

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

LEGAL NOTICE NO. 504 OF 2020

COMMUNICATIONS ACT 2006

COMMUNICATIONS (UNIVERSAL SERVICE AND USERS' RIGHTS) (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred on the Minister by section 9 and 33(2) of the Communications Act 2006, and all other enabling powers, and in order to implement in the Law of Gibraltar Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code and recasting Directive 2002/19/EC, Directive 2002/20/EC, Directive 2002/21/EC and Directive 2002/22/EC, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Communications (Universal Service and Users' Rights) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the date of publication.

Amendment to Regulations.

3. The Communications (Universal Service and Users' Rights) Regulations 2006 are amended in accordance with the provisions of these Regulations.

Amendment of Regulation 2.

4. In regulation 2-

(a) the following new definition is inserted between the definitions of "Authorisation Regulations" and "designated universal service provider"-

““caller location information” means, in a public mobile network, the data processed, derived from network infrastructure or handsets, indicating the geographic position of an end-user’s mobile terminal equipment, and, in a public fixed network, the data about the physical address of the network termination point;”;

(b) the following new definitions are inserted between the definitions of "designated universal service provider" and "geographic number"-

““emergency communication” means communication by means of interpersonal communications services between an end-user and the PSAP with the goal to request and receive emergency relief from emergency services;

“emergency service” means a service, recognised as such by the Member State, that provides immediate and rapid assistance in situations where there is, in particular, a direct risk to life or limb, to individual or public health or safety, to private or public property, or to the environment, in accordance with national law;”;

- (c) the following new definition is inserted between the definitions of “geographic number” and “non-geographic number”-

““most appropriate PSAP” means a PSAP established in order to cover emergency communications from a certain area or for emergency communications of a certain type;”;

- (d) the following new definitions are inserted between the definitions of “non-geographic number” and “the Act”-

““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;

“terminal equipment” means terminal equipment as defined in point (1) of Article 1 of Commission Directive 2008/63/EC;”;

- (e) the following new definition is inserted between the definitions of “the Act” and “universal service obligation”-

““total conversation service” means a multimedia real time conversation service that provides bidirectional symmetric real time transfer of motion video, real time text and voice between users in two or more locations;”.

Amendment to Regulation 3.

5. In regulation 3-

- (a) in sub-regulation (2), the following new paragraph is inserted between paragraph (a) and paragraph (b)-

“(aa) broadband internet access services;”

- (b) the following new sub-regulation is inserted after sub-regulation (2)-

“(2A) The Authority shall-

- (a) define the adequate broadband internet access service for the purposes of sub-regulation (2);
- (b) ensure that adequate broadband internet access service shall be capable of delivering the bandwidth necessary for supporting at least the minimum set of services set out in Schedule 6.”

Amendment to Regulation 8.

6. In regulation 8-

- (a) the following new sub-regulations are inserted after sub-regulation (1)-

“(1A) The Authority may ensure the affordability of the services referred to in regulation 3 that are not provided at a fixed location where it considers this to be necessary to ensure consumers’ full social and economic participation in society.

(1B) The Authority may extend the provisions of this regulation to end-users that are microenterprises and small and medium-sized enterprises and not-for-profit organisations.”

Amendment of Regulation 9.

7. In regulation 9-

- (a) in sub-regulation (2), the “.” is removed and the words “including an appropriate mechanism to check continued interest in using the service.” are included after the words “Schedule 1, Part A”;
- (b) the following new sub-regulation is inserted after sub-regulation (2)-

“(2A) The Authority may extend the scope of application of sub-regulation (2) to end-users that are micro-enterprises and small and medium sized companies and not for profit organisations.”

Insertion of new Regulation 14A.

8. The following new regulation is inserted before regulation 17 in Part III: End Users’ Interests and Rights-

“Exemption of certain microenterprises.

“16A.(1) This Part shall not apply to microenterprises providing number-independent interpersonal communications services unless they also provide other electronic communications services.

(2) The Authority shall inform end-users of an exemption under sub-regulation (1) before concluding a contract with a microenterprise benefitting from such an exemption.”

Amendment of Regulation 17.

9. In regulation 17, the following sub-regulations are inserted after sub-regulation (7)-

“(7A) Before a subscriber is bound by a contract or any corresponding offer, providers of publicly available electronic communications networks and/or electronic communications services other than transmission services used for the provision of machine-to-machine services shall provide the information referred to in Articles 5 and 6 of Directive 2011/83/EU, and the information listed in Article 102 and Annex VIII of the Directive to the extent that the information relates to a service they provide.

(7B) Article 105 of the Directive shall apply to matters of contract duration and termination.”

Amendment of Regulation 18.

10. Regulation 18 is replaced in its entirety with-

“Transparency, comparison of offers and publication of information.

18.(1) The Authority shall ensure that, where providers of internet access services or publicly available interpersonal communication services make the provision of those services subject to terms and conditions, the information referred to in Schedule 4 is published-

- (a) in a clear, comprehensive, machine-readable manner;
- (b) in an accessible format for end-users with disabilities in accordance with European Union law harmonising accessibility requirements for products and services;
- (c) by all such providers, or by the Authority itself.

(2) The Authority may specify additional requirements regarding the form in which such information is to be published. That information shall, on request, be supplied to the Authority before its publication.

(3) The Authority shall ensure that end-users have free of charge access to at least one independent comparison tool which enables them to compare and evaluate different internet access services and publicly available number-based

interpersonal communications services, and, where applicable, publicly available number-independent interpersonal communications services, with regard to:

- (a) prices and tariffs of services provided against recurring or consumption-based direct monetary payments; and
 - (b) the quality of service performance, where minimum quality of service is offered, or the person is required to publish such information pursuant to regulation 18A.
- (4) The comparison tool referred to in sub-regulation 3 shall:
- (a) be operationally independent from the providers of such services;
 - (b) clearly disclose the owners and operators of the comparison tool;
 - (c) set out clear and objective criteria on which the comparison is to be based;
 - (d) use plain and unambiguous language;
 - (e) provide accurate and up-to-date information and state the time of the last update.
 - (f) be open to any provider of internet access services or publicly available interpersonal communications services making available the relevant information, and include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results;
 - (g) provide an effective procedure to report incorrect information;
 - (h) include the possibility to compare prices, tariffs and quality of service performance between offers available to consumers and, if required by the Authority, between those offers and the standard offers publicly available to other end-users.
- (5) Comparison tools fulfilling the requirements in paragraphs (a) to (h) of sub-regulation (4) shall, upon request by the provider of the tool, be certified by the Authority.
- (6) Third parties shall have a right to use, free of charge and in open data formats, the information published by providers of internet access services or publicly available interpersonal communications services, for the purposes of making available such independent comparison tools.
- (7) Providers of internet access services or publicly available number-based interpersonal communications services, or both, shall distribute public interest information free of charge to existing and new end-users and that public interest

information shall be provided in a standardised format and shall cover the following-

- (a) the most common uses of internet access services and publicly available number-based interpersonal communications services to engage in unlawful activities or to disseminate harmful content where it may-
 - (i) prejudice respect for the rights and freedoms of others;
 - (ii) infringe data protection rights, copyright and related rights, and their legal consequences; and
- (b) the means of protection against risks to personal security, privacy and personal data when using internet access services and publicly available number-based interpersonal communications services.”

Amendment of Regulation 18A.

11. Regulation 18A, sub-regulations (1)-(4) shall be replaced in its entirety with-

“Quality of service related to internet access services and publicly available interpersonal communications services.

18A.(1) The Authority may require providers of internet access services and of publicly available interpersonal communications services to publish-

- (a) comprehensive, comparable, reliable, user-friendly and up-to-date information for end-users on the quality of their services, to the extent that they control at least some elements of the network either directly or by virtue of a service level agreement; and
 - (b) information on measures taken to ensure equivalence in access for end-users with disabilities.
- (2) The Authority may require providers of publicly available interpersonal communication services to inform consumers if the quality of the services they provide depends on any external factors, such as control of signal transmission or network connectivity.
- (3) The information shall, on request, be supplied to the Authority before its publication.
- (4) The Authority shall specify-
- (a) the quality of service parameters to be measured;
 - (b) the applicable measurement methods; and

- (c) the content, form and manner of the information to be published which shall include possible quality certification mechanisms.

(4A) Where appropriate, the parameters, definitions and measurement methods set out in Schedule 5 shall be used.”

Amendment to Regulation 19.

12. In regulation 19, the following new sub-regulation is inserted after sub-regulation (2)-

“(2A) The Authority shall act in accordance with the provision of Article 86 of the Directive in connection with the availability of universal services.”

Amendment of Regulation 19A.

13. In regulation 19A-

- (a) in sub-regulation (1), the words “, including the related contractual information provided pursuant to regulation 17 and Annex VIII of the Directive,” are inserted between the words “services” and “equivalent”;

- (b) sub-regulation (2) is replaced in its entirety with-

“(2) The Authority shall encourage-

- (a) the availability of terminal equipment offering the necessary services and functions for disabled end-users; and
- (b) compliance with the relevant standards or specifications laid down in accordance with section 40 of the Act.”

Amendment of Regulation 22.

14. In regulation 22-

- (a) in sub-regulation (1), the words “call the emergency services” are replaced with “to access the emergency services through emergency communications”;

- (b) the following new sub-regulation is inserted after sub-regulation (1)-

“(1A) The Authority shall promote the access to emergency services through the single European emergency number ‘112’ from electronic communications networks which are not publicly available but which enable calls to public networks, in particular when the person responsible for that network does not provide an alternative and easy access to an emergency service.”;

- (c) In sub-regulation (2), the “,” after the words “telephone service” is removed and the words “and/or a publicly available number-based interpersonal communications service” are inserted between the words “telephone service” and “as appropriate”;
- (d) In sub-regulation (3), the word “calls” is replaced with the word “communications”;
- (e) sub-regulations (4), (5) and (6) are replaced in their entirety with-

“(4) The Authority shall ensure that –

- (a) access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users;
 - (b) measures taken to ensure that end-users with disabilities can access emergency services on an equivalent basis with other end-users, without any pre-registration, where appropriate;
 - (c) the measures referred to in paragraph (b), where possible, ensure interoperability across the European Union and shall be based, to the greatest extent possible, on the standards or specifications referred to in section 20 of the Act;
 - (d) the measures referred to in this sub-regulation shall not prevent additional requirements being adopted.
- (5) The Authority shall ensure that caller location information is made available to the most appropriate PSAP without delay after the emergency communication is set up which shall include-
- (a) network-based location information; and
 - (b) where available, handset-derived caller location information.
- (6) The Authority shall ensure that the establishment and the transmission of the caller location information are free of charge for the end-user and the PSAP with regard to all emergency communications to the single European emergency number ‘112’.

(6A) The Authority may extend the obligation referred to in sub-regulation (6) to cover emergency communications to national emergency numbers.

(6B) The Authority shall establish the accuracy and reliability of the caller location information provided.

(6C) The Authority shall ensure, through accessible formats which address different types of disabilities, that end-users are adequately informed about the existence and the use of the single European emergency number ‘112’.”

Insertion of new Regulation 22A.

15. The following new regulation is inserted after regulation 22-

“Public warning system.

22A.(1) By 21 June 2022, the Authority shall ensure that providers of mobile number-based interpersonal communications services transmit public warnings to the end-users concerned when public warning systems regarding imminent or developing major emergencies and disasters are in place.

(2) Notwithstanding sub-regulation (1), the Authority may determine that public warnings be transmitted through publicly available electronic communications services other than those referred to in sub-regulation (1), and other than broadcasting services, or through a mobile application relying on an internet access service, provided that the effectiveness of the public warning system is equivalent in terms of coverage and capacity to reach end-users, including those only temporarily present in the area concerned.”

Amendment of Regulation 23.

16. In regulation 23 the following new sub-regulations are inserted after sub-regulation (3)-

“(3A) Special arrangements for the use of number-based interpersonal communications services between locations adjacent to Gibraltar across borders may be established or continued.

(3B) Without prejudice to regulation 26, the Authority shall promote over-the-air provisioning, where technically feasible, to facilitate switching of providers of electronic communications networks or services by end-users, in particular providers and end-users of machine-to-machine services.”

Amendment of Regulation 25.

17. In regulation 25-

(a) in sub-regulation (1), the words “and/or” are replaced with “,”;

(b) in sub-regulation (1), the “,” after the word “networks” is removed;

- (c) in sub-regulation (1), the words “and publicly available number-based interpersonal communications services” are inserted between the words “networks” and “shall make available”.

Amendment of Regulation 26.

18. Regulation 26 is replaced in its entirety with-

“Provider switching and number portability.

26(1) When switching between providers of internet access services occurs, the providers concerned shall –

- (a) provide the end-user with adequate information before and during the switching process; and
 - (b) ensure continuity of the internet access service, unless technically not feasible.
- (2) The receiving provider shall ensure that the activation of the internet access service occurs within the shortest possible time on the date and within the timeframe expressly agreed with the end-user.
- (3) The transferring provider shall continue to provide its internet access service on the same terms until the receiving provider activates its internet access service. Loss of service during the switching process shall not exceed one working day.
- (4) The Authority shall ensure the efficiency and simplicity of the switching process for the end-user.
- (5) The Authority shall ensure that all end-users with numbers from the Gibraltar Numbering Plan have the right to retain their numbers, upon request, independently of the person providing the service, in accordance with Part C of Schedule 1.
- (6) Where an end-user terminates a contract, the Authority shall ensure that the end-user can retain the right to port a number from the Gibraltar Numbering Plan to another provider for a minimum of one month after the date of termination, unless that right is renounced by the end-user.
- (7) The Authority shall ensure that pricing among providers related to the provision of number portability is cost-oriented, and that no direct charges are applied to end-users.
- (8) The porting of numbers and their subsequent activation shall be carried out within the shortest possible time on the date explicitly agreed with the end-user.

- (9) End-users who have concluded an agreement to port a number to a new provider shall have that number activated within one working day from the date agreed with the end-user.
- (10) In the case of failure of the porting process, the transferring provider shall reactivate the number and related services of the end-user until the porting is successful and shall continue to provide its services on the same terms and conditions until the services of the receiving provider are activated
- (11) The loss of service during the process of provider switching and the porting of numbers shall not exceed one working day.
- (12) Operators whose access networks or facilities are used by either the transferring or the receiving provider, or both, shall ensure that there is no loss of service that would delay the switching and porting process.
- (13) The receiving provider shall lead the switching and porting processes and both the receiving and transferring providers shall-
 - (a) cooperate in good faith;
 - (b) not delay or abuse the switching and porting processes;
 - (c) not port numbers or switch end-users without the end-users' explicit consent.
- (14) The end-users' contracts with the transferring provider shall be terminated automatically upon conclusion of the switching process.
- (15) The Authority may establish the details of the switching and porting processes and shall take into account-
 - (a) provisions on contracts in Gibraltar law;
 - (b) technical feasibility; and
 - (c) the need to maintain continuity of service to the end-users.
- (16) The Authority shall take appropriate measures ensuring that end-users are adequately informed and protected throughout the switching and porting processes and are not switched to another provider without their consent.
- (17) Transferring providers shall refund, upon request, any remaining credit to the consumers using pre-paid services.
- (18) The refund may be subject to a fee only if provided for in the contract and such fee shall be proportionate and commensurate with the actual costs incurred by the transferring provider.

- (19) The Authority may make a compensation order under this regulation where it considers that a subscriber has suffered damage as a result of delay or abuse of the porting process.
- (20) In addition to the information required under Schedule 1, the Authority shall ensure that end-users are adequately informed about the existence of the rights to compensation referred to in these regulations.
- (21) A person who fails to comply with this regulation, or with any obligation, condition or requirement imposed upon him by the Authority pursuant to this regulation, is guilty of an offence.”

Insertion of new Regulation 26A.

19. The following new regulation is inserted after regulation 26-

“Bundled offers.

26A.(1) If a bundle of services or a bundle of services and terminal equipment offered to a consumer comprises at least-

- (a) an internet access service; or
- (b) a publicly available number-based interpersonal communications service,

regulation 17, regulation 18(1) and (2), and regulation 26(1)-(4) shall apply to all elements of the bundle including those not otherwise covered by those provisions.

(2) Where the consumer has a legal right to terminate any element of the bundle before the end of the agreed contract term due to-

- (a) a lack of conformity with the contract or;
- (b) a failure to supply,

the consumer has the right to terminate the contract with respect to all elements of the bundle.

(3) Any subscription to additional services or terminal equipment provided or distributed by the same provider of internet access services or of publicly available number-based interpersonal communications services shall not extend the original duration of the contract to which such services or terminal equipment are added, unless the consumer expressly agrees otherwise when subscribing to the additional services or terminal equipment.

- (4) Sub-regulations (1) and (3) shall also apply to end-users that are microenterprises, small enterprises, or not-for-profit organisations, unless they have explicitly agreed to waive all or parts of those provisions.
- (5) The Authority may apply sub-regulation (1) as regards other provisions laid down in this Part.”

Amendment of Regulation 27.

20. In regulation 27-

- (a) in sub-regulation (1), the words “and services” are inserted after the word “networks”;
- (b) in sub-regulation (1A), the “.” at the end is removed and the words “and data supporting connected television services and EPGs.” are inserted after the words “disabled end-users”;

Amendment to Regulation 28.

21. In regulation 28-

- (a) in sub-regulation (1)(a), the words “ (including end-users with disabilities)” are inserted after the words “end-users”;
- (b) in sub-regulation (1), the words “ ,including equivalent access and choice for end-users with disabilities,” are inserted between the words “consumer rights” and “concerning publicly”;
- (c) the following new sub-regulation is inserted after sub-regulation (2)-

“(2A) Interested parties may develop, with the guidance of and in co-operation with the Authority mechanisms involving-

- (a) consumers;
- (b) user groups; and
- (c) service providers.”

- (d) sub-regulation (3) is replaced in its entirety with the following-

“(3) Without prejudice to any enactment promoting cultural and media policy objectives, the Authority may promote co-operation between persons providing electronic communications networks and/or electronic communications services, and sectors interested in the promotion of lawful content in electronic communications networks and electronic communications services. That co-operation may also include

coordination of the public-interest information to be provided pursuant to regulation 18(7).”

Amendment of Schedule 1.

22. Schedule 1 is replaced in its entirety with-

“SCHEDULE 1

**DESCRIPTION OF FACILITIES AND SERVICES REFERRED TO IN
REGULATION 9 (CONTROL OF EXPENDITURE), REGULATION 25
(ADDITIONAL FACILITIES) AND REGULATION 26 (PROVIDER SWITCHING
AND NUMBER PORTABILITY)**

Regulations 9,25 and 26

Part A: Facilities and services referred to in regulations 9 and 25.

When applied on the basis of regulation 9, Part A is applicable to consumers and other categories of end-users where the Authority has extended the beneficiaries of regulation 9(2A).

When applied on the basis of regulation 25, Part A is applicable to the categories of end-users determined by the Authority, except for paragraphs (c), (d) and (g) of this Part which are applicable only to consumers.

(a) Itemised billing

The Authority may, subject to the requirements of relevant law on the protection of personal data and privacy applicable in Gibraltar, lay down the basic level of itemised bills which are to be offered by providers to end-users free of charge in order that they can:

- (i) allow verification and control of the charges incurred in using internet access services or voice communications services, or number-based interpersonal communications services in the case of regulation 25; and
- (ii) adequately monitor their usage and expenditure and thereby exercise a reasonable degree of control over their bills. Where appropriate, additional levels of detail may be offered to end-users at reasonable tariffs or at no charge. Such itemised bills shall include an explicit mention of the identity of the supplier and of the duration of the services charged by any premium numbers unless the end-user has requested that information not to be mentioned. Calls which are free of charge to the calling end-

users, including calls to helplines, shall not be required to be identified in the calling end-user's itemised bill.

The Authority may require operators to provide calling-line identification free of charge.

(b) Selective barring for outgoing calls or premium SMS or MMS, or, where technically feasible, other kinds of similar applications, free of charge.

This is a facility whereby the end-users can, on request to the providers of voice communications services, or number-based interpersonal communications services in the case of regulation 25, bar outgoing calls or premium SMS or MMS or other kinds of similar applications of defined types or to defined types of numbers free of charge.

(c) Pre-payment systems

The Authority may require providers to offer means for consumers to pay for access to the public electronic communications network and use of voice communications services, or internet access services, or number-based interpersonal communications services in the case of regulation 25, on pre-paid terms.

(d) Phased payment of connection fees

The Authority may require providers to allow consumers to pay for connection to the public electronic communications network on the basis of payments phased over time.

(e) Non-payment of bills

The Authority shall authorise specified measures, which are to be proportionate, non-discriminatory and published, to cover non-payment of bills issued by providers. Those measures are to ensure that due warning of any consequent service interruption or disconnection is given to the end-users beforehand. Except in cases of fraud, persistent late payment or non-payment, those measures shall ensure, as far as is technically feasible, that any service interruption is confined to the service concerned. Disconnection for non-payment of bills shall take place only after due warning is given to the end-users. The Authority may allow a period of limited service prior to complete disconnection, during which only calls that do not incur a charge to the end-users (for example, calls to the '112' number) and minimum service level of internet access services, defined by Member States in light of national conditions, are permitted.

(f) Tariff advice

This is a facility whereby end-users may request the provider to offer information regarding alternative lower-cost tariffs, if available.

(g) Cost control

This is a facility whereby providers offer other means, if determined to be appropriate by competent authorities in coordination, where relevant, with national regulatory authorities, to control the costs of voice communications services or internet access services, or number-based interpersonal communications services in the case of regulation 25, including free-of-charge alerts to consumers in the case of abnormal or excessive consumption patterns.

(h) Facility to deactivate third party billing

This is a facility for end-users to deactivate the ability for third party service providers to use the bill of a provider of an internet access service or a provider of a publicly available interpersonal communications service to charge for their products or services.

Part B: Facilities referred to in regulation 25.

(a) Calling-line identification

This is a facility whereby the calling party's number is presented to the called party prior to the call being established.

This facility shall be provided in accordance with relevant law on protection of personal data and privacy, in particular Directive 2002/58/EC.

To the extent technically feasible, operators shall provide data and signals to facilitate the offering of calling-line identity and tone dialling across boundaries within the European Union.

(b) E-mail forwarding or access to e-mails after termination of the contract with a provider of an internet access service.

This facility shall, on request and free-of-charge, enable end-users who terminate their contract with a provider of an internet access service to either access their e-mails received on the e-mail address(es) based on the commercial name or trade mark of the former provider, during a period that the Authority considers necessary and proportionate, or to transfer e-mails sent to that (or those) address(es) during that period to a new email address specified by the end-user.

Part C: Implementation of the number portability provisions referred to in regulation 26.

The requirement that all end-users with numbers from the Gibraltar Numbering Plan, who so request can retain their numbers independently of the person providing the service shall apply:

- (a) in the case of geographic numbers, at a specific location; and

(b) in the case of non-geographic numbers, at any location.

This part does not apply to the porting of numbers between networks providing services at a fixed location and mobile networks.”

Amendment of Schedule 2.

23. In schedule 2, in Part B, the words “In accordance with Article 13(3) of the Universal Service Directive” are replaced with the words “In accordance with Article 90(3) of the Directive”.

Amendment of Schedule 4.

24. Schedule 4 is replaced in its entirety with-

“SCHEDULE 4

**INFORMATION TO BE PUBLISHED IN ACCORDANCE WITH
REGULATION 18 (TRANSPARENCY AND PUBLICATION OF
INFORMATION)**

Regulation 18

The Authority shall decide which information is relevant to be published by the providers of internet access services or publicly available interpersonal communications services, and which information is to be published by the Authority itself in order to ensure that all end-users are able to make informed choices. If considered to be appropriate, the Authority may promote self- or co-regulatory measures prior to imposing any obligation.

1. Contact details of the person

2. Description of the services offered

2.1. Scope of the services offered, and the main characteristics of each service provided, including any minimum levels of quality of service where offered and any restrictions imposed by the provider on the use of terminal equipment supplied.

2.2. Tariffs of the services offered, including information on communications volumes (such as restrictions of data usage, numbers of voice minutes, numbers of messages) of specific tariff plans and the applicable tariffs for additional communication units, numbers or services subject to particular pricing conditions, charges for access and

maintenance, all types of usage charges, special and targeted tariff schemes and any additional charges, as well as costs with respect to terminal equipment.

2.3. After-sales, maintenance and customer assistance services offered and their contact details.

2.4. Standard contract conditions, including contract duration, charges due on early termination of the contract, rights related to the termination of bundled offers or of elements thereof, and procedures and direct charges related to the portability of numbers and other identifiers, if relevant.

2.5. If the person is a provider of number-based interpersonal communications services, information on access to emergency services and caller location, or any limitation on the latter. If the person is a provider of number-independent interpersonal communications services, information on the degree to which access to emergency services may be supported or not.

2.6. Details of products and services, including any functions, practices, policies and procedures and alterations in the operation of the service, specifically designed for end-users with disabilities, in accordance with Union law harmonising accessibility requirements for products and services.”

Amendment of Schedule 5.

25. Schedule 5 is replaced in its entirety with-

“SCHEDULE 5

QUALITY OF SERVICE PARAMETERS

Quality-of-Service Parameters, Definitions and Measurement Methods referred to in Regulations 10 and 18A.

For providers of access to a public electronic communications network

PARAMETER (Note 1)	DEFINITION	MEASUREMENT METHOD
Supply time for initial connection	ETSI EG 202 057	ETSI EG 202 057
Fault rate per	ETSI EG 202 057	ETSI EG 202 057

access line		
Fault repair time	ETSI EG 202 057	ETSI EG 202 057

For providers of interpersonal communications services who exert control over at least some elements of the network or have a service level agreement to that effect with persons providing access to the network

PARAMETER (Note 2)	DEFINITION	MEASUREMENT METHOD
Call set up time	ETSI EG 202 057	ETSI EG 202 057
Bill correctness complaints	ETSI EG 202 057	ETSI EG 202 057
Voice connection quality	ETSI EG 202 057	ETSI EG 202 057
Dropped call ratio	ETSI EG 202 057	ETSI EG 202 057
Unsuccessful call ratio (Note 2)	ETSI EG 202 057	ETSI EG 202 057
Failure probability		
Call signalling delays		

Version number of ETSI EG 202 057-1 is 1.3.1 (July 2008)

For providers of internet access services

PARAMETER	DEFINITION	MEASUREMENT METHOD
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Latency (delay)	ITU-T Y.2617	ITU-T Y.2617
Jitter	ITU-T Y.2617	ITU-T Y.2617
Packet loss	ITU-T Y.2617	ITU-T Y.2617

Note 1

Parameters shall allow for performance to be analysed at a regional level (namely, no less than level 2 in the Nomenclature of Territorial Units for Statistics (NUTS) established by Eurostat).

Note 2

Member States may decide not to require up-to-date information concerning the performance for those two parameters to be kept if evidence is available to show that performance in those two areas is satisfactory.”

Insertion of New Schedule.

26. The following new schedule is inserted after schedule 5-

“SCHEDULE 6

Regulation 3

**MINIMUM SET OF SERVICES WHICH THE ADEQUATE BROADBAND
INTERNET ACCESS SERVICE IN ACCORDANCE WITH REGULATION (3)
SHALL BE CAPABLE OF SUPPORTING**

- (1) Email;
- (2) search engines enabling search and finding of all type of information;
- (3) basic training and education online tools;
- (4) online newspapers or news;
- (5) buying or ordering goods or services online;
- (6) job searching and job searching tools;
- (7) professional networking;
- (8) internet banking;
- (9) eGovernment service use;
- (10) social media and instant messaging;
- (11) calls and video calls (standard quality).”

Dated: 24th December 2020.

SIR J BOSSANO,
Minister with responsibility for telecommunications.

EXPLANATORY MEMORANDUM

These regulations implement in the Law of Gibraltar, Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code and recasting Directive 2002/19/EC, Directive 2002/20/EC, Directive 2002/21/EC and Directive 2002/22/EC.