

歐洲議會暨理事會準則 2002/22/EC

**「關於電子通訊網路與服務關聯之  
普及服務與使用者權利」**

二〇〇二年三月七日

**DIRECTIVE 2002/22/EC OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**on universal service and users' rights relating to  
electronic communications networks and servi-  
ces (Universal Service Directive)**

of 7 March 2002

## 第一章 範圍、目標及定義

### 第一條 範圍與目標

1. 依據 2002/21/EC 準則（架構準則）之架構，本準則關切提供終端使用者之電子通訊網路與服務。目標在於透過有效競爭、多元選擇、處理市場機能無法滿足終端使用者需求之情況，以確保共同體內優良品質之公眾可及服務之可及性。
2. 本準則規定終端使用者權利及提供公眾可及電子通訊網路及服務之事業之相關義務。為確保開放及競爭市場環境下普及服務之提供，本準則訂定在未扭曲競爭情況下，所有終端使用者依其特定國情之可負擔價格，得近用之最低限度特定品質服務項目。本準則亦訂定提供強制性服務義務，諸如租用電路之零售提供。

### 第二條 定義

基於本準則之目的，架構準則第二條之定義，本準則亦適用之。

## CHAPTER I SCOPE, AIMS AND DEFINITIONS

### Article 1 Scope and aims

1. Within the framework of Directive 2002/21/EC (Framework Directive), this Directive concerns the provision of electronic communications networks and services to end-users. The aim is to ensure the availability throughout the Community of good quality publicly available services through effective competition and choice and to deal with circumstances in which the needs of end-users are not satisfactorily met by the market.
2. This Directive establishes the rights of end-users and the corresponding obligations on undertakings providing publicly available electronic communications networks and services. With regard to ensuring provision of universal service within an environment of open and competitive markets, this Directive defines the minimum set of services of specified quality to which all end-users have access, at an affordable price in the light of specific national conditions, without distorting competition. This Directive also sets out obligations with regard to the provision of certain mandatory services such as the retail provision of leased lines.

### Article 2 Definitions

For the purposes of this Directive, the definitions set out in Article 2 of Directive 2002/21/EC (Framework Directive) shall apply.

本準則用語定義如下：

- (a) 公共電話：一般大眾可得近用之電話，其使用之付款工具可包括硬幣、信用卡/記帳卡、預付卡，以及撥接代碼使用卡。
- (b) 公眾電話網路：電子通訊網路用以提供公眾可及之電話服務；該網路支援語音通信之終端節點間的傳輸，以及其他通訊形式之傳輸，如傳真或數據通信。
- (c) 公眾可及之電話服務：公眾可用以發話或接收國內、國際電話，並透過國內或國際編碼計畫電話號碼之近用緊急服務。此外，另可涵蓋以下服務：操作協助服務、目錄查詢服務、電話簿、公共電話之提供、特殊約款之服務提供、殘障或具特殊社會需求之消費者的特殊設施之提供、及非區域服務之提供。
- (d) 區域號碼：國家編碼計畫中所編列之號碼，其部分數字結構具區域意義，可用以路由通話至網路終端節點之實體地點。
- (e) 網路終端節點：訂戶於該節點處可以近用公眾通訊網路之實體節點；當該網路涉及交換或路由時，網路終

*The following definitions shall also apply:*

- (a) 'public pay telephone' means a telephone available to the general public, for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes;
- (b) 'public telephone network' means an electronic communications network which is used to provide publicly available telephone services; it supports the transfer between network termination points of speech communications, and also other forms of communication, such as facsimile and data;
- (c) 'publicly available telephone service' means a service available to the public for originating and receiving national and international calls and access to emergency services through a number or numbers in a national or international telephone numbering plan, and in addition may, where relevant, include one or more of the following services: the provision of operator assistance, directory enquiry services, directories, provision of public pay phones, provision of service under special terms, provision of special facilities for customers with disabilities or with special social needs and/or the provision of non-geographic services;
- (d) 'geographic number' means a number from the national numbering plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point (NTP);
- (e) 'network termination point' (NTP) means the physical point at which a subscriber is provided with access to a public communica-

端節點藉由特定的網路位址加以識別，並得與訂戶之電話號碼或姓名加以聯結。

- (f) 非區域號碼：國家編碼計畫中所編列非屬區域號碼之號碼。其包括行動電話號碼、免付費電話號碼、及付費語音電話號碼

## 第二章 具社會義務之普及服務義務

### 第三條 普及服務之可及性

1. 會員國應確保本章所定之服務，依其特定國情之可負擔價格，得以特定品質提供其境內之所有終端使用者，不論其所在地理位置。
2. 會員國應決定最有效率且合適的方式以確保普及服務之實施，並兼顧客觀、透明、非歧視及比例原則。會員國應尋求最低程度之市場扭曲並維護公共利益，特別是針對異於正常商業條件之價格、契約條款或條件之服務提供。

### 第四條 固定地區接取之提供

1. 會員國應確保其境內任一固定地區對連結公眾電信網路、近用公眾可及電話服務的合理要求之實現，該要求至少由一家事業提供。

tions network; in the case of networks involving switching or routing, the NTP is identified by means of a specific network address, which may be linked to a subscriber number or name;

- (f) 'non-geographic numbers' means a number from the national numbering plan that is not a geographic number. It includes inter alia mobile, freephone and premium rate numbers.

## CHAPTER II UNIVERSAL SERVICE OBLIGATIONS INCLUDING SOCIAL OBLIGATIONS

### Article 3 Availability of universal service

1. Member States shall ensure that the services set out in this Chapter are made available at the quality specified to all end-users in their territory, independently of geographical location, and, in the light of specific national conditions, at an affordable price.
2. Member States shall determine the most efficient and appropriate approach for ensuring the implementation of universal service, whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality. They shall seek to minimise market distortions, in particular the provision of services at prices or subject to other terms and conditions which depart from normal commercial conditions, whilst safeguarding the public interest.

### Article 4 Provision of access at a fixed location

1. Member States shall ensure that all reasonable requests for connection at a fixed location to the public telephone network and for access to publicly available telephone services at a fixed location are

2. 前述連結應使終端使用者能夠撥打、接收當地、國內及國際電話、傳真以及數據通信。數據通信之傳輸速率應符合基本網路接取功能，並以大部分訂戶普遍使用之技術與技術可行性加以衡量。

#### 第五條 目錄查詢服務及電話簿

##### 1. 會員國應確保：

(a) 至少有一個經相關機關認可形式發行之完整電話簿供終端使用者可得近用；得以紙本或（和）電子方式提供，同時應每年至少定期更新一次。

(b) 所有終端使用者，包括公共電話使用者，至少可近用一個完整電話目錄查詢服務。

2. 依 97/66/EC 準則第 11 條規定，前項提及之電話簿應包含所有公眾可及電話服務之訂戶，

3. 會員國應確保提供本條第一項所訂服務之事業，以非歧視原則處理其他事業所提供之資訊。

#### 第六條 公共電話

1. 會員國應確保其國家監理機關可課與事業特定義務，

met by at least one undertaking.

2. The connection provided shall be capable of allowing end-users to make and receive local, national and international telephone calls, facsimile communications and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.

#### Article 5 Directory enquiry services and directories

##### 1. Member States shall ensure that:

(a) at least one comprehensive directory is available to end-users in a form approved by the relevant authority, whether printed or electronic, or both, and is updated on a regular basis, and at least once a year;

(b) at least one comprehensive telephone directory enquiry service is available to all end-users, including users of public pay telephones.

2. The directories in paragraph 1 shall comprise, subject to the provisions of Article 11 of Directive 97/66/EC, all subscribers of publicly available telephone services.

3. Member States shall ensure that the undertaking(s) providing the services referred to in paragraph 1 apply the principle of non-discrimination to the treatment of information that has been provided to them by other undertakings.

#### Article 6 Public pay telephones

1. Member States shall ensure that national regulatory authorities can

以確保公共電話之提供，就區域涵蓋率、公共電話數量、殘障人士對公共電話的可及性，及服務品質等，均符合終端使用者之合理要求。

2. 當國家監理機關認為其境內之公共電話設施或相當的服務已相當普及，基於與本準則第三十三條所列利害關係人諮商結果，會員國應確保其國家監理機關得決定於其境內部分或全部領域，不再課與事業前項義務。
3. 會員國應確保所有使用者皆免費且無須使用任何付款工具，得透過公共電話撥打單一歐洲緊急電話號碼“112”，以及其他國家性緊急電話號碼。

#### 第七條 殘障使用者之特別措施

1. 會員國應於適當情況下採取特別措施，以確保殘障終端使用者與其他終端使用者同樣得以可負擔價格，近用公眾可及電話服務，包括緊急服務、電話查詢服務及電話簿。
2. 會員國得基於特定國情採取特別措施，以確保殘障終端使用者得利用多數終端使用者所選擇之事業與服務提供者。

impose obligations on undertakings in order to ensure that public pay telephones are provided to meet the reasonable needs of end-users in terms of the geographical coverage, the number of telephones, the accessibility of such telephones to disabled users and the quality of services.

2. A Member State shall ensure that its national regulatory authority can decide not to impose obligations under paragraph 1 in all or part of its territory, if it is satisfied that these facilities or comparable services are widely available, on the basis of a consultation of interested parties as referred to in Article 33.
3. Member States shall ensure that it is possible to make emergency calls from public pay telephones using the single European emergency call number .112. and other national emergency numbers, all free of charge and without having to use any means of payment.

#### Article 7 Special measures for disabled users

1. Member States shall, where appropriate, take specific measures for disabled end-users in order to ensure access to and affordability of publicly available telephone services, including access to emergency services, directory enquiry services and directories, equivalent to that enjoyed by other end-users.
2. Member States may take specific measures, in the light of national conditions, to ensure that disabled end-users can also take advantage of the choice of undertakings and service providers available to the majority of end-users.

### 第八條 事業之指定

1. 會員國得指定一家以上事業以確保本準則第四條、第五條、第六條及第七條所定普及服務之提供，得涵蓋全國領域；若情事允許，亦得納入第九條第二項之服務。會員國得指定不同事業或不同組合之事業提供不同種類普及服務項目，且（或）於境內不同地區提供服務。
2. 會員國應透過效率化、客觀、透明、非歧視性之指定機制，指定其事業於其部份境內或全國各地負擔普及服務義務，所有事業不得預先免除被指定之義務。前述指定方法應確保普及服務係以真成本效益之方式提供，並可作為決定本準則第十二條所定普及服務義務淨成本之工具。

### 第九條 費率之可負擔性

1. 國家監理機關應監督被指定事業提供本準則第四條、第五條、第六條及第七條所定為普及服務義務之服務項目零售費率的變化與水準，特別是該費率與國內消費物價及國民所得之關聯。
2. 會員國可依其國情，特別是為確保低所得者或其他具特殊社會需求者可得近用公眾可及之電話服務，要求被指定事業提供給消費者異於正常商業條件之服務使

### Article 8 Designation of undertakings

1. Member States may designate one or more undertakings to guarantee the provision of universal service as identified in Articles 4, 5, 6 and 7 and, where applicable, Article 9 (2) so that the whole of the national territory can be covered. Member States may designate different undertakings or sets of undertakings to provide different elements of universal service and/or to cover different parts of the national territory.
2. When Member States designate undertakings in part or all of the national territory as having universal service obligations, they shall do so using an efficient, objective, transparent and non-discriminatory designation mechanism, whereby no undertaking is a priori excluded from being designated. Such designation methods shall ensure that universal service is provided in a cost-effective manner and may be used as a means of determining the net cost of the universal service obligation in accordance with Article 12.

### Article 9 Affordability of tariffs

1. National regulatory authorities shall monitor the evolution and level of retail tariffs of the services identified in Articles 4, 5, 6 and 7 as falling under the universal service obligations and provided by designated undertakings, in particular in relation to national consumer prices and income.
2. Member States may, in the light of national conditions, require that designated undertakings provide tariff options or packages to consumers which depart from those provided under normal commercial

用費率選擇或套裝產品。

3. 除規定被指定事業提供的特殊費率選擇、或遵循價格調整上限制、或各地均等費率，或其他類相機制之外，會員國得確保上述資助提供予確實係低收入或具特殊社會需求之消費者。
4. 會員國得基於國情或遵守價格調整上限制，要求負擔本準則第四條、第五條、第六條及第七條所定義務之事業於境內採用共同費率制，包括各地均等費率。
5. 當某被指定事業有義務提供特殊費率選擇、共同費率，包括各地均等費率，或遵守價格調整上限制等，國家監理機關應確保上述各條件完全透明化、公開，並依非歧視原則適用之。國家監理機關得請求修正或撤銷特定機制。

#### 第十條 支出之控管

1. 會員國應確保被指定事業於提供本準則第四條、第五條、第六條、第七條及第九條第二項以外之設施及服務時，訂定契約條款及條件俾使訂戶免於負擔非必要及未經要求之服務所需費用。
2. 會員國應確保負擔本準則第四條、第五條、第六條、

conditions, in particular to ensure that those on low incomes or with special social needs are not prevented from accessing or using the publicly available telephone service.

3. Member States may, besides any provision for designated undertakings to provide special tariff options or to comply with price caps or geographical averaging or other similar schemes, ensure that support is provided to consumers identified as having low incomes or special social needs.
4. Member States may require undertakings with obligations under Articles 4, 5, 6 and 7 to apply common tariffs, including geographical averaging, throughout the territory, in the light of national conditions or to comply with price caps.
5. National regulatory authorities shall ensure that, where a designated undertaking has an obligation to provide special tariff options, common tariffs, including geographical averaging, or to comply with price caps, the conditions are fully transparent and are published and applied in accordance with the principle of non-discrimination. National regulatory authorities may require that specific schemes be modified or withdrawn.

#### Article 10 Control of expenditure

1. Member States shall ensure that designated undertakings, in providing facilities and services additional to those referred to in Articles 4, 5, 6, 7 and 9 (2), establish terms and conditions in such a way that the subscriber is not obliged to pay for facilities or services which are not necessary or not required for the service requested.
2. Member States shall ensure that designated undertakings with ob-



第七條及第九條第二項義務之被指定事業，提供本準則附件一 A 部分所定之設施及服務，使訂戶可監督或控管支出並避免無預警終止服務。

3. 當會員國認定前項所訂設施已全面普遍時，應確保相關監理機關有權於其境內部分或全部區域撤銷前項規定。

#### 第十一條 被指定事業之服務品質

1. 國家監理機關應確保負擔本準則第四條、第五條、第六條、第七條，以及第九條第二項義務之所各被指定事業，應根據附件三所訂服務品質參數、定義及測量方法，公布提供普及服務績效之充分且最新的資訊。已公布之資訊亦應呈交國家監理機關。
2. 若相關服務品質參數已完善情況下，國家監理機關可特定額外之服務標準品質，以評估事業提供予殘障終端使用與殘障消費者之服務績效。國家監理機關應確保與前述參數相關的事業服務績效資訊被公開，且國家監理當局亦可使用。
3. 國家監理機關得另定資訊公布方式、形式與內容，以確保終端使用者及消費者得近用完整、相當、友善使

ligations under Articles 4, 5, 6, 7 and 9 (2) provide the specific facilities and services set out in Annex I, Part A, in order that subscribers can monitor and control expenditure and avoid unwarranted disconnection of service.

3. Member States shall ensure that the relevant authority is able to waive the requirements of paragraph 2 in all or part of its national territory if it is satisfied that the facility is widely available.

#### Article 11 Quality of service of designated undertakings

1. National regulatory authorities shall ensure that all designated undertakings with obligations under Articles 4, 5, 6, 7 and 9 (2) publish adequate and up-to-date information concerning their performance in the provision of universal service, based on the quality of service parameters, definitions and measurement methods set out in Annex III. The published information shall also be supplied to the national regulatory authority.
2. National regulatory authorities may specify, inter alia, additional quality of service standards, where relevant parameters have been developed, to assess the performance of undertakings in the provision of services to disabled end-users and disabled consumers. National regulatory authorities shall ensure that information concerning the performance of undertakings in relation to these parameters is also published and made available to the national regulatory authority.
3. National regulatory authorities may, in addition, specify the content, form and manner of information to be published, in order to ensure that end-users and consumers have access to comprehensive,

用之資訊。

4. 國家監理機關應可針對負擔普及服務義務之事業設定績效目標，包含但不限於本準則第四條所訂義務。國家機關應考量利害關係人之意見，特別是本準則第三十三條所訂之利害關係人。
5. 會員國應確保國家監理機關可監督被指定事業是否遵循前述績效目標。
6. 持續無法達成前述目標之事業，將承擔根據電子通信網路與服務執照核發準則（Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorization of electronic communications networks and services, “Authorisation Directive”）規定採取特定措施。國家機關得進行獨立的稽查或類似之績效資料審查，並由該事業承擔審核費用，確保該事業所提供之普及服務數據之正確性及可比較性。

#### 第十二條 普及服務義務之成本計算

1. 國家監理機關認定本準則第三條至第十條所訂普及服務之提供，造成被指定事業之不公平負擔，其應計算事業提供服務之淨成本。

基於上述目的，國家監理機關應：

- (a) 依附件四 A 部分，將被指定事業提供普及服務所獲

comparable and user-friendly information.

4. National regulatory authorities shall be able to set performance targets for those undertakings with universal service obligations at least under Article 4. In so doing, national regulatory authorities shall take account of views of interested parties, in particular as referred to in Article 33.
5. Member States shall ensure that national regulatory authorities are able to monitor compliance with these performance targets by designated undertakings.
6. Persistent failure by an undertaking to meet performance targets may result in specific measures being taken in accordance with Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)<sup>9</sup>. National regulatory authorities shall be able to order independent audits or similar reviews of the performance data, paid for by the undertaking concerned, in order to ensure the accuracy and comparability of the data made available by undertakings with universal service obligations.

#### Article 12 Costing of universal service obligations

1. Where national regulatory authorities consider that the provision of universal service as set out in Articles 3 to 10 may represent an unfair burden on undertakings designated to provide universal service, they shall calculate the net costs of its provision.

For that purpose, national regulatory authorities shall:

- (a) calculate the net cost of the universal service obligation, taking into account any market benefit which accrues to an undertaking

得市場利益，納入計算普及服務義務淨成本之考量；或

(b) 依據本準則第八條第二項之指定機制所確定的提供普及服務淨成本。

2. 作為前項 a 款計算普及服務淨成本之數據或資料，應經國家監理機關或經國家監理機關認可且獨立於當事人之單位加以審核及驗證。成本計算之結果及審核結論應提供為公眾可及。

### 第十三條 普及服務義務之資助

1. 若依本準則第十二條之淨成本計算結果，國家監理機關認定事業承擔不公平負擔，會員國應該被指定事業之要求，應決定：

(a) 導入依透明化條件，利用公共基金以補償該事業之淨成本之機制；且/或

(b) 由電子通訊網路與服務提供者共同分擔普及服務義務淨成本。

2. 倘採行前項 b 款分攤普及服務淨成本，會員國應建立一套分攤機制，由國家監理機關或經國家監理機關監督且獨立於該機制的受惠者之單位加以監督該分攤機制。依本準則第三條至第十條所定之普及服務義務，

designated to provide universal service, in accordance with Annex IV, Part A; or

(b) make use of the net costs of providing universal service identified by a designation mechanism in accordance with Article 8 (2).

2. The accounts and/or other information serving as the basis for the calculation of the net cost of universal service obligations under paragraph 1(a) shall be audited or verified by the national regulatory authority or a body independent of the relevant parties and approved by the national regulatory authority. The results of the cost calculation and the conclusions of the audit shall be publicly available.

### Article 13 Financing of universal service obligations

1. Where, on the basis of the net cost calculation referred to in Article 12, national regulatory authorities find that an undertaking is subject to an unfair burden, Member States shall, upon request from a designated undertaking, decide:

(a) to introduce a mechanism to compensate that undertaking for the determined net costs under transparent conditions from public funds; and/or

(b) to share the net cost of universal service obligations between providers of electronic communications networks and services.

2. Where the net cost is shared under paragraph 1(b), Member States shall establish a sharing mechanism administered by the national regulatory authority or a body independent from the beneficiaries under the supervision of the national regulatory authority. Only the net cost, as determined in accordance with Article 12, of the oblig-

且依本準則第十二條計算之淨成本，始可給予資助。

3. 分攤機制應顧及透明化、最低市場侵害、非歧視及比例原則，以及附件四 B 部分所列之各原則。針對營業額低於定額之事業，會員國得免除該事業的分攤義務。
4. 任何與普及服務義務成本分攤之費用，應細分化並依事業分別列出。前述費用不應被向未於已建立分攤機制之會員國境內提供服務的事業課與或徵收。

#### 第十四條 透明性

1. 依前條所成立之分攤機制，國家監理機關應確保該機制之成本分攤原則，各項細節，均為公眾可及。
2. 當分攤機制已正常運作時，國家監理機關應確保公開之年報，提出普及服務義務淨成本、明列各有關事業繳納的分攤款項、明列被指定事業因提供普及服務可能獲致的市場利益，但前述公開資料不得違反共同體及各國所定商業機密規則。

ations laid down in Articles 3 to 10 may be financed.

3. A sharing mechanism shall respect the principles of transparency, least market distortion, non-discrimination and proportionality, in accordance with the principles of Annex IV, Part B. Member States may choose not to require contributions from undertakings whose national turnover is less than a set limit.
4. Any charges related to the sharing of the cost of universal service obligations shall be unbundled and identified separately for each undertaking. Such charges shall not be imposed or collected from undertakings that are not providing services in the territory of the Member State that has established the sharing mechanism.

#### Article 14 Transparency

1. Where a mechanism for sharing the net cost of universal service obligations as referred to in Article 13 is established, national regulatory authorities shall ensure that the principles for cost sharing, and details of the mechanism used, are publicly available.
2. Subject to Community and national rules on business confidentiality, national regulatory authorities shall ensure that an annual report is published giving the calculated cost of universal service obligations, identifying the contributions made by all the undertakings involved, and identifying any market benefits, that may have accrued to the undertaking(s) designated to provide universal service, where a fund is actually in place and working.

#### Article 15 Review of the scope of universal service

1. The Commission shall periodically review the scope of universal

### 第十五條 普及服務範疇之定期審視

1. 執委會應定期審視普及服務之範圍，特別是應以向歐洲議會提出修改方向或重新定義範圍為目標。依本準則第三十八條(1)項第2次段規定施行日起，二年後應進行第一次審視，其後每三年審視一次。
2. 前述審視應考量社會、經濟及科技發展，特別是大多數訂戶使用之普遍技術的移動性及資料傳輸速率。審視流程應依附件五。執委會應向歐洲議會與理事會提出審視報告。

## 第三章 特定市場中具顯著市場力量事業之管制

### 第十六條 審查義務

1. 依本條第三項所定程序實施審查並據以作出決定前，會員國應維持與下述相關之義務：
  - (a) 適用開放網路服務於語音電話與競爭環境中電信普及服務準則（歐洲議會暨理事會準則 98/10/EC）第十七條所定之提供公眾電話網路的接取與使用零售資費；

- service, in particular with a view to proposing to the European Parliament and the Council that the scope be changed or redefined. A review shall be carried out, on the first occasion within two years after the date of application referred to in Article 38 (1), second subparagraph, and subsequently every three years.
2. This review shall be undertaken in the light of social, economic and technological developments, taking into account, inter alia, mobility and data rates in the light of the prevailing technologies used by the majority of subscribers. The review process shall be undertaken in accordance with Annex V. The Commission shall submit a report to the European Parliament and the Council regarding the outcome of the review.

## CHAPTER III REGULATORY CONTROLS ON UNDERTAKINGS WITH SIGNIFICANT MARKET POWER IN SPECIFIC MARKETS

### Article 16 Review of obligations

1. Member States shall maintain all obligations relating to:
  - (a) retail tariffs for the provision of access to and use of the public telephone network, imposed under Article 17 of Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment<sup>1</sup>;
  - (b) carrier selection or pre-selection, imposed under Directive

(b) 電信互連關於適用開放網路服務原則以確保適用普及服務與互通性準則（歐洲議會暨理事會準則 97/33/EC）所定之撥號選接或預選；

(c) 92/44/EEC 準則第三條、第四條、第六條、第七條、第八條及第十條所定之租用電路。

2. 執委會應於針對零售產品與服務相關市場之初始建議，以及依架構準則（2002/21/EC）第十五條所採行之確認跨國市場決定中，指出前述義務之相關市場。

3. 本準則正式施行後，會員國應確保國家監理機關立即且定期依架構準則第十六條實施市場分析，以決定維持、修正或撤銷與零售市場相關義務。會員國採取措施應依架構準則第七條之程序。

#### 第十七條 零售服務之管制

1. 具下列情況時，會員國應確保國家監理機關應針對依

- 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of open network provision (ONP)<sup>6</sup>;
- (c) leased lines, imposed under Articles 3, 4, 6, 7, 8 and 10 of Directive 92/44/EEC, until a review has been carried out and a determination made in accordance with the procedure in paragraph 3 of this Article.
2. The Commission shall indicate relevant markets for the obligations relating to retail markets in the initial recommendation on relevant product and service markets and the Decision identifying transnational markets to be adopted in accordance with Article 15 of Directive 2002/21/EC (Framework Directive).
3. Member States shall ensure that, as soon as possible after the entry into force of this Directive, and periodically thereafter, national regulatory authorities undertake a market analysis, in accordance with the procedure set out in Article 16 of Directive 2002/21/EC (Framework Directive) to determine whether to maintain, amend or withdraw the obligations relating to retail markets. Measures taken shall be subject to the procedure referred to in Article 7 of Directive 2002/21/EC (Framework Directive).

#### Article 17 Regulatory controls on retail services

1. Member States shall ensure that, where:

- (a) as a result of a market analysis carried out in accordance with

架構準則第十四條定義，所認定在特定零售市場中具顯著市場力量之事業，課與其適當管制義務。

(a) 依本準則第十六條第三項實施之市場分析結果，國家監理機關認為架構準則第十五條所定義之特定零售市場未能有效競爭；

(b) 國家監理機關認為接取準則（2002/19/EC）或本準則第十九條所加諸之義務，未能達成架構準則第八條所定目標。

2. 前項管制義務應依問題本質、合乎比例原則，並依循架構準則第八條設定之目標而正當化。前述管制義務包括要求具顯著市場力量之事業不得收取超額費用、妨礙市場進入、以掠奪性定價限制市場競爭、不當偏袒特定終端使用者、或不合理地包裹服務。國家監理機關可針對前述事業，採行適當的零售價格調整上限措施、個別費率管制措施、以相當的市場之成本及定價為費率導向的措施，以確保終端使用者之利益並促進有效競爭。

Article 16 (3) a national regulatory authority determines that a given retail market identified in accordance with Article 15 of Directive 2002/21/EC (Framework Directive) is not effectively competitive, and

(b) the national regulatory authority concludes that obligations imposed under Directive 2002/19/EC (Access Directive), or Article 19 of this Directive would not result in the achievement of the objectives set out in Article 8 of Directive 2002/21/EC (Framework Directive), national regulatory authorities shall impose appropriate regulatory obligations on undertakings identified as having significant market power on a given retail market in accordance with Article 14 of Directive 2002/21/EC (Framework Directive).

2. Obligations imposed under paragraph 1 shall be based on the nature of the problem identified and be proportionate and justified in the light of the objectives laid down in Article 8 of Directive 2002/21/EC (Framework Directive). The obligations imposed may include requirements that the identified undertakings do not charge excessive prices, inhibit market entry or restrict competition by setting predatory prices, show undue preference to specific end-users or unreasonably bundle services. National regulatory authorities may apply to such undertakings appropriate retail price cap measures, measures to control individual tariffs, or measures to orient tariffs towards costs or prices on comparable markets, in order to protect end-user interests whilst promoting effective competition.

3. National regulatory authorities shall, on request, submit information to the Commission concerning the retail controls applied and,

3. 國家監理機關應執委會要求，應呈交有關零售管制措施之資訊。適當情況下，有關事業使用之成本會計系統相關資訊亦應呈交。
4. 當事業承受零售費率管制或其他相關零售管制措施，國家監理機關應確保其已實施必要且適當之成本會計系統。國家監理機關可特定使用格式及會計方法。成本會計系統之遵循與否，應由合格獨立單位驗證。國家監理機關應確保前述資料每年定期公開。
5. 於不損害第九條第二項及第十條效力之前提，國家監理機關得就其認定已充分競爭之區域或使用市場，不適用本條第一項零售管制機制。

#### 第十八條 最小範疇之租用電路服務項目之管制

1. 若本準則第十六條第三項進行之市場分析結果，國家監理機關認為最小範疇之租用電路服務項目之提供，其一部或全部市場未能充分競爭，監理機關應依架構準則第十四條指出租用電路服務中提供特殊元件之具顯著市場力量事業。國家監理機關應依架構準則第十七條於歐洲共同體公報上刊登之標準，以及本準則附件七之條件，對特定租用電路市場中事業課與其提供

- where appropriate, the cost accounting systems used by the undertakings concerned.
4. National regulatory authorities shall ensure that, where an undertaking is subject to retail tariff regulation or other relevant retail controls, the necessary and appropriate cost accounting systems are implemented. National regulatory authorities may specify the format and accounting methodology to be used. Compliance with the cost accounting system shall be verified by a qualified independent body. National regulatory authorities shall ensure that a statement concerning compliance is published annually.
  5. Without prejudice to Article 9 (2) and Article 10, national regulatory authorities shall not apply retail control mechanisms under paragraph 1 of this Article to geographical or user markets where they are satisfied that there is effective competition.

#### Article 18 Regulatory controls on the minimum set of leased lines

1. Where, as a result of the market analysis carried out in accordance with Article 16 (3), a national regulatory authority determines that the market for the provision of part or all of the minimum set of leased lines is not effectively competitive, it shall identify undertakings with significant market power in the provision of those specific elements of the minimum set of leased lines services in all or part of its territory in accordance with Article 14 of Directive 2002/21/EC (Framework Directive). The national regulatory authority shall impose obligations regarding the provision of the minimum set of leased lines, as identified in the list of standards published in the Of-



租用電路相關義務。

2. 依第十六條第三項進行之市場分析結果，國家監理機關認定提供租用電路最小範疇之市場已充分競爭時，國家監理機關應撤回前項關於特定租用電路市場之義務。
3. 具調和性質之最小範疇之租用電路服務項目與其相關標準，應刊登於歐洲共同體公報上，作為架構準則第十七條所定標準清單之一部分。執委會可依本準則第三十七條第二項所定程序，採行必要修正案修正租用電路之最小範疇，以因應新科技發展與市場需求變遷，包括刪除特定類型之租用電路。

#### 第十九條 撥號選接或預選

1. 依本準則第十六條第三項界定之提供固定地區公眾電話網路連結與使用之具顯著市場力量事業，國家監理機關應要求該事業以下列方式提供訂戶近用其他公眾

ficial Journal of the European Communities in accordance with Article 17 of Directive 2002/21/EC (Framework Directive), and the conditions for such provision set out in Annex VII to this Directive, on such undertakings in relation to those specific leased line markets.

2. Where as a result of the market analysis carried out in accordance with Article 16 (3), a national regulatory authority determines that a relevant market for the provision of leased lines in the minimum set is effectively competitive, it shall withdraw the obligations referred to in paragraph 1 in relation to this specific leased line market.
3. The minimum set of leased lines with harmonised characteristics, and associated standards, shall be published in the Official Journal of the European Communities as part of the list of standards referred to in Article 17 of Directive 2002/21/EC (Framework Directive). The Commission may adopt amendments necessary to adapt the minimum set of leased lines to new technical developments and to changes in market demand, including the possible deletion of certain types of leased line from the minimum set, acting in accordance with the procedure referred to in Article 37 (2) of this Directive.

#### Article 19 Carrier selection and carrier pre-selection

1. National regulatory authorities shall require undertakings notified as having significant market power for the provision of connection to and use of the public telephone network at a fixed location in accordance with Article 16 (3) to enable their subscribers to access the services of any interconnected provider of publicly available telephone services:

可及電話服務之互連提供者的服務。

- (a) 以個別通話為原則，每次撥打事業之撥號選接碼；
  - (b) 藉由預選方式，透過特殊設施使任何以個別通話為原則之撥號選接均被排除適用。
2. 使用者關於實施上述措施於其他網路之需求、或改採其他實施方式之要求，應依架構準則第十六條加以評估，並依接取準則第十二條加以實施。
  3. 國家監理機關應確保與第一項所指設施相關之接取與互連費用係成本導向。若直接向訂戶收取前述費用，其不得造成使用該設施之抑制因素。

## 第四章 終端使用者權益

### 第二十條 契約

1. 本條第二項、第三項、第四項之適用不損及共同體與消費者保護相關之法規適用，特別是 97/7/EC 準則及 93/13/EC 準則，以及其他與歐體法相容之內國規範。
2. 當消費者訂購公眾電話網路之連結或近用服務，會員國應確保消費者有權與提供該服務之事業締結契約。該契約內容至少應包含下述事項：

- (a) on a call-by-call basis by dialling a carrier selection code; and
  - (b) by means of pre-selection, with a facility to override any pre-selected choice on a call-by-call basis by dialling a carrier selection code.
2. User requirements for these facilities to be implemented on other networks or in other ways shall be assessed in accordance with the market analysis procedure laid down in Article 16 of Directive 2002/21/EC (Framework Directive) and implemented in accordance with Article 12 of Directive 2002/19/EC (Access Directive).
  3. National regulatory authorities shall ensure that pricing for access and interconnection related to the provision of the facilities in paragraph 1 is cost oriented and that direct charges to subscribers, if any, do not act as a disincentive for the use of these facilities.

## CHAPTER IV END-USER INTERESTS AND RIGHTS

### Article 20 Contracts

1. Paragraphs 2, 3 and 4 apply without prejudice to Community rules on consumer protection, in particular Directives 97/7/EC and 93/13/EC, and national rules in conformity with Community law.
2. Member States shall ensure that, where subscribing to services providing connection and/or access to the public telephone network, consumers have a right to a contract with an undertaking or undertakings providing such services. The contract shall specify at least:
  - (a) the identity and address of the supplier;
  - (b) services provided, the service quality levels offered, as well as the time for the initial connection;

- (a) 服務提供者之名稱與住址；
- (b) 提供之服務項目、服務品質及接通話務服務所需時間；
- (c) 提供之維修服務種類；
- (d) 定價明細、費率，可取得關於適用費率與維修費用最新資訊之方式；
- (e) 契約有效期間、服務或契約終止、更新之條件；
- (f) 未達約定之服務品質時之賠償及退款安排；
- (g) 本準則第三十四條之爭議解決程序之發起方式。

會員國可擴充前述義務以涵蓋全部終端使用者。

3. 消費者與非提供公眾電話網路連結與近用之電子通訊服務提供者締約，前項資訊亦應涵括於契約中。會員國可擴充前述義務使之適用於全部終端使用者。
4. 訂戶被告知契約條款之修正提議時，其有權無條件解除契約。對任何契約修正，訂戶應於一個月前被充分告知，同時並應一併被告知不同意契約修正時之無條件解除契約權。

- (c) the types of maintenance service offered;
- (d) particulars of prices and tariffs and the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;
- (e) the duration of the contract, the conditions for renewal and termination of services and of the contract;
- (f) any compensation and the refund arrangements which apply if contracted service quality levels are not met; and
- (g) the method of initiating procedures for settlement of disputes in accordance with Article 34.

Member States may extend these obligations to cover other end-users.

3. Where contracts are concluded between consumers and electronic communications services providers other than those providing connection and/or access to the public telephone network, the information in paragraph 2 shall also be included in such contracts. Member States may extend this obligation to cover other end-users.
4. Subscribers shall have a right to withdraw from their contracts without penalty upon notice of proposed modifications in the contractual conditions. Subscribers shall be given adequate notice, not shorter than one month, ahead of any such modifications and shall be informed at the same time of their right to withdraw, without penalty, from such contracts, if they do not accept the new conditions.

#### **Article 21 Transparency and publication of information**

1. Member States shall ensure that transparent and up-to-date information on applicable prices and tariffs, and on standard terms and con-

## 第二十一條 資訊公開與透明化

1. 會員國應確保關於近用公眾可及電話服務之適用定價與費率、定型化約款及條件相關資訊，係透明、最新，並依附件所列規定而為終端使用者與消費者所得近用。
2. 國家監理機關應鼓勵資訊之提供，使終端使用者可藉由互動式導引等工具，獨立評估其他使用方式之成本。前述資訊提供，在儘可能適當範圍內，亦應向消費者提供。

## 第二十二條 服務品質

1. 經考量利害關係人之意見後，會員國應確保國家監理機關能要求提供公眾可及電子通訊服務之事業，向消費者公開相當、足夠且最新與服務品質相關的資訊。應國家監理機關要求，前述資訊應於公開前呈交國家監理機關。
2. 國家監理機關可特定測量服務品質之參數、公開資訊之內容、形式與方式，以確保終端使用者可得近用完整、相當且友善使用的資訊。適當情況下，可使用附件三所列之參數、定義及量測方法。

- ditions, in respect of access to and use of publicly available telephone services is available to end-users and consumers, in accordance with the provisions of Annex II.
2. National regulatory authorities shall encourage the provision of information to enable end-users, as far as appropriate, and consumers to make an independent evaluation of the cost of alternative usage patterns, by means of, for instance, interactive guides.

## Article 22 Quality of service

1. Member States shall ensure that national regulatory authorities are, after taking account of the views of interested parties, able to require undertakings that provide publicly available electronic communications services to publish comparable, adequate and up-to-date information for end-users on the quality of their services. The information shall, on request, also be supplied to the national regulatory authority in advance of its publication.
2. National regulatory authorities may specify, inter alia, the quality of service parameters to be measured, and the content, form and manner of information to be published, in order to ensure that end-users have access to comprehensive, comparable and user-friendly information. Where appropriate, the parameters, definitions and measurement methods given in Annex III could be used.

## Article 23 Integrity of the network

Member States shall take all necessary steps to ensure the integrity of the public telephone network at fixed locations and, in the event of catastrophic network breakdown or in cases of force majeure, the

### 第二十三條 網路整合

遇有網路故障之突發事件或其他不可抗力事件，會員國應採取必要步驟以確保固定地區之公眾電話網路的整合性、固定地區公眾電話網路與公眾可及電話服務之可及性。會員國應確保於固定地區提供公眾可及電話服務之事業採取合理措施以確保緊急電話免遭斷訊。

### 第二十四條 消費者數位電視設備之互通性

依附件六規定，會員國應確保該附件所列之消費者數位電視設備之互通性。

### 第二十五條 操作協助與目錄查詢服務

1. 會員國應確保公眾可及電話服務之訂戶有權近用本準則第五條第一項 a 款所指之公眾可及電話簿。
2. 為達提供公眾可及目錄查詢服務及電話簿之目的，會員國應確保核配電話號碼予訂戶之事業，符合所有公開資訊之合理要求，俾使相關資訊以雙方同意之形式可得近用，其約款為公平、客觀、成本導向且非歧視性。

availability of the public telephone network and publicly available telephone services at fixed locations. Member States shall ensure that undertakings providing publicly available telephone services at fixed locations take all reasonable steps to ensure uninterrupted access to emergency services.

### Article 24 Interoperability of consumer digital television equipment

In accordance with the provisions of Annex VI, Member States shall ensure the interoperability of the consumer digital television equipment referred to therein.

### Article 25 Operator assistance and directory enquiry services

1. Member States shall ensure that subscribers to publicly available telephone services have the right to have an entry in the publicly available directory referred to in Article 5 (1)(a).
2. Member States shall ensure that all undertakings which assign telephone numbers to subscribers meet all reasonable requests to make available, for the purposes of the provision of publicly available directory enquiry services and directories, the relevant information in an agreed format on terms which are fair, objective, cost oriented and non-discriminatory.
3. Member States shall ensure that all end-users provided with a connection to the public telephone network can access operator assistance services and directory enquiry services in accordance with Article 5 (1)(b).
4. Member States shall not maintain any regulatory restrictions which

3. 會員國應確保各個連結至公眾電話網路之終端使用者，得依本準則第五條第一項 b 款之規定，近用操作協助服務及目錄查詢服務。
4. 會員國不應維持使在一會員國境內之終端使用者，無法直接近用其他會員國境內目錄查詢服務之管制規定。
5. 前述四項規定之適用，應依共同體關於個人資料及隱私保護法律規範，特別是 97/66/EC 準則第十一條之規定。

#### 第二十六條 單一歐洲緊急電話號碼

1. 除國家監理機關所指定其他國家性緊急電話號碼外，會員國應確保各個公眾可及之電話服務之終端使用者，包括公共電話使用者，得使用歐洲單一緊急電話號碼“112”，即得免費撥打緊急電話。
2. 會員國應確保所有撥打歐洲單一緊急電話號碼“112”之撥話，於網路科技可能範疇內，被適切地回應與處理，且係採最適於國家緊急系統組織之方式。
3. 會員國應確保經營公眾電話網路之事業，就撥打歐洲單一緊急電話號碼“112”之通話，於科技可行範圍內，向處理緊急事件之機關揭露發話方位址資訊。

prevent end-users in one Member State from accessing directly the directory enquiry service in another Member State.

5. Paragraphs 1, 2, 3 and 4 apply subject to the requirements of Community legislation on the protection of personal data and privacy and, in particular, Article 11 of Directive 97/66/EC.

#### Article 26 Single European emergency call number

1. Member States shall ensure that, in addition to any other national emergency call numbers specified by the national regulatory authorities, all end-users of publicly available telephone services, including users of public pay telephones, are able to call the emergency services free of charge, by using the single European emergency call number '112'.
2. Member States shall ensure that calls to the single European emergency call number '112' are appropriately answered and handled in a manner best suited to the national organisation of emergency systems and within the technological possibilities of the networks.
3. Member States shall ensure that undertakings which operate public telephone networks make caller location information available to authorities handling emergencies, to the extent technically feasible, for all calls to the single European emergency call number '112'.
4. Member States shall ensure that citizens are adequately informed about the existence and use of the single European emergency call number '112'.

#### Article 27 European telephone access codes

1. Member States shall ensure that the .00. code is the standard inter-

4. 會員國應確保其公民被充分告知關於歐洲單一緊急電話之使用與存在之資訊。

#### 第二十七條 歐洲電話接取碼

1. 會員國應確保“00”碼係標準國際接取碼。但得制定或延續會員國間之跨境相鄰區域的特殊電話撥接安排。前述地區之公眾可及電話服務之終端使用者，應被充分告知前述安排。
2. 會員國應確保各個經營公眾電話網路之事業，得處理歐洲電話編碼空間所有話務，但並不損及適用事業經營單一公眾電話網路以填補該網路內通話傳輸之費用。

#### 第二十八條 非區域號碼

會員國應確保其他會員國之終端使用者於科技與經濟可行之情況下，能夠於其境內接取非區域號碼，但受話方基於商業因素而限制特定地理區域撥話方之話務接取則不在此限。

#### 第二十九條 額外設施之提供

1. 會員國應確保國家監理機關得要求經營公眾電話網路之事業，於科技與經濟可行之情形，得提供終端使用

national access code. Special arrangements for making calls between adjacent locations across borders between Member States may be established or continued. The end-users of publicly available telephone services in the locations concerned shall be fully informed of such arrangements.

2. Member States shall ensure that all undertakings that operate public telephone networks handle all calls to the European telephony numbering space, without prejudice to the need for an undertaking that operates a public telephone network to recover the cost of the conveyance of calls on its network.

#### Article 28 Non-geographic numbers

Member States shall ensure that end-users from other Member States are able to access non-geographic numbers within their territory where technically and economically feasible, except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas.

#### Article 29 Provision of additional facilities

1. Member States shall ensure that national regulatory authorities are able to require all undertakings that operate public telephone networks to make available to end-users the facilities listed in Annex I, Part B, subject to technical feasibility and economic viability.
2. A Member State may decide to waive paragraph 1 in all or part of its territory if it considers, after taking into account the views of interested parties, that there is sufficient access to these facilities.
3. Without prejudice to Article 10 (2), Member States may impose the

者本準則附件二 B 部分所列設施。

2. 會員國於考量利害關係人之意見，於其認為已提供足夠設施俾得接取，可以決定於其全部或部分境內撤銷第一項規定。
3. 會員國可課與全部事業本準則附件一 A 部分 e 點所定關於斷話之義務，當作一般規定，但不損及第十條第二項之適用。

### 第三十條 號碼可攜

1. 會員國應確保所有公眾可及電話服務之訂戶，包括行動通訊服務之訂戶，於下述情況下，可與提供服務之事業分離而保留電話號碼：

- (a) 特定地區之區域號碼；
- (b) 任何地區之非區域號碼。

但前述規定不適用於固網與行動網路間之號碼可攜。

2. 國家監理機關應確保關於提供號碼可攜之互連費用係為成本導向，當費用係直接向訂戶收取時，不應造成使用該措施之抑制因素。
3. 國家監理機關不應以可能造成市場扭曲之方式，就號碼可攜服務規定零售費率，例如設定特定或共同零售費率。

obligations in Annex I, Part A, point (e), concerning disconnection as a general requirement on all undertakings.

### Article 30 Number portability

1. Member States shall ensure that all subscribers of publicly available telephone services, including mobile services, who so request can retain their number(s) independently of the undertaking providing the service:

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

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

2. National regulatory authorities shall ensure that pricing for interconnection related to the provision of number portability is cost oriented and that direct charges to subscribers, if any, do not act as a disincentive for the use of these facilities.
3. National regulatory authorities shall not impose retail tariffs for the porting of numbers in a manner that would distort competition, such as by setting specific or common retail tariffs.

### Article 31 'Must carry' obligations

1. Member States may impose reasonable 'must carry' obligations, for the transmission of specified radio and television broadcast channels and services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or television broadcasts to the public where a significant number of end-users of such networks use them as their principal means to



### 第三十一條 必載義務

1. 為傳輸特定無線廣播及電視廣播頻道與服務，會員國得依職權向提供電子通訊網路以向大眾傳播無線廣播及廣播電視節目之事業，課與其合理之“必載”義務，俾使一定數量之終端使用者使用該網路作為主要工具以接收無線廣播與廣播電視節目。前述義務應為滿足特定公益目標之必要方得加諸於事業，且應符合比例原則及透明性。前述義務並應定期重新檢視。

2. 前項規定及接取準則（2002/19/EC）第三條第二項之規定，皆不應損及會員國依本條文相關措施決定適合酬金之能力，同時須確保在相似情況未對其他提供電子通訊網路事業造成差別待遇。前述回饋已提供時，會員國應確保其以合乎比例原則及透明化方式為之。

## 第五章 一般及最後條款

### 第三十二條 額外之強制義務

除本準則第二章定義之普及服務義務外，會員國得於其境內決定其他強制義務。但於上述情況下，不得強加涉及特定事業之補償機制。

receive radio and television broadcasts. Such obligations shall only be imposed where they are necessary to meet clearly defined general interest objectives and shall be proportionate and transparent. The obligations shall be subject to periodical review.

2. Neither paragraph 1 of this Article nor Article 3 (2) of Directive 2002/19/EC (Access Directive) shall prejudice the ability of Member States to determine appropriate remuneration, if any, in respect of measures taken in accordance with this Article while ensuring that, in similar circumstances, there is no discrimination in the treatment of undertakings providing electronic communications networks. Where remuneration is provided for, Member States shall ensure that it is applied in a proportionate and transparent manner.

## CHAPTER V GENERAL AND FINAL PROVISIONS

### Article 32 Additional mandatory services

Member States may decide to make additional services, apart from services within the universal service obligations as defined in Chapter II, publicly available in its own territory but, in such circumstances, no compensation mechanism involving specific undertakings may be imposed.

### Article 33 Consultation with interested parties

1. Member States shall ensure as far as appropriate that national regulatory authorities take account of the views of end-users, and consumers (including, in particular, disabled users), manufacturers, undertakings that provide electronic communications networks

### 第三十三條 利害關係人之諮商

1. 會員國應儘可能適當地確保國家監理機關針對終端使用者、消費者（特別是殘障人士）、製造者、提供電子通訊網路與（或）服務之事業，考量其對於涉及公眾可及電子通訊網路服務而與終端使用者、消費者權利相關議題之意見，特別是具相當市場影響力者。
2. 適當情況下，利害關係人可依國家監理機關之指示，發展機制包括消費者、使用者團體及服務提供者，可藉此機制發展並監督行為準則及營運標準，以達改善一般服務品質之目的。

### 第三十四條 訴訟外爭議解決機制

1. 會員國應確保具有透明、簡單且低廉之訴訟外程序，用以處理與本準則相關之爭議，包括消費者爭議。會員國應採取措施以確保前述程序可公平且迅速地解決爭議。遇有擔保情形，會員國可採納賠償及/或補償機制。會員國可擴充義務以解決涉及其他終端使用者之爭議。
2. 會員國應確保其法制並未阻礙在適當領域之層級，建

- and/or services on issues related to all end-user and consumer rights concerning publicly available electronic communications services, in particular where they have a significant impact on the market.
2. Where appropriate, interested parties may develop, with the guidance of national regulatory authorities, mechanisms, involving consumers, user groups and service providers, to improve the general quality of service provision by, inter alia, developing and monitoring codes of conduct and operating standards.

### Article 34 Out-of-court dispute resolution

1. Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for dealing with unresolved disputes, involving consumers, relating to issues covered by this Directive. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation. Member States may extend these obligations to cover disputes involving other end-users.
2. Member States shall ensure that their legislation does not hamper the establishment of complaints offices and the provision of on-line services at the appropriate territorial level to facilitate access to dispute resolution by consumers and end-users.
3. Where such disputes involve parties in different Member States, Member States shall coordinate their efforts with a view to bringing about a resolution of the dispute.
4. This Article is without prejudice to national court procedures.

立申訴辦公室及提供線上服務，使消費者及終端使用者得利用該爭議解決機制。

3. 當該爭議牽涉不同會員國之當事人，會員國應盡力協調以促使該爭議之解決。
4. 本條文並不損及各國訴訟程序之適用。

### 第三十五條 技術性調整

因應科技發展或市場需求變化，執委會應依本準則第三十七條第二款程序，針對附件一、附件二、附件三、附件六及附件七做出必要修正。

### 第三十六條 報備、監督及審查程序

1. 國家監理機關應至遲於依本準則第三十八條第一項第二款規定使相關法規生效日起，向執委會報備。變更本準則第八條第一項指定之負擔普及服務義務之事業時，亦同。

執委會應以容易可得之形式公開資訊，並將該資訊送交本準則第三十七條所稱之通訊委員會。

2. 為達本準則之目的，國家監理機關應向執委會申報具市場顯著力量之事業名稱，以及課與該事業之義務。任何根據本準則條款之變更致影響前述義務或影響事

### Article 35 Technical adjustment

Amendments necessary to adapt Annexes I, II, III, VI and VII to technological developments or to changes in market demand shall be adopted by the Commission, acting in accordance with the procedure referred to in Article 37 (2).

### Article 36 Notification, monitoring and review procedures

1. National regulatory authorities shall notify to the Commission by at the latest the date of application referred to in Article 38 (1), second subparagraph, and immediately in the event of any change thereafter in the names of undertakings designated as having universal service obligations under Article 8 (1).

The Commission shall make the information available in a readily accessible form, and shall distribute it to the Communications Committee referred to in Article 37.

2. National regulatory authorities shall notify to the Commission the names of operators deemed to have significant market power for the purposes of this Directive, and the obligations imposed upon them under this Directive. Any changes affecting the obligations imposed upon undertakings or of the undertakings affected under the provisions of this Directive shall be notified to the Commission without delay.

3. The Commission shall periodically review the functioning of this Directive and report to the European Parliament and to the Council, on the first occasion not later than three years after the date of application referred to in Article 38 (1), second subparagraph. The Member States and national regulatory authorities shall supply the

業時，應向執委會報備，不得遲延。

3. 執委會應定期審視本準則之功能，並向歐洲議會及理事會報告，第一次審視不得遲於本準則第三十八條第一項第二款規定生效日起算三年內。達前述目的，會員國及國家監理機關應提供必要資訊予執委會。

### 第三十七條 委員會

1. 依架構準則第二十二條所設立之通訊委員會應協助執委會。
2. 參考本條文時，1999/468/EC 決定第五及第七條應加以適用，並顧及其中第八條之規定。  
1999/468/EC 決定第五條第六項所定期間應為三個月。
3. 通訊委員會應制訂本身程序規則。

### 第三十八條 轉換

1. 會員國應於 2003 年 7 月 24 日前，因應本準則制定並公佈必要之法律、規則及行政命令。會員國並應即時知會執委會其相關內容。

會員國並應於自 2003 年 7 月 25 日採行前述措施。

2. 當會員國採行前述措施，其應列出該措施與本準則之

necessary information to the Commission for this purpose.

### Article 37 Committee

1. The Commission shall be assisted by the Communications Committee, set up by Article 22 of Directive 2002/21/EC (Framework Directive).
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period laid down in Article 5(6) of Decision 1999/468/EC shall be three months.
3. The Committee shall adopt its rules of procedure.

### Article 38 Transposition

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 24 July 2003 at the latest. They shall forthwith inform the Commission thereof.  
They shall apply those measures from 25 July 2003.
2. When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.
3. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field governed by this Directive and of any subsequent modifications to those provisions.

參考比較表，或公告於政府公報上。前述參考比較表之方法應由各會員國制定。

3. 會員國制定與本準則相關之法規時，應將條款內容會商執委會。法規修正時亦同。

**第三十九條 生效**

本準則自公告於歐洲共同體官方公報之日起生效。

**第四十條 適用對象**

本準則適用於各會員國。

（戴豪君譯，蔡宗珍校正）

**Article 39 Entry into force**

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

**Article 40 Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 7 March 2002.

For the European Parliament

The President

P. COX

For the Council

The President

J. C. APARICIO

**註釋**

① See page 21 of this Official Journal.

① OJ L 101, 1.4.1998, p. 24.

① OJ L 199, 26.7.1997, p. 32. Directive as amended by Directive 98/61/EC (OJ L 268, 3.10.1998, p. 37).