Advice for Organisations of persons with disabilities:

- Make clear to your government that to ensure accessibility to emergency communications, they must comply with the accessibility requirements for PSAPs laid down in the European Accessibility Act (see [Part 2.16](#)).
- Ensure that when countries decide how they want to organise emergency systems, needs of persons of disabilities are fully considered, and accessibility of emergency communication is prioritised.

By 21 December 2020 and every two years after that, the European commission will report on how effectively the ‘112’ number works.⁷¹

Advice for Organisations of persons with disabilities:

- To ensure that this report takes into full consideration the issues that persons with disabilities face when accessing the single European emergency number, establish a database of cases of occurred issues, always report those cases to the responsible national regulatory authority, [inform the European Commission](#), and the EDF Secretariat.

Countries must ensure that end-users with disabilities have access to emergency communications equivalent to other end-users in accordance with the European Accessibility Act. The European Commission and the national regulatory or other competent authorities must ensure that when end-users with disabilities travel between different EU countries, equivalent access is ensured, if possible, without pre-registration.

⁶⁹ Article 109.2 of [Directive \(EU\) 2018/1972](#)

⁷⁰ Article 109.3 of [Directive \(EU\) 2018/1972](#)

⁷¹ Article 109.4 of [Directive \(EU\) 2018/1972](#)



Harmonisation across the EU will be largely based on standards and specifications defined at European-level (according to article 39) but countries can adopt additional requirements to ensure accessibility of emergency services.⁷²

Advice for Organisations of persons with disabilities:

- Advocate that your country does not require pre-registration to ensure equivalent access to any end-user with disability irrespective of them visiting from another country or not. Safety of every person should not depend on administrative procedures.
- Stress to your government and your national authorities the importance of having a harmonised approach to emergency communications so persons with disabilities, in particular deaf, hard of hearing, speech-impaired and deaf-blind end-users, can contact the '112' emergency number on an equal basis with others in their countries or when travelling across the EU. This can only be achieved if Member States and electronic communications operators comply with the same accessibility and interoperability requirements when it comes to emergency communication, namely real-time text and total conversation services. For technical reference you can mention the EN 301 549 v.3.1.1 until the standards of the European Accessibility Act are published.
- Highlight the importance of being able to contact the '112' number by a relay service on your behalf.

Countries must ensure that the caller location information is available to the most appropriate public safety answering point (PSAP) without delay after the emergency communication is set up. The establishment and transmission of this information will be free of charge for the end-user and the PSAP during all emergency communications to '112'.

Countries can decide to extend the noted obligations for emergency communications to national emergency numbers.⁷³

Advice for Organisations of persons with disabilities:

- Advocate that your country uptakes use of Advanced Mobile Location (AML), which allows fast and accurate caller location information in times of emergency, if it hasn't done yet.⁷⁴

⁷² Article 109.5 of [Directive \(EU\) 2018/1972](#)

⁷³ Article 109.6 of [Directive \(EU\) 2018/1972](#)

⁷⁴ AML, it is now deployed in 14 EU Member States, including Austria, Belgium, Croatia, Denmark, Estonia, Finland, Germany, Ireland, Lithuania, Netherlands, Slovenia, Sweden, 4 European non-EU countries (Iceland,



- Advocate also that your country uptakes the use of AML for text-to-112. This system allows that when an SMS is sent to the emergency number '112', the mobile of the sender locates itself and after around 20 seconds automatically sends a second message to the PSAP with its accurate location data.⁷⁵
- Advocate that your country extends the obligations for emergency communications for '112' to national emergency numbers.
- Advocate that your country introduces Next Generation '112', which will enable PSAPs to handle and respond to calls from IP-based⁷⁶ multimedia, allowing video, audio and real-time-text communication. With the introduction of 5G networks in the EU, Next Generation '112' will ensure high quality accessible emergency communication using real-time-text and total conversation services over IP.⁷⁷

Countries must adequately inform end-users about the existence and use of the single European emergency number '112', including its accessibility features by initiatives that, among other end-users, specifically target persons travelling between countries and end-users with disabilities. This information must be in accessible formats, addressing different types of disabilities. The European Commission will support and complement these national initiatives.⁷⁸

Advice for Organisations of persons with disabilities:

- This is a very important and useful requirement. To ensure that it is effectively realised, discuss with your government how they plan to ensure that information reaches all persons with disabilities. Offer support and expertise in developing these campaigns if you have the capacity for such engagement.

By 21 December 2022, the European Commission must adopt delegate acts on the measures necessary to ensure the compatibility, interoperability, quality, reliability and continuity of emergency communications in the EU related to caller location information solutions, access

Moldova, Norway, United Kingdom) and 5 non-European countries, including Mexico, New Zealand, United Arab Emirates, United States. 3 more EU countries are on the way to deployment.

⁷⁵ Belgium, Finland, Iceland, Lithuania, Moldova, New Zealand, Norway, Emirates, UK and US, are among countries where AML functionality for Text-to-112 (or equivalent) is activated.

⁷⁶ via internet

⁷⁷ See [Emergency Communications \(EMTEL\); Core elements for network independent access to emergency services \(ETSI TS 103 479 V1.1.1 \(2019-12\)\)](#)

⁷⁸ Article 109.7 of [Directive \(EU\) 2018/1972](#)



for end-users with disabilities and reaching the most appropriate PSAPs. This will be done after consulting BEREC.⁷⁹

Advice for Organisations of persons with disabilities:

- To ensure that your needs as end-users with disabilities are considered when drafting the delegate acts, raise any issues and feedback to your national regulatory authorities. These authorities are members of BEREC, so they can help to bring your voice to the European-level. When relevant, EDF will also consult our members to submit comprehensive feedback to the European Commission's proposal of the acts.

13. Public warning system (Article 110)

By 21 June 2022, EU countries must ensure that public warnings related to imminent or developing major emergencies and disasters are transmitted by providers of mobile number-based interpersonal communications services to concerned end-users.⁸⁰ In addition countries may decide to transmit public warnings through other publicly available electronic communications services, or through a mobile app that relies on an internet access service.⁸¹

Advice for Organisations of persons with disabilities:

- Make sure that public warning systems and the provided emergency information are accessible to persons with disabilities by more than one sensory channel (e.g. text **and** audio). The information must be easy to understand, which means it should not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.

14. Equivalent access and choice for end-users with disabilities (Article 111)

This a crucial and welcome provision of the Code that requires EU countries to ensure that the competent authorities specify requirements to be met by providers of publicly available electronic communications services to guarantee that end-users with disabilities:

- have access to electronic communications services, including to the related contract information specified in Article 102;

⁷⁹ Article 109.8 of [Directive \(EU\) 2018/1972](#)

⁸⁰ Article 110.1 of [Directive \(EU\) 2018/1972](#)

⁸¹ Article 110.2 of [Directive \(EU\) 2018/1972](#)



- benefit from the choice of undertakings and services available to the majority of end-users.⁸²

Advice for Organisations of persons with disabilities:

- Emphasize that functional equivalency must be ensured for persons with disabilities. This mean that they should be able to use communications services with the same level of offered functions and convenience as the wider group of consumers.
- The means to ensure access and choice are by:
 - Obliging all electronic communication services providers to comply with the requirements laid down in the European Accessibility Act, namely, to ensure real-time text and total conversation.
 - Ensuring interoperability of both real-time text and total conversation services, so that any person with disability in the EU can call anyone else by using these accessible means of communication, as majority of users do by voice communication or SMS.
 - Ensuring the availability and affordability of relay services, at least text and video, 24/7.
 - Ensuring that end-users with disabilities have access to affordable technical equipment as well as special equipment (assistive technologies) to access the services.

Countries must encourage compliance with the relevant standards or specifications laid down in accordance to Article 39 of the Code.⁸³

Advice for Organisations of persons with disabilities:

- Already make use of the EN 301 549 v3.1 (particularly chapter 6 on ICT with two-way communication, and chapters 9, 10 and 11 on digital accessibility, and 13 on ICT providing relay or emergency service access) while waiting for the harmonised standards and technical specifications derived from the European Accessibility Act.
- **Advocate ensuring interoperability!** – so anybody can call anybody regardless of country of residence or country of the recipient of the call (for example, possibility of a call from an EU Member State to the US where they already have these access services enabled).

⁸² Article 111.1 of [Directive \(EU\) 2018/1972](#)

⁸³ Article 111.2 of [Directive \(EU\) 2018/1972](#)



15. 'Must carry' obligations (Article 114)

Countries can decide to impose 'must carry' obligations on electronic communications networks and services under their jurisdiction which are used by a significant number of end-users as their main means of receiving radio and television broadcast channels. Apart from the transmission of radio and television broadcast channels, these obligations can include transmission of related services, such as accessibility services to enable appropriate access for end-users with disabilities (subtitles for the deaf and hard of hearing, audio description, etc.), data supporting connected television services, and electronic programme guides (EPGs). Countries may impose such obligations only to ensure that 'general interest objectives' are met, which they must clearly define.⁸⁴

By 21 December 2019 and every five years after that countries must review the 'must carry' obligations.⁸⁵

Advice for Organisations of persons with disabilities:

- Ensure that national laws do impose 'must carry' obligations on electronic communications networks and services under their jurisdiction.
- When electronic communications networks and services are used for the distribution of radio or television broadcasts to the public, ensure that 'must carry' obligations include the transmission of services designed to enable equivalent access by end-users with disabilities. Services designed to improve accessibility include videotext, subtitling for deaf and hard of hearing persons, audio description, spoken subtitles and sign language interpretation. Transmission of programme-related data necessary to support connected television and Electronic programme guide (EPG) functionalities should also be included in 'must carry' obligations.
- Find out who is collecting the data in relation to 'must carry' obligations, how to report about any flaws, and inform about these to the organisation that does it. It will probably be the national regulatory authority, so report problems to them, as this will be important during review and updating of 'must carry' obligations.

⁸⁴ Article 114. 1 of [Directive \(EU\) 2018/1972](#)

⁸⁵ Article 114.2 of [Directive \(EU\) 2018/1972](#)



16. European Accessibility Act!

The European Accessibility Act is an important legislation that will ensure accessibility to electronic communications services, including emergency communications by harmonising accessibility requirements for electronic communications services, related products, and PSAPs. The Accessibility Act and the Code should be considered in combination, as the Act complements the Code when it comes to accessibility requirements. For example, the Act covers accessibility of electronic communications services (e.g. telephony services), and consumer terminal equipment which can be used to access those services (e.g. smartphone or tablet with calling capability). It also requires Member States to ensure that the answering of emergency communications to the single European emergency number '112' by the most appropriate PSAP complies with the specific accessibility requirements. Accessibility requirements for services and the single European emergency number '112' are detailed in Annex I of the Act.

Annex I Section III - General accessibility requirements related to all services requires:

1. ensuring the accessibility of the products used in the provision of the service, in accordance with Annex I (Sections I and when relevant II);
2. providing information about the functioning of the service, and where products are used in the provision of the service, its link to these products as well as information about their accessibility characteristics and interoperability with assistive devices and facilities:
 - making the information available via more than one sensory channel;
 - presenting the information in an understandable way;
 - presenting the information to users in ways they can perceive;
 - making the information content available in text formats that can be used to generate alternative assistive formats to be presented in different ways by the users and via more than one sensory channel;
 - presenting in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs;
 - supplementing any non-textual content with an alternative presentation of that content; and
 - providing electronic information needed in the provision of the service in a consistent and adequate way by making it perceivable, operable, understandable and robust;



3. making websites, including the related online applications, and mobile device-based services, including mobile applications, accessible in a consistent and adequate way by making them perceivable, operable, understandable and robust;
4. where available, support services (help desks, call centres, technical support, relay services and training services) providing information on the accessibility of the service and its compatibility with assistive technologies, in accessible modes of communication.

Annex I Section IV - Additional accessibility requirements related to specific services requires:

including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with disabilities and ensuring interoperability with assistive technologies.

For **electronic communications services, including emergency communications** that is:

- providing real time text in addition to voice communication;
- providing total conversation where video is provided in addition to voice communication;
- ensuring that emergency communications using voice, text (including real time text) is synchronised and where video is provided is also synchronised as total conversation and is transmitted by the electronic communications service providers to the most appropriate PSAP.

Annex I Section V - Specific accessibility requirements related to the answering of emergency communications to the single European emergency number '112' by the most appropriate PSAP requires:

- including functions, practices, policies and procedures and alterations targeted to address the needs of persons with disabilities;
- that emergency communications to the single European emergency number '112' is appropriately answered by the most appropriate PSAP using the same communication means as received, namely by using synchronised voice and text (including real time text), or, where video is provided, voice, text (including real time text) and video synchronised as total conversation.

Based on the requirements of Annex I, the European Commission will request European standards and will adopt technical specifications that will provide further technical details on



how to meet these requirements. EDF and organisations representing persons with disabilities should be engaged in those discussions on equal basis with other stakeholders.

Advice for Organisations of persons with disabilities:

- Highlight to your governments that meeting the accessibility requirement of the European Accessibility Act is crucial to ensure accessibility of electronic communications services, including of emergency communications services.
- Specifically, it is important that the general requirements for products,⁸⁶ accessibility requirements related to all services,⁸⁷ requirements related to specific services,⁸⁸ and accessibility requirements related to the answering of emergency communications to the single European emergency number '112' by the most appropriate PSAP⁸⁹ are met.
- Call on your authorities to designate an appropriate PSAP to handle and respond emergency calls to '112' using total conversation and real-time-text, and ensuring they have the appropriate means, including equipment to realise efficient accessible emergency communications.

17. Enforcement of the Code

National regulatory or other competent bodies will play an important role in the enforcement of the Code. As already mentioned in [Part 1.4.2](#) of this toolkit, main tasks of the national regulatory bodies are listed in Article 5 of the Code.

These are the minimum requirement set by the Code, to which countries can add, designating more powers and tasks to national regulatory bodies. Among the tasks of these bodies is to protect end-users' right, including the rights of end-users with disabilities to equivalent access to electronic communications services and networks.

In general, the Code has strong provisions on the regulatory capacity, political and financial independence, accountability and resourcing of national regulatory and other competent bodies. It requires country governments to ensure the conditions that will allow these bodies to carry out their mandates effectively.⁹⁰

⁸⁶ Annex I Section I of [Directive \(EU\) 2019/882](#)

⁸⁷ Annex I Section III of [Directive \(EU\) 2019/882](#)

⁸⁸ Annex I Section IV of [Directive \(EU\) 2019/882](#)

⁸⁹ Annex I Section V of [Directive \(EU\) 2019/882](#)

⁹⁰ See articles 5 to 11 of [Directive \(EU\) 2018/1972](#)



However, when it comes to the protection of consumer rights, the Code gives considerable freedom to Member States: on things like how consumer rights will be protected in practice, which bodies will be given this mandate, what their powers will be and what resources will be allocated to them to do their work effectively.

Advice for Organisations of persons with disabilities:

- Make sure that national laws defining competences and powers of national regulatory authorities or other competent bodies designated to protect the rights of end-users, including end-users with disabilities, guarantee high degree of independence and sufficient human and financial resources for such bodies to exercise their mandates effectively. Standards for equality bodies or national data protection authorities can serve as inspiration to define the minimum standards as regards independence, powers and resources of national regulatory authorities or bodies tasked to enforce the Code. This will be an important topic for you to discuss with your government representatives.
- Highlight that the mandated authorities should have high degree of awareness and expertise on the needs of end-users with disabilities. So, resources should be allocated also to train and update experts regularly.
- Stress also that these authorities should be resourced to enable meaningful engagement of organisations of persons with disabilities when developing or implementing policies that affect end-users with disabilities, including during enforcement. Such measures can include providing accessible documents, communication, covering expenses for participation in meetings and ensuring accessibility of meeting venues, among others.
- Think about what your requests will be in relation to the enforcement procedure: what kind of measure do you want to see? Do you want penalties, for example? All this will need to be negotiated during the transposition period and it is likely that different governments will have different views on what “adequate and effective” means.

Article 25 mentions out-of-court dispute resolution procedures as means for end-users, including consumers, to enforce their rights, and notes that countries should ensure that either the national regulatory body or another competent independent body with proven expertise in dealing with end-user rights can act as an alternative dispute resolution entity.

Advice for Organisations of persons with disabilities:

- Tell your government that out-of-court dispute mechanisms such as mediation must be complemented by other measures of protecting the rights of end-users. Even if they might



simplify the process of reaching an agreement, these are often not transparent and can put the end-user in a weaker position vis-à-vis a big telecommunications company around the negotiation table. Therefore, clear rules and possibility of easy and accessible legal procedures should be guaranteed as well. An effective way of enforcement would be granting the national regulatory body quasi-judicial powers so they can make enforceable decisions on cases in relation to rights of end-users.

Recital 281 recommends that national regulatory or other competent authorities should prescribe the overall process of switching between operators and porting of numbers to facilitate consumer choice and effective competition in the market. In case end-users end up in situations where they are switched to another provider without giving their consent, countries can impose certain measures, including appropriate penalties.

But this is the furthest the Code specifies on protection of end-users, especially of consumers. It does not foresee specific enforcement mechanisms, including possible penalties or remedies, to protect the rights of end-users. In contrast, competent bodies can investigate cases or non-compliance with the Code, inquire information, and issue binding instructions to providers of public electronic communications networks and to publicly available electronic communications services in relation to security of networks and services.⁹¹

Advice for Organisations of persons with disabilities:

- The powers granted to national regulatory authorities in relation to ensuring security of networks can serve as good example and basis to start when defining the mandates and powers of authorities that will ensure the protection of end-users, especially of consumers.

18. Monitoring and reporting

The Code also specifies several recommendations and requirements on monitoring provision of services to end-users. For example, recital 236 recommends that countries should monitor the situation of consumers with respect to use of adequate broadband internet access and voice communication services and with respect to affordability. Recital 271 further recommends that national regulatory or other competent authorities, or these together should be empowered to monitor and systematically collect information on the quality of services offered by providers of internet access and publicly available interpersonal communications services, including quality of services provided to end-users with disabilities.

⁹¹ See Article 41 of [Directive \(EU\) 2018/1972](#)



National regulatory authorities, other competent authorities and BEREC will be able to receive from providers of services, networks, and associated facilities all, including financial, information they need to ensure that the provisions of the Code, as well as decisions or opinions by these authorities or BEREC, are effectively applied by providers.⁹²

The gathered information can be withheld from the public in case a national regulatory or other competent authority considers it to be commercially confidential. On the positive side, confidentiality cannot prevent sharing the information between the competent authority, the European Commission and BEREC, or other concerned competent authorities in order to review, monitor and supervise the application of the Code.⁹³

Countries must ensure that up-to-date information regarding the implementation of the Code is made publicly available in a manner that guarantees easy access to that information by all interested stakeholders. By 21 December 2020 and in case of changes after, they must publish a notice in their [national official gazettes](#) describing how and where the information is published.⁹⁴

Advice for Organisations of persons with disabilities:

- Include future monitoring and reporting in the topics you discuss with your national governments early on. Find out how your national authorities plan to do this. It is possible that they allocate these responsibilities to the national regulatory bodies that will oversee enforcement, but not necessarily.
- Discuss with your national authorities how the monitoring will be done in particular to the provisions regarding equal access and choice for end-users with disabilities, and the provision of universal services to them.
- Propose a methodology that considers all the different aspects of electronic communications. When it comes to the digital accessibility of the undertakings, the monitoring authority can make use of the methodology set out for the [monitoring methodology and arrangements for reporting similar to the one related to the Web Accessibility Directive](#), as the Code does not go into detail about methodologies apart from proving compliance with requirements, and accessibility standards.

⁹² Article 20.1 of [Directive \(EU\) 2018/1972](#)

⁹³ Article 20.3 of [Directive \(EU\) 2018/1972](#)

⁹⁴ Article 120.1 of [Directive \(EU\) 2018/1972](#)



- Exercise your right to be consulted or involved by your national authorities when carrying out the monitoring and reporting exercises.
- You can also flag any [infringements regarding the implementation of the Code your country to the Commission](#). You can do this directly [contacting the Commission](#) or through us. In any case, please keep us informed when any malfunction on behalf of national regulatory bodies and your government occurs.
- Finally, you can [request your Member of the European Parliament to raise questions](#) to the Commission to start an infringement procedure if your country does not comply with the Code or fails to adequately transpose and implement it in the required timelines.

19. European Commission review

The first review of the European Commission on the implementation of the Code will be done by 21 December 2025, and repeated every five years.⁹⁵

BEREC will also publish an opinion on the national implementation and functioning of the general authorisation by 21 December 2021 and after that every three years, to support the Commission's review process.⁹⁶

In addition, the Commission will publish a separate report on the effectiveness of implementing the single European emergency number '112' by 21 December 2020 and after that every two years.

The Code also prescribes a specific review procedure on end-user rights. By 21 December 2021 and after that every three years, BEREC will publish an opinion on the impact of market and technological developments in electronic communications on the rights of end-users. The analysis will cover aspects such as, the extent of freedom and informed choice of all electronic communications services by end-users, the extent of harm caused to end-users in case freedom and informed choice have not been ensured, issues related to access to emergency services due to lack of interoperability or technological developments.⁹⁷

⁹⁵ Article 122.1 of [Directive \(EU\) 2018/1972](#)

⁹⁶ Article 122.3 of [Directive \(EU\) 2018/1972](#)

⁹⁷ Article 123.1 of [Directive \(EU\) 2018/1972](#)



The European Commission will publish its own report on the application of provisions ensuring end-user rights based on the BEREC analysis and submit proposals in case of necessity.⁹⁸

Advice for Organisations of persons with disabilities:

- Exercise your right to be consulted or involved by your national authorities when carrying out the monitoring and reporting exercises. This will ensure that the information your country provides to the Commission for reporting will include any issues that affect persons with disabilities in your country.
- It is useful to establish database of cases when the Code was not properly implemented or when the current requirements are not enough to ensure equal access by end-users with disabilities to electronic communications services. This database can help inform the BEREC opinion and European Commission review and possibly result in upgrading the Code to ensure full and equal rights of end-users with disabilities.
- Please also let EDF Secretariat know in case there are problems at national level.

Final considerations

Act now! It is extremely important that organisations of persons with disabilities at national level get involved and influence the transposition process as soon as possible.

Raise awareness! Organisations of persons with disabilities (DPOs) should also inform their members and persons with disabilities about the Code, and what we can expect from it, especially if advocacy actions are planned to put pressure on national governments to make the best out of this EU legislation. Once the Code is in place, DPOs should also inform and encourage persons with disabilities to make use of the feedback and complaint mechanisms in the legislation when they find inaccessible electronic communications services.

Awareness about the European Accessibility Act should be raised already too, because only by dully following its requirements can governments ensure accessibility of interoperable electronic communications services to consumers with disabilities.

Inform the general public! It is also advisable to already start dialogue with electronic communications service providers, so they can be ready on time, as it will be better for them to start improving the accessibility of their services, rather than wait until the deadline.

⁹⁸ Article 123.2 of [Directive \(EU\) 2018/1972](#)



Additionally, informing web developers, private companies and other relevant stakeholders can also facilitate the implementation of Code and prepare the path for the European Accessibility Act, which extends the legal obligations on accessibility of goods and services providing access to electronic communications networks and services.

Reference Documents and Contacts:

Legal Documents:

- [United Nations Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#)
- [General Comment Number 2 on Accessibility \(article 9 of UN CRPD\) by UN Committee on the Rights of Persons with Disabilities](#)
- [Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code](#)
- [Directive \(EU\) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services \(European Accessibility Act\)](#)
- [Consolidated text: Commission Implementing Regulation \(EU\) 2019/2243 of 17 December 2019 establishing a template for the contract summary to be used by providers of publicly available electronic communications services pursuant to Directive \(EU\) 2018/1972](#)
- [Regulation \(EU\) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications \(BEREC\) and the Agency for Support for BEREC \(BEREC Office\)](#)
- [Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights](#)

Standards, technical specifications, and guidelines

- [Harmonised European Standard on Accessibility requirements for ICT products and services \(EN 301 549 v3\)](#)
 - Chapter 6 - ICT with two-way voice communication
 - Clause 6.1 Audio bandwidth for speech
 - Clause 6.2 Real-Time Text (RTT) functionality
 - Clause 6.4 Alternatives to voice-based services
 - Clause 6.5 Video communication
 - Clause 6.6 Alternatives to video-based services



- Chapter 9 - Web
- Chapter 10 - Non-web documents
- Chapter 11 - Software
- Chapter 12 - Documentation and support services
- Chapter 13 - ICT providing relay or emergency service access
 - Clause 13.1 Relay services requirements
 - Clause 13.2 Access to relay services
- [Emergency Communications \(EMTEL\); Core elements for network independent access to emergency services \(ETSI TS 103 479 V1.1.1 \(2019-12\)\)](#)
 - Clause 6.6.2 RTP Types (RTP-2)
- [Human Factors \(HF\); Requirements for relay services \(ETSI ES 202 975 V2.1.1 \(2015-09\)\)](#)
- [Emergency Communications \(EMTEL\); Total Conversation Access to Emergency Services \(ETSI TS 101 470 V1.1.1 \(2013-11\)\)](#)
- [Emergency Communications \(EMTEL\); Transporting Handset Location to PSAPs for Emergency Calls - Advanced Mobile Location \(ETSI TS 103 625 V1.1.1 \(2019-12\)\)](#)
- [Council of Europe Common European Framework of Reference for Languages](#)

Other useful references:

Related to the Code:

- [BEREC Guidelines detailing Quality of Service Parameters](#)
- EDF feedback on BEREC Guidelines detailing Quality of Service Parameters – [PDF](#) | [Word](#)
- [BEREC Report on equivalent access and choice for disabled end-users \(December 2015\)](#)
- [BEREC 2018 Report on NRAs' practices for ensuring equivalence of access and choice for disabled end-users](#)
- [Contract summary: informative web page of the European Commission, DG Connect](#)
- EDF feedback to the European Commission's draft implementing regulation on establishing a contract summary template for publicly available electronic communications service



providers required by the European Electronic Communications Code (EECC)

- [PDF](#) | [Word](#)

- [Draft BEREC Report on Member States' best practices to support the defining of adequate broadband internet access service](#)
- [Question and Answers | Contract summary template](#), European Commission
- [European Electronic Communications Code Updating EU Telecom Rules](#)
- [Executive Summary 2: Services, End-users' rights](#), Review of the Electronic Communications Regulatory Framework, DG Connect, European Commission
- [Review of the Electronic Communications Regulatory Framework - Executive Summaries](#), DG Connect, European Commission
- [Complaint form \(online\) to report breach of EU law to the European Commission](#)
- [New Types of Telecommunications Services \(OTTs\) And End-User Rights](#), Centrum für Europäische Politik
- [Recommendation Multimedia telecommunication relay services](#), International Telecommunication Union (ITU)
- [Joint Statement: Automatic Speech Recognition \(ASR\) in Telephone Relay Services and in Captioning Services](#), World Federation of the Deaf (WFD) and International Federation of Hard of Hearing People (IFHOH)

Related to definitions:

- [Glossary of summaries, EUR-Lex](#)
- ["Information Technology and Traditional Legal Concepts"](#) 2011, Richard Jones (Editor), Roksana Moore (Editor)
- [Key concepts and definitions, UK Information Commissioner's Office](#)
- ["What is M2M?"](#), February 2018, Link Labs

Related to Emergency Communication:



- [112 Accessibility for People with Disabilities, January 2012](#), Operations Document, European Emergency Number Association (EENA)
- [Means to Access 112, September 2013](#), Operations Document, European Emergency Number Association
- [Documents](#), European Emergency Number Association (EENA)
- [Public Safety Answering Points, Global Edition, December 2019](#), European Emergency Number Association (EENA)
- [Video demonstration of calling '112' with Total Conversation products \(project REACH112\)](#)

Useful Contacts:

- [European Commission: DG Connect web page with contact information](#)
- [European Commission: DG Connect organisational chart. \(Main contacts for the Code are Unit B1 for Electronic Communications Policy and B2 for Implementation of the Regulatory Framework\)](#)
- [European Parliament \(full list of Members\)](#)
- [Age-platform Europe members](#)
- [Body of European Regulators for Electronic Communications \(BEREC\)](#)
- [European Consumer Organisation – BEUC national members](#)
- [Members of European Telecommunications Standards Institute \(ETSI\)](#)
- [National Regulatory Authorities for telecommunications](#)
- [National Standardization Bodies \(NSBs\)](#), members of European Committee for Standardization (CEN)
- [National Committees \(NCs\)](#), members of European Committee for Electrotechnical Standardization (CENELEC)



- [National equality bodies](#)

Acknowledgments

EDF would like to thank members of the EDF ICT e-mail expert group, for their support in the development of this toolkit.

Contact persons at the EDF secretariat:

Mher Hakobyan, EDF Accessibility Officer

Email: mher.hakobyan@edf-feph.org

Alejandro Moledo, EDF Policy Coordinator

Email: alejandro.moledo@edf-feph.org

Should you have any problems in accessing the documentation, please contact the EDF Secretariat. (Tel: +32 2 329 00 59, Email: info@edf-feph.org).



Funded by
the European Union