

**Proposed EU 'European Electronic Communications Code' – September 2016**

**Selected provisions affecting Electronic Communications Services ('ECS')**

Article of proposed Code	What	Non-publicly available ECS	Publicly Available ECS			
			All	ISPs	Number-based	Number-independent
12.1	Freedom to provide services	YES	YES			
12.2	Subject to general authorisation	YES	YES		YES	No
12.3	Possible prior notification to BEREC	YES	YES		YES	No
13.2 +81	Subject to universal service obligations (internet access & voice)	Possible	Possible			
15.2 +58	Right / obligation to negotiate interconnection / access		YES			
17	Separation of accounts/structure if special/exclusive rights in other sectors		YES			
20	Obligation to provide information to NRA/BEREC	YES	YES			
25.	Submission to inexpensive out of court consumer dispute resolution procedures		YES		YES	No
40.1	Mandatory security measures		YES			
40.3	Notification of security breaches		YES			
41.2	Provision of security information and subject to audit		Possible			
48.	Access to radio spectrum	YES	YES		YES	No
55.3	Obligation to permit access over Radio LANs		YES			
59.1	Mandatory interconnection / interoperability	Possible	Possible			
65 onwards	Regulatory obligations if significant market power	Possible	Possible			
87.	Access to numbering	Possible	YES		YES	No
91.2	Block numbers in case of fraud or misuse		YES			
92.	Non-discrimination towards end users	YES	YES			
95.	Contractual information (including quality guarantees, pricing, maintenance charges, duration etc.)		YES		YES	No

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			All	ISPs	Number-based	Number-independent
95.6	Permit users to monitor & control time-based usage			YES	YES	No
96.1	Annex VIII transparency information		YES		YES	No
96.2	Inclusion in independent comparison tools		YES		YES	No
96.3	Public interest information (re unlawful activities, harmful content, privacy risks etc.)			Possible	Possible	No
97.	Publication of quality of service & measures for disabled access			Possible	Possible	No
98.	Additional contract termination rights (incl. max. 24 month contract & if T&Cs changed)		YES		YES	No
99.	Continuity of service on switching provider			YES		
100.	Information on all elements of bundled service offering		YES		YES	No
102.	Free of charge access to emergency services				YES	No
107.	Part B Annex VI obligations (number portability etc.)			Possible	Possible	No