



**2021/0045(COD)**

23.6.2021

# **AMENDMENTS**

## **25 - 254**

**Draft report**

**Angelika Winzig**

(PE692.937v01-00)

Roaming on public mobile communications networks within the Union (recast)

Proposal for a regulation

(COM(2021)0085 – C9-0085/2021 – 2021/0045(COD))



**Amendment 25**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to increase transparency, including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The duration of this new Regulation is set for 10 years, until 2032, to provide certainty in the market and minimise regulatory burden while introducing a mechanism for intervening at wholesale level in the interim if market developments so require.

*Amendment*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to increase transparency, including on the use of value added services in roaming, ***use of non-terrestrial networks in roaming on vessels and aircrafts***, and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The duration of this new Regulation is set for 10 years, until 2032, to provide certainty in the market and minimise regulatory burden while introducing a mechanism for intervening at wholesale level in the interim if market developments so require.

Or. en

**Amendment 26**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to increase transparency, including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The duration of this new Regulation is ***set for 10 years, until 2032***, to provide certainty in the market ***and***

*Amendment*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to ***extend the abolition of roaming charges and*** recast it while introducing new measures to increase ***openness***, transparency, ***clear information and consumer protection*** including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The

*minimise regulatory burden while introducing a mechanism for intervening at wholesale level in the interim* if market developments so require.

duration of this new Regulation is *extended, with review periods of two* years, to provide certainty in the market, while *ensuring a legislative proposal will accompany the reviews* if market developments so require.

Or. en

#### *Justification*

*The amendments better reflects the objectives of the proposal. It is essential that the Commission conducts regular reviews to monitor market developments and potentially make legislative proposals whenever necessary/appropriate.*

### **Amendment 27**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

#### **Proposal for a regulation**

##### **Recital 4**

###### *Text proposed by the Commission*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to increase transparency, including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The duration of this new Regulation is set for 10 years, until 2032, to provide certainty in the market and minimise regulatory burden while introducing *a mechanism for intervening at wholesale level in the interim* if market developments so require.

###### *Amendment*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to increase transparency, including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The duration of this new Regulation is set for 10 years, until 2032, to provide certainty in the market and minimise regulatory burden while introducing *review on the wholesale level and rules on the deployment of new network technologies accompanied by a legislative proposal* if market developments so require.

Or. en

#### *Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report*

with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 59, 62 and articles 21, 22, 23 and Annex I.

**Amendment 28**  
**Adriana Maldonado López**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to increase transparency, including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. ***The duration of this new Regulation is set for 10 years, until 2032,*** to provide certainty in the market and minimise regulatory burden while introducing a mechanism for intervening at wholesale level in the interim if market developments so require.

*Amendment*

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to ***better protect consumers,*** increase transparency, including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. ***This Regulation should be revised every two years*** to provide certainty in the market and minimise regulatory burden while introducing a mechanism for intervening at wholesale level in the interim if market developments so require.

Or. es

**Amendment 29**  
**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) An internal telecommunications market cannot be said to exist while there are differences between domestic and roaming prices. Therefore the difference between domestic charges and roaming charges should be eliminated, thus establishing an internal market for mobile

*Amendment*

(7) An internal telecommunications market cannot be said to exist while there are differences between domestic and roaming prices. Therefore the difference between domestic charges and roaming charges should be eliminated, thus establishing an internal market for mobile

communication services.

communication services. *Specificities of IoT must be taken into consideration.*

Or. en

*Justification*

*This addition is put forward to reflect the importance of IoT*

**Amendment 30**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7 a) Takes note of increasing data consumption abroad and in this regard recalls the importance of European programmes such as WiFi4EU that should support high-speed connection in public spaces throughout the EU and guarantee accessibility especially in less developed countries and regions for students, lower income groups and vulnerable people. Therefore the Commission should further develop and invest in programmes such as WiFi4EU.*

Or. en

*Justification*

*Further development and increased investments in WiFi4EU hotspots throughout the EU could possibly lower data that customers (incoming roamers) are consuming in roaming.*

**Amendment 31**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is relevant for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth , in particular considering that the deployment of 5G networks and services is expected to grow steadily .

*Amendment*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is relevant for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth , in particular considering that the deployment of 5G networks and services ***including Internet of Things solutions*** is expected to grow steadily. ***Notes the increased level of uncertainty the COVID-19 pandemic brought to the predictability of future volumes of roaming traffic.***

Or. en

*Justification*

*Taking into account the effects of the covid pandemic on roaming services and the high level of uncertainty/non predictability in end-user behaviour it created.*

**Amendment 32**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is ***relevant*** for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth , in particular considering that the deployment of 5G networks and services is expected to grow steadily .

*Amendment*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is ***a decisive criterion*** for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not ***adversely affect the way consumers experience roaming as if at home, nor*** impede growth, in particular considering that the ***development and*** deployment of 5G networks and services is expected to grow steadily .

*Justification*

*The first part of the amendment is worded the same as Recital 6 of current Regulation (EU) 531/2012.*

**Amendment 33**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation****Recital 9***Text proposed by the Commission*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is **relevant** for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth , in particular considering that the deployment of 5G networks and services is expected to grow steadily .

*Amendment*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is **a decisive criterion** for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth **or negatively affect customer's Roam-Like-At-Home experience** in particular considering that the deployment of **new technologies**, 5G networks and services is expected to grow steadily .

Or. en

*Justification*

*The amendment seeks to revert the Commission's change and leave the original wording of recital 6 of the Regulation (EU) 531/2012. The last part of the amendment seeks to ensure the proposal will be future-proof.*

**Amendment 34**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation****Recital 9***Text proposed by the Commission**Amendment*



(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is relevant for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth, in particular considering that the deployment of **5G** networks and services is expected to grow steadily.

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is relevant for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth, in particular considering that the deployment of **next generation, high speed** networks and services is expected to grow steadily.

Or. en

*Justification*

*In order to make the legislation future proof, the next generation, high speed networks and services language should be used instead.*

**Amendment 35**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9 a) Roaming is relevant for facilitating innovation, and especially for benefiting users of connected objects. Recognises that in the future wholesale access should also cover Internet of Things in order to enable consumers to use their IoT devices seemingly across the EU Member States***

Or. en

*Justification*

*The free movement of goods entails that objects connected by an operator in one Member State can be sold or used in another Member State. Users sometimes carry their connected objects with them when travelling. Therefore, machine-to-machine (M2M) connectivity is by nature a cross-border market and critical enabler of 5G and Internet of Things.*

**Amendment 36**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Recital new(14)**

*Text proposed by the Commission*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market

*Amendment*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. ***Without prejudice to operator's freedom to choose with whom to negotiate wholesale roaming agreements with, these should not jeopardise a genuine Roam-Like-At-Home experience and should guarantee the same quality of service as provided by the domestic provider except in case of technical unfeasibility.*** Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access

powers.

obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

Or. en

### *Justification*

*While preserving operator's freedom to contract, they should not be able to choose a provider that will not ensure a genuine Roam-Like-At-Home experience, including but not limited to quality of service.*

### **Amendment 37**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

### **Proposal for a regulation Recital nuevo(14**

#### *Text proposed by the Commission*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions ***preventing*** undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. Mobile virtual network operators (MVNOs) and resellers of mobile

#### *Amendment*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions ***that prevent*** undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. ***Without adversely affecting negotiations between operators, roaming services***

communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

***should not jeopardise the experience of consumers.*** Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

Or. es

### **Amendment 38**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

### **Proposal for a regulation**

#### **Recital new(14**

*Text proposed by the Commission*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings,

*Amendment*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of ***fulfilling their consumer-contracts while*** providing roaming services. ***Lowering the quality of service due to commercial barriers is unacceptable, and*** obstacles to access to

should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

Or. en

#### *Justification*

*While the quality of service may vary due to objective factors, such as network topography and development, lowering the quality of service due to commercial restrictions is an unacceptable practice.*

**Amendment 39**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

## Recital new(14)

### *Text proposed by the Commission*

new(14) In order to allow for the development of a more efficient, integrated **and competitive** market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

### *Amendment*

new(14) In order to allow for the development of a more efficient, integrated market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal, **transparent** and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically **and should guarantee the same quality of services and a genuine Roam-Like-At-Home experience**. Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

*Justification*

*These amendments should preserve the quality of services and better reflects the objectives of this proposal.*

**Amendment 40**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation****Recital new(14***Text proposed by the Commission*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated ***in good faith*** allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The

*Amendment*

new(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated ***to the best knowledge*** allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically. Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The

removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

Or. en

**Amendment 41**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down. Such access should be in line with the needs of those seeking access. ***End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming as domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically unfeasible to do so.*** Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level

*Amendment*

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down. Such access should be ***to the greatest extent possible*** in line with the needs of those seeking access. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming



playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

Or. en

#### **Amendment 42**

**Antonius Manders, Róża Thun und Hohenstein, Pascal Arimont**

#### **Proposal for a regulation**

##### **Recital 15**

###### *Text proposed by the Commission*

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down . Such access should be in line with the needs of those seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming **as** domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically unfeasible to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain

###### *Amendment*

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down . Such access should be in line with the needs of those seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service, ***including with regard to an instant and seamless handover between mobile communications networks at internal EU borders, as compared to*** when roaming domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is

network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

technically unfeasible to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

Or. en

### *Justification*

*Since we have an internal market, the handover between networks at internal EU borders should be as seamless as in case of domestic roaming.*

## **Amendment 43**

**Paolo Borchia, Isabella Tovaglieri**

### **Proposal for a regulation**

#### **Recital 15**

#### *Text proposed by the Commission*

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down . Such access should be in line with the needs of those

#### *Amendment*

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down . Such access should be in line with the needs of those

seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming as domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically unfeasible to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming as domestically, *if the same generation of mobile communication networks, conditions, and technologies are available on the visited network*. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically unfeasible to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

Or. en

#### **Amendment 44**

**Izaskun Bilbao Barandica, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

#### **Proposal for a regulation**

#### **Recital 15**

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down . Such access should be in line with the needs of those seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming as domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically *unfeasible* to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down . Such access should be in line with the needs of those seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming as domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically, *operationally and commercially unsustainable* to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

Or. en

## Justification

*Understanding the problem that operators may have with the reference to "when technically feasible" we will propose to change this terminology to also have in consideration operational and commercial aspects in to find valid solution for everyone. Linked to amendments on recital 28 and articles 3, 5. It follows the spirit of the Council's position on Article 5.2 but operators will need to inform and indicate to the consumers the reasoning behind.*

### **Amendment 45**

**Marisa Matias, Cornelia Ernst, Sandra Pereira**

#### **Proposal for a regulation**

##### **Recital 19**

###### *Text proposed by the Commission*

(19) In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users. It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of

###### *Amendment*

(19) ***As Party to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), provisions of the Convention are integral part of the Union legal order and binding upon the Union and its Member States. The UN CRPD requires its Parties to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems. To that end, Directive (EU) 2018/1972 aims to "ensure the provision throughout the Union of good quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including those with disabilities in order to access the services on an equal basis with others, are not satisfactorily met by the market and to lay down the necessary end-user rights."*(Article 1.2 (b)).** In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for end-users with disabilities to

caller location information to the most appropriate PSAP in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge.

emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users. **Importantly, the Code notes that “emergency communications are a means of communication that includes not only voice communications services, but also SMS, messaging, video or other types of communications, for example real time text, total conversation and relay services.” (recital 285, Directive (EU) 2018/1972).** It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP **without delay after the emergency communication is set up** in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge **and without having to use any means of payment.**

Or. en

#### *Justification*

*These amendments reflect the importance of the Directive (EU) 2018/1972 (The Code) that ensures equal access to all electronic communications and not only to emergency communications and ensure that this Regulation is consistent.*

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users. It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge.

*Amendment*

(19) In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for **roaming** end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users. ***These means of access could be real time text or total conversation as provided in the Articles 2 and 4 of Directive (EU) 2019/882 (European Accessibility Act) or other non-voice communications services, for example SMS, messaging or video through emergency applications, and relay services, that Member States deploy taking into account the requirements laid down in Union legislation and the capabilities and technical equipment of the national PSAP system. The implementation of the means of access to emergency services available for roaming end-users with disabilities and the delivery of the caller location information should be based to the greatest extent possible on European standards or specifications that should be promoted by the Commission and Member States in cooperation with European standardization bodies and other relevant institutions.*** It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited

network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge.

Or. en

#### **Amendment 47**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

#### **Proposal for a regulation**

##### **Recital 19**

###### *Text proposed by the Commission*

(19) In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users. It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access

###### *Amendment*

(19) In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for end-users with disabilities to emergency services is available through emergency communications, ***especially while travelling abroad***, and is equivalent to that enjoyed by other end-users. ***Takes into account the obligations imposed in Article 2 and 4 of the European Accessibility Act (Directive (EU) 2019/882) that Member States shall ensure that economic operators provide***



to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge.

*services that comply with the accessibility requirements of this Directive.* It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge.

Or. en

#### **Amendment 48**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

##### **Recital 20**

*Text proposed by the Commission*

(20) Certain conditions may be included in the reference offers in order to allow mobile network operators to **prevent** permanent roaming or anomalous or abusive use of wholesale roaming access . In particular, where the visited network operator has reasonable grounds for

*Amendment*

(20) Certain conditions may be included in the reference offers in order to allow mobile network operators to **address** permanent roaming or anomalous or abusive use of wholesale roaming access . In particular, where the visited network operator has reasonable grounds for

considering that permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place, it should be able to require the roaming provider to provide, in an aggregated manner and in full compliance with Union and national data protection requirements, information allowing the determination of whether a significant share of the roaming provider's customers is in a situation of permanent roaming or whether there is anomalous or abusive use of wholesale roaming access, such as information on the share of customers with insignificant domestic consumption compared to the roaming consumption. Moreover, termination of wholesale roaming agreements with a view to preventing ***permanent roaming or anomalous or abusive*** use of wholesale roaming access should be effected only where less stringent measures have failed to address the situation. Such termination should be subject to prior authorisation by the national regulatory authority of the visited network operator, taking the utmost account of the opinion of BEREC where it has been consulted. Less stringent measures could consist of setting higher wholesale charges not exceeding the maximum wholesale charges provided for in this Regulation for volumes exceeding an aggregated volume specified in the agreement. Such higher wholesale charges should be set in advance, or from the moment when the visited network operator has established and informed the home network operator that, based on objective criteria, permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place. ***Less stringent measures could also consist of a commitment by the home network operator to adopt or revise the fair use policies applicable to its customers in accordance with the detailed rules adopted pursuant to Article 8 of this Regulation , or the possibility for the***

considering that permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place, it should be able to require the roaming provider to provide, in an aggregated manner and in full compliance with Union and national data protection requirements, information allowing the determination of whether a significant share of the roaming provider's customers is in a situation of permanent roaming or whether there is anomalous or abusive use of wholesale roaming access, such as information on the share of customers with insignificant domestic consumption compared to the roaming consumption. Moreover, termination of wholesale roaming agreements with a view to preventing ***fraudulent*** use of wholesale roaming access should be effected only where less stringent measures have failed to address the situation. Such termination should be subject to prior authorisation by the national regulatory authority of the visited network operator, taking the utmost account of the opinion of BEREC where it has been consulted. Less stringent measures could consist of setting higher wholesale charges not exceeding the maximum wholesale charges provided for in this Regulation for volumes exceeding an aggregated volume specified in the agreement. Such higher wholesale charges should be set in advance, or from the moment when the visited network operator has established and informed the home network operator that, based on objective criteria, permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place. In the interests of transparency, the national regulatory authority should make information concerning requests for authorisation to terminate wholesale roaming agreements available to the public, subject to business confidentiality.

*visited network operator to request that the wholesale roaming agreement be revised.* In the interests of transparency, the national regulatory authority should make information concerning requests for authorisation to terminate wholesale roaming agreements available to the public, subject to business confidentiality.

Or. en

#### *Justification*

*The lack of data potentially showing a significant negative market impact on visited operators leads to the conclusion that fair use policy needs to be relaxed. This change is linked to the changes in recital 29. In addition, preventing permanent roaming cannot be a goal in the path towards a true single market for mobile communications.*

#### **Amendment 49**

**Marisa Matias, Cornelia Ernst, Sandra Pereira**

#### **Proposal for a regulation**

##### **Recital 20**

###### *Text proposed by the Commission*

(20) Certain conditions may be included in the reference offers in order to allow mobile network operators to prevent permanent roaming or anomalous or abusive use of wholesale roaming access . In particular, where the visited network operator has reasonable grounds for considering that permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place, it should be able to require the roaming provider to provide, in an aggregated manner and in full compliance with Union and national data protection requirements, information allowing the determination of whether a significant share of the roaming provider's customers is in a situation of permanent roaming or whether there is anomalous or abusive use of wholesale roaming access, such as information on the share of customers with insignificant

###### *Amendment*

(20) Certain conditions may be included in the reference offers in order to allow mobile network operators to prevent permanent roaming or anomalous or abusive use of wholesale roaming access . In particular, where the visited network operator has reasonable grounds for considering that permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place, it should be able to require the roaming provider to provide, in an aggregated manner and in full compliance with Union and national data protection requirements, information allowing the determination of whether a significant share of the roaming provider's customers is in a situation of permanent roaming or whether there is anomalous or abusive use of wholesale roaming access, such as information on the share of customers with insignificant

domestic consumption compared to the roaming consumption. Moreover, termination of wholesale roaming agreements with a view to preventing permanent roaming or anomalous or abusive use of wholesale roaming access should be effected only where less stringent measures have failed to address the situation. Such termination should be subject to prior authorisation by the national regulatory authority of the visited network operator, taking the utmost account of the opinion of BEREC where it has been consulted. Less stringent measures could consist of setting higher wholesale charges not exceeding the maximum wholesale charges provided for in this Regulation for volumes exceeding an aggregated volume specified in the agreement. Such higher wholesale charges should be set in advance, or from the moment when the visited network operator has established and informed the home network operator that, based on objective criteria, permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place. Less stringent measures could also consist of a commitment by the home network operator to adopt or revise the fair use policies applicable to its customers in accordance with the detailed rules adopted pursuant to Article 8 of this Regulation , or the possibility for the visited network operator to request that the wholesale roaming agreement be revised. In the interests of transparency, the national regulatory authority should make information concerning requests for authorisation to terminate wholesale roaming agreements available to the public, subject to business confidentiality.

domestic consumption compared to the roaming consumption. ***In the event of any doubt over the interpretation of the provisions of this Regulation or any contradiction or conflict relating to personal data protection, the provisions of the General Data Protection Regulation shall take precedence.*** Moreover, termination of wholesale roaming agreements with a view to preventing permanent roaming or anomalous or abusive use of wholesale roaming access should be effected only where less stringent measures have failed to address the situation. Such termination should be subject to prior authorisation by the national regulatory authority of the visited network operator, taking the utmost account of the opinion of BEREC where it has been consulted. Less stringent measures could consist of setting higher wholesale charges not exceeding the maximum wholesale charges provided for in this Regulation for volumes exceeding an aggregated volume specified in the agreement. Such higher wholesale charges should be set in advance, or from the moment when the visited network operator has established and informed the home network operator that, based on objective criteria, permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place. Less stringent measures could also consist of a commitment by the home network operator to adopt or revise the fair use policies applicable to its customers in accordance with the detailed rules adopted pursuant to Article 8 of this Regulation , or the possibility for the visited network operator to request that the wholesale roaming agreement be revised. In the interests of transparency, the national regulatory authority should make information concerning requests for authorisation to terminate wholesale roaming agreements available to the public, subject to business confidentiality.

*Justification*

*This amendment seeks the coherence of the text and in line with GDPR.*

**Amendment 50****Seán Kelly****Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) In order to allow for the development of more efficient, integrated and competitive markets for roaming services, when negotiating wholesale roaming access for the purpose of providing retail roaming services, operators should be given the possibility to negotiate innovative wholesale pricing schemes which are not directly linked to volumes actually consumed, such as flat payments, upfront commitments or capacity-based contracts, or pricing schemes that reflect variations of demand across the year. Machine-to-machine communications, referred to in recital 249 of Directive (EU) 2018/1972, are not excluded from the scope of this Regulation and the relevant wholesale roaming access obligations. However, agreements on permanent roaming are subject to commercial negotiations and can be agreed by two roaming partners in the wholesale roaming contract. In order to allow the development of more efficient and competitive markets for machine-to-machine communications, it is expected that operators will increasingly respond to and accept all reasonable requests for roaming agreements on reasonable terms and explicitly allowing permanent roaming for machine-to-machine. They should be able to establish flexible roaming agreements enabling wholesale roaming services and to apply tariff schemes which are not based

*Amendment*

(21) In order to allow for the development of more efficient, integrated and competitive markets for roaming services, when negotiating wholesale roaming access for the purpose of providing retail roaming services, operators should be given the possibility to negotiate innovative wholesale pricing schemes which are not directly linked to volumes actually consumed, such as flat payments, upfront commitments or capacity-based contracts, or pricing schemes that reflect variations of demand across the year. Machine-to-machine communications, referred to in recital 249 of Directive (EU) 2018/1972, are not excluded from the scope of this Regulation and the relevant wholesale roaming access obligations. However, agreements on permanent roaming are subject to commercial negotiations and can be agreed by two roaming partners in the wholesale roaming contract. In order to allow the development of more efficient and competitive markets for machine-to-machine communications, it is expected that operators will increasingly respond to and accept all reasonable requests for roaming agreements on reasonable terms and explicitly allowing permanent roaming for machine-to-machine. They should be able to establish flexible roaming agreements enabling wholesale roaming services and to apply tariff schemes which are not based

on the volume of consumed data but on alternative schemes, for example on the number of connected machines per month. In that context, in the event of a cross-border dispute, the parties involved should have recourse to the dispute resolution procedure laid down in Article 27 of Directive (EU) 2018/1972. The negotiating parties should have the option of agreeing not to apply maximum regulated wholesale roaming charges for the duration of wholesale roaming agreements. That would exclude the possibility for either party to subsequently request the application of volume based maximum wholesale charges to actual consumption, as set out in this Regulation . This should be without prejudice to obligations as regards the provision of regulated retail roaming services . Furthermore, the Commission Report takes note of the very recent development of new ways of trading wholesale roaming traffic, such as online trading platforms, that have the potential to facilitate the negotiation process between operators. The use of similar instruments could contribute to enhancing competition in the wholesale roaming market and drive further down actual wholesale rates charged.

on the volume of consumed data but on alternative schemes, for example on the number of connected machines per month. In that context, in the event of a cross-border dispute, the parties involved should have recourse to the dispute resolution procedure laid down in Article 27 of Directive (EU) 2018/1972. The negotiating parties should have the option of agreeing not to apply maximum regulated wholesale roaming charges for the duration of wholesale roaming agreements. That would exclude the possibility for either party to subsequently request the application of volume based maximum wholesale charges to actual consumption, as set out in this Regulation. This should be without prejudice to obligations as regards the provision of regulated retail roaming services. Furthermore, the Commission Report takes note of the very recent development of new ways of trading wholesale roaming traffic, such as online trading platforms, that have the potential to facilitate the negotiation process between operators. The use of similar instruments could contribute to enhancing competition in the wholesale roaming market and drive further down actual wholesale rates charged. ***To encourage online trading platforms, roaming providers should have an obligation to make roaming traffic available through such platforms but no obligation to trade traffic. This preserves the commercial interests of roaming providers while allowing all roaming providers and MVNOs to access one-way trading and avoid traffic balancing.***

Or. en

#### *Justification*

*Operators should have the possibility to negotiate wholesale roaming agreements according to their commercial needs without having to offer returning traffic at the same time. Traffic balancing leads to higher wholesale prices and disadvantages smaller operators and MVNOs. An obligation to make traffic available on a one-way and anonymous basis will allow smaller MNOs and MVNOs to access fair pricing offers. Such an obligation to make traffic available does not mean that that traffic has to be traded. It is only traded if the roaming providers accept the price offered on the platform*

## Amendment 51

Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica

### Proposal for a regulation

#### Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

***(21 a) In the long term, facilitating M2M roaming should be recognised as an important facilitator to digitise EU industry and build on related EU policies for sectors such as health, energy, environment, and transport. The Commission should assess the M2M and IoT connectivity market and provide recommendations in cooperation with BEREC and relevant stakeholders.***

Or. en

## Amendment 52

Marisa Matias, Cornelia Ernst

### Proposal for a regulation

#### Recital 23

*Text proposed by the Commission*

*Amendment*

(23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of setting out detailed rules on the application of the fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices , as well as on the application to be submitted by a roaming provider for the purposes of that assessment. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European

(23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of setting out detailed rules on the ***temporary and exceptional*** application of the fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices , as well as on the application to be submitted by a roaming provider for the purposes of that assessment. Those powers should be exercised in accordance with Regulation

Parliament and of the Council<sup>66</sup> .

(EU) No 182/2011 of the European Parliament and of the Council<sup>66</sup> .

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<sup>66</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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<sup>66</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

### *Justification*

*This amendment seeks to complement the rapporteur's amendments to ensure the application of fair use policies are understood as temporary and exceptional measure to allow the market transition to a real RLAH without justified exceptions/derogations in the future.*

### **Amendment 53**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

### **Proposal for a regulation**

#### **Recital 23**

#### *Text proposed by the Commission*

(23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of setting out detailed rules on the application of the fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices , as well as on the application to be submitted by a roaming provider for the purposes of that assessment. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>66</sup>.

#### *Amendment*

(23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of setting out detailed rules on the **temporary and exceptional** application of the fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices , as well as on the application to be submitted by a roaming provider for the purposes of that assessment. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>66</sup> .



<sup>66</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>66</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. es

**Amendment 54**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) Until the adoption of those implementing measures, Commission Implementing Regulation (EU) 2016/2286<sup>67</sup> should continue to apply.

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<sup>67</sup> Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ L 344, 17.12.2016, p. 46).

*Amendment*

(24) Until the adoption of those implementing measures, ***which should have the objective to limit the application of fair use policies in the Union leading to a progressive phase-out of their application***, Commission Implementing Regulation (EU) 2016/2286<sup>67</sup> should continue to apply.

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<sup>67</sup> Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ L 344, 17.12.2016, p. 46).

Or. en

*Justification*

*This amendment is needed to ensure the consistency of the text with the rapporteur's AM 13 on Article 8(5).*

**Amendment 55**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

(26) The abolition of retail roaming surcharges in accordance with Regulation (EU) 2015/2120 was necessary to establish and ease the functioning of a digital single market across the Union. However, that Regulation alone was not sufficient to ensure the proper functioning of the roaming market. This Regulation should contribute to pricing models in domestic markets not being affected by the abolition of retail roaming surcharges.

*Amendment*

(26) The abolition of retail roaming surcharges in accordance with Regulation (EU) 2015/2120 was necessary to establish and ease the functioning of a digital single market across the Union ***as well as to reduce costs to consumers***. However, that Regulation alone was not sufficient to ensure the proper functioning of the roaming market ***particularly in respect of seasonality and costs***. This Regulation should contribute to pricing models in domestic markets not being affected by the abolition of retail roaming surcharges.

Or. en

*Justification*

*The amendment seeks to ensure the better protection of the consumers and the last part seeks to ensure the respect for the different seasonalities.*

**Amendment 56**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to ***and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the***

*Amendment*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to.

*same quality of service should be offered to customers when roaming, if technically feasible.*

Or. en

## **Amendment 57**

**Marisa Matias, Cornelia Ernst**

### **Proposal for a regulation**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) Roaming customers should, ***to the greatest extent possible***, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be ***offered*** to customers when roaming, if technically feasible.

##### *Amendment*

(28) Roaming customers should be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be ***guaranteed*** to customers when roaming, if technically feasible. ***Commercial considerations or agreements cannot constitute valid limitations to ensuring the same quality of services as at home. To provide legal certainty and ensure the Regulation is interpreted in the best interest of consumers, BEREC should update its retail and wholesale guidelines regarding quality of service and other new elements of the Regulation.***

Or. en

##### *Justification*

*This amendment is needed to ensure customers can benefit from the same quality service as at home. Technical unfeasibility can be the only exception to this rule, not commercial considerations or agreements. In addition, the amendment requires BEREC to provide further technical support to ensure the Regulation is applied in a consistent manner and in a consumer-friendly manner. It is important both BEREC's retail and wholesale guidelines are updated in relation to quality of services and other elements introduced by this Regulation.*

## Amendment 58

Robert Hajšel, Carlos Zorrinho, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Pawel Balt, Miapetra Kumpula-Natri, Dan Nica

### Proposal for a regulation

#### Recital 28

*Text proposed by the Commission*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. ***In particular, the same*** quality of service should be offered to customers when roaming, if technically ***feasible***.

*Amendment*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically ***taking into account the obligations imposed in the Open Internet Regulation (Regulation(EU) 2015/2120, of the European Parliament and of the Council of 25 November 2015) to treat all traffic equally, without discrimination, restriction or interference.***

***Similar*** quality of service should be offered to customers when roaming, if technically ***available***.

Or. en

#### *Justification*

*In fact, network operators are bound by the net-neutrality rules enshrined in the open internet regulation to treat all traffic equally, when providing internet access services, without discrimination, restriction or interference [...]. In terms of roaming this would mean that the traffic from a visiting operator cannot be treated differently by the visited operator, i.e. the quality provided to roaming costumers needs to be the same as it is provided to the customers of the visited network. The same applies to the visiting operator that cannot reduce the quality of the internet access service of its own customers when these are using a visited network.*

## Amendment 59

Jordi Solé

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Recital 28**

*Text proposed by the Commission*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible.

*Amendment*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible. ***Throttling consumer experience has been in the past employed in order to nudge consumers into higher tiers of services, therefore reduction in quality of service for commercial reasons is not acceptable.***

Or. en

*Justification*

*Linked to changes in art. 5, throttling consumer experience should not be considered an acceptable practice.*

**Amendment 60**

**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**

**Recital 28**

*Text proposed by the Commission*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers

*Amendment*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union, ***if the same generation of mobile***

should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible.

***communication networks, conditions, and technologies are available on the visited network.*** To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible.

Or. en

## **Amendment 61**

**Izaskun Bilbao Barandica, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

### **Proposal for a regulation**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible.

##### *Amendment*

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically, ***operationally and commercially*** feasible.

Or. en

##### *Justification*

*Understanding the problem that operators may have with the reference to "when technically feasible" we will propose to change this terminology to also have in consideration operational and commercial aspects in to find valid solution for everyone. Linked to amendments on recital 15 and articles 3, 5. It follows the spirit of the Council's position on Article 5.2 but operators will need to inform and indicate to the consumers the reasoning behind.*

## Amendment 62

Angelika Winzig, Henna Virkkunen, Jerzy Buzek, Gheorghe Falcă, Seán Kelly, Christian Ehler, Angelika Niebler, Pernille Weiss, Róza Thun und Hohenstein

### Proposal for a regulation

#### Recital 28

*Text proposed by the Commission*

(28) Roaming customers should, ***to the greatest extent possible***, be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible.

*Amendment*

(28) Roaming customers should be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible.

Or. en

## Amendment 63

Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel

### Proposal for a regulation

#### Recital 28

*Text proposed by the Commission*

(28) Roaming customers should, ***to the greatest extent possible***, be able to use the retail services that they subscribe to and benefit from ***the same*** level of quality of service ***as*** at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, ***the***

*Amendment*

(28) Roaming customers should be able to use the retail services that they subscribe to and benefit from ***a*** level of quality of service ***which is equivalent to that enjoyed*** at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, ***an equivalent*** quality of service should be

*same* quality of service should be *offered* to customers when roaming, if technically feasible.

*guaranteed* to customers when roaming, if technically feasible.

Or. es

#### **Amendment 64**

**Marisa Matias, Cornelia Ernst, Sandra Pereira**

#### **Proposal for a regulation**

#### **Recital new(29)**

##### *Text proposed by the Commission*

new(29) Roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price. The ‘fair use policy’ *is intended to* prevent *abusive or anomalous* usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers in a Member State other than that of their domestic provider for purposes other than periodic travel. Roaming providers should, in cases of force majeure caused by circumstances such as pandemics or natural catastrophes which involuntarily extend the period of temporary stay of the roaming customer in another Member State, *consider extending* the applicable fair use allowance for an appropriate period, *upon a justified request by the roaming customer* . Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are consistent with their respective tariff plans.

##### *Amendment*

new(29) Roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price *in very limited circumstances*. The ‘fair use policy’ *should* prevent *fraudulent* usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers in a Member State other than that of their domestic provider for purposes other than periodic travel. Roaming providers should, in cases of force majeure caused by circumstances such as pandemics or natural catastrophes which involuntarily extend the period of temporary stay of the roaming customer in another Member State, *extend* the applicable fair use allowance for an appropriate period, *so consumers can enjoy a genuine roam-like-at-home experience. The COVID 19 crisis led to an extensive use of teleworking and streaming of universities courses and notes that many places in the European Union are not well served by local loop broadband, and the speed is insufficient. This shall be significantly strengthened, so citizens can enjoy a genuine Roam-Like-At-Home experience*. Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are



consistent with their respective tariff plans.

Or. en

### *Justification*

*These amendments seeks to ensure that only fraudulent use should be subject to restrictions. In case of force majeure, RLAH should continue to apply. The pandemic crisis has demonstrated there is a demand for more equality and better consumer protection.*

## **Amendment 65**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

## **Proposal for a regulation**

### **Recital new(29)**

#### *Text proposed by the Commission*

new(29) Roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price. The ‘fair use policy’ is intended to prevent abusive or anomalous usage of regulated retail roaming services by *roaming customers, such as the use of such services by roaming customers in a Member State other than that of their domestic provider for purposes other than periodic travel. Roaming providers should, in cases of force majeure caused by circumstances such as pandemics or natural catastrophes which involuntarily extend the period of temporary stay of the roaming customer in another Member State, consider extending the applicable fair use allowance for an appropriate period, upon a justified request by the roaming customer*. Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are consistent with their respective tariff plans.

#### *Amendment*

new(29) ***In exceptional cases*** roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price. The ‘fair use policy’ is intended to prevent abusive or anomalous usage of regulated retail roaming services by ***permanently*** roaming customers. Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are consistent with their respective tariff plans ***and shall not be used to artificially limit the freedoms that citizens and business are entitled in the European Union.***

*Justification*

*The lack of data potentially showing a significant negative market impact on visited operators leads to the conclusion that fair use policy needs to be limited to exceptional cases. This change is linked to the one in art 6.*

**Amendment 66**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation****Recital nuevo(29)***Text proposed by the Commission*

new(29) Roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price. The ‘fair use policy’ **is intended to prevent** abusive or anomalous usage of regulated retail roaming services **by roaming customers, such as the use of such services by roaming customers in a Member State other than that of their domestic provider for purposes other than periodic travel.** Roaming providers **should**, in cases of force majeure caused by circumstances such as pandemics or natural catastrophes which involuntarily extend the period of temporary stay of the roaming customer in another Member State, **consider extending** the applicable fair use allowance for an appropriate period, **upon a justified request by the roaming customer** . Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are consistent with their respective tariff plans.

*Amendment*

new(29) **In very limited circumstances**, roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price. The ‘fair use policy’ **should cover** abusive or anomalous usage of regulated retail roaming services. Roaming providers **must**, in cases of force majeure caused by circumstances such as pandemics, **temporary border closures** or natural catastrophes which involuntarily extend the period of temporary stay of the roaming customer in another Member State, **extend** the applicable fair use allowance for an appropriate period. Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are consistent with their respective tariff plans.

**Amendment 67**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Recital new(29)**

*Text proposed by the Commission*

new(29) Roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price. The ‘fair use policy’ is intended to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers in a Member State other than that of their domestic provider **for purposes other than periodic travel**. Roaming providers should, in cases of force majeure caused by circumstances such as pandemics or natural catastrophes which involuntarily extend the period of temporary stay of the roaming customer in another Member State, **consider extending** the applicable fair use allowance for an appropriate period, **upon a justified request by the roaming customer** . Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that **are consistent with** their respective tariff plans.

*Amendment*

new(29) Roaming providers should be able to apply a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price. The ‘fair use policy’ is intended to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers **only** in a Member State other than that of their domestic provider. **Nevertheless, it should allow customers to fully replicate their domestic usage pattern**. Roaming providers should, in cases of force majeure caused by circumstances such as pandemics or natural catastrophes which involuntarily extend the period of temporary stay of the roaming customer in another Member State, **extend** the applicable fair use allowance for an appropriate period. Any fair use policy should enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that **replicate** their respective tariff plans.

Or. en

**Amendment 68**  
**Marisa Matias, Cornelia Ernst, Sandra Pereira**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) Where providers of Union-wide regulated roaming services make changes to their retail roaming tariffs and to

*Amendment*

(34) Where providers of Union-wide regulated roaming services make changes to their retail roaming tariffs and to

accompanying roaming usage policies in order to comply with the requirements of this Regulation, such changes **should not trigger for mobile customers any right** under national laws **transposing Directive (EU) 2018/1972** to withdraw from their contracts.

accompanying roaming usage policies in order to comply with the requirements of this Regulation, such changes **will not affect or limit any consumer rights** under national laws, **namely, the right** to withdraw from their contracts.

Or. en

### *Justification*

*Price increases are unilateral changes to contractual conditions on the initiative of operators. In some countries, the law recognises the right of operators to make contractual changes, such as price increases, but imposes certain conditions on them, such as prior notice. They must also check that the price increase is provided for in the contract concluded with the consumer. Price is one of the key elements in telecoms contracts. As a rule, customers have the right to cancel the contract free of charge if they do not accept the new conditions. Limiting the consumer's right of withdrawal for unilateral price changes is a heavy and disproportionate penalty for consumers and is unnecessary for the purposes of this Regulation. Moreover, this provision could conflict with Member States' national legislation and will lead to legal uncertainty. Furthermore, this issue will certainly increase litigation between consumers and operators, including legal disputes.*

### **Amendment 69** **Evžen Tošenovský**

#### **Proposal for a regulation** **Recital 35**

##### *Text proposed by the Commission*

(35) A contract which includes any type of regulated retail roaming service should specify the characteristics of that regulated retail roaming service, **including the expected level of quality of service**. The provider should make available information on relevant factors that can affect the quality of service, such as availability of certain technologies, coverage or variation due to external factors such as topography.

##### *Amendment*

(35) A contract which includes any type of regulated retail roaming service should specify the characteristics of that regulated retail roaming service. The provider should **to the extend possible** make available information on relevant factors that can affect the quality of service, such as availability of certain technologies, coverage or variation due to external factors such as topography.

Or. en

## Amendment 70

Marisa Matias, Cornelia Ernst, Sandra Pereira

### Proposal for a regulation

#### Recital 36

##### *Text proposed by the Commission*

(36) Roaming customers and home operators sometimes unwittingly incur large bills as a result of the lack of transparency on the numbers used for value added services across the Union and on the wholesale prices charged for value added services. Communications to certain numbers which are used for providing value added services, for example, premium-rate numbers, freephone numbers or shared cost numbers, are subject to particular pricing conditions at the national level. This Regulation should not apply to the part of the tariff that is charged for the provision of value added services but only to the tariffs for the connection to such services. Nevertheless, the RLAH principle might create an expectation for end-users that communications to such numbers while roaming should not incur any increased cost in comparison to the domestic situation. However, this is not always the case when roaming. End-users are confronted with increased costs, even when they call numbers that are free when called domestically. This could erode customers' confidence in using their phones when roaming and could result in bill shocks, thus having a negative impact on a genuine RLAH experience. This is mainly caused, at retail level by the insufficient level of transparency on the higher charges which can be incurred because of communications to value added services numbers. Therefore measures should be introduced to increase the transparency on the conditions for communications to value added services numbers. To that end, roaming customers should be informed in their contract and notified and warned, in a timely manner and free of charge, *that* communications to

##### *Amendment*

(36) Roaming customers and home operators sometimes unwittingly incur large bills as a result of the lack of transparency on the numbers used for value added services across the Union and on the wholesale prices charged for value added services. Communications to certain numbers which are used for providing value added services, for example, premium-rate numbers, freephone numbers or shared cost numbers, are subject to particular pricing conditions at the national level. This Regulation should not apply to the part of the tariff that is charged for the provision of value added services but only to the tariffs for the connection to such services. Nevertheless, the RLAH principle might create an expectation for end-users that communications to such numbers while roaming should not incur any increased cost in comparison to the domestic situation. However, this is not always the case when roaming. End-users are confronted with increased costs, even when they call numbers that are free when called domestically. This could erode customers' confidence in using their phones when roaming and could result in bill shocks, thus having a negative impact on a genuine RLAH experience. This is mainly caused, at retail level by the insufficient level of *regulation and the lack of* transparency on the higher charges which can be incurred because of communications to value added services numbers. Therefore measures should be introduced to *protect customers and* increase the transparency on the conditions for communications to value added services numbers *and to ensure that customers that are roaming within the Union pay the same amount as domestic*

value added services numbers in roaming can entail additional charges.

*customers for value added services and ensure that costumers keep paying the same price as at home when resorting to value added services from their home country when travelling within the Union as long as they are accessible in the visiting country.* To that end, roaming customers should be informed in their contract and notified and warned, **upfront**, in a timely, **transparent, trustely and user-friendly** manner and free of charge, **if and when** communications to value added services numbers in roaming can entail additional charges **and the applicable cut-off limit which consumers can opt-out from. Additional charges should always be communicated to the client. Additionally the value added services and any charge should be immediately interrupted, followed by an alert, if suspicious of fraudulent calls.**

Or. en

#### *Justification*

*These amendments seeks to introduce measures based on the European Commission's additions on value-added services. If and when charges apply, consumers must be informed upfront in a clear manner. It is important cut-off limits also apply to value-added services to avoid bill shocks by consumers when roaming.*

#### **Amendment 71**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

##### **Recital 36**

###### *Text proposed by the Commission*

(36) Roaming customers and home operators sometimes unwittingly incur large bills as a result of the lack of transparency on the numbers used for value added services across the Union and on the wholesale prices charged for value added services. Communications to certain

###### *Amendment*

(36) Roaming customers and home operators sometimes unwittingly incur large bills as a result of the lack of transparency on the numbers used for value added services across the Union and on the wholesale prices charged for value added services. Communications to certain

numbers which are used for providing value added services, for example, premium-rate numbers, freephone numbers or shared cost numbers, are subject to particular pricing conditions at the national level. ***This Regulation should not apply to the part of the tariff that is charged for the provision of value added services but only to the tariffs for the connection to such services. Nevertheless, the RLAH principle might create an expectation for end-users that*** communications to such numbers while roaming should not incur any increased cost in comparison to the domestic situation. However, this is not always the case when roaming. End-users are confronted with increased costs, even when they call numbers that are free when called domestically. This could erode customers' confidence in using their phones when roaming and could result in bill shocks, thus having a negative impact on a genuine RLAH experience. This is mainly caused, at retail level by the insufficient level of transparency on the higher charges which can be incurred because of communications to value added services numbers. Therefore measures should be introduced to increase the transparency on the conditions for communications to value added services numbers. To that end, roaming customers should be informed in their contract and notified and warned, in a timely manner and free of charge, that communications to value added services numbers in roaming can entail additional charges.

numbers which are used for providing value added services, for example, premium-rate numbers, freephone numbers or shared cost numbers, are subject to particular pricing conditions at the national level. Communications to such numbers while roaming should not incur any increased cost in comparison to the domestic situation. However, this is not always the case when roaming. End-users are confronted with increased costs, even when they call numbers that are free when called domestically. This could erode customers' confidence in using their phones when roaming and could result in bill shocks, thus having a negative impact on a genuine RLAH experience. This is mainly caused, at retail level by the insufficient level of transparency on the higher charges which can be incurred because of communications to value added services numbers. Therefore measures should be introduced to increase the transparency on the conditions for communications to value added services numbers ***and ensure similar experience like at home.*** To that end, roaming customers should be informed in their contract and notified and warned, in a timely manner and free of charge, that ***some*** communications to value added services numbers in roaming can entail additional charges, ***while for specific numbers, like helplines, this charges should not exist.***

Or. en

#### *Justification*

*This AM is needed to align the text to the changes made in order to ensure limitations of costs for some value added services.*

#### **Amendment 72**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) Roaming customers and home operators sometimes unwittingly incur large bills as a result of the lack of transparency on the numbers used for value added services across the Union and on the wholesale prices charged for value added services. Communications to certain numbers which are used for providing value added services, for example, premium-rate numbers, freephone numbers or shared cost numbers, are subject to particular pricing conditions at the national level. ***This Regulation should not apply to the part of the tariff that is charged for the provision of value added services but only to the tariffs for the connection to such services.*** Nevertheless, the RLAH principle might create an expectation for end-users that communications to such numbers while roaming should not incur any increased cost in comparison to the domestic situation. However, this is not always the case when roaming. End-users are confronted with increased costs, even when they call numbers that are free when called domestically. This could erode customers' confidence in using their phones when roaming and could result in bill shocks, thus having a negative impact on a genuine RLAH experience. This is mainly caused, at retail level by the insufficient level of transparency on the higher charges which can be incurred because of communications to value added services numbers. Therefore measures should be introduced to increase the transparency on the conditions for communications to value added services numbers. To that end, roaming customers should be informed in their contract and notified and warned, in a timely manner and free of charge, that communications to value added services numbers in roaming can entail additional charges.

*Amendment*

(36) Roaming customers and home operators sometimes unwittingly incur large bills as a result of the lack of transparency on the numbers used for value added services across the Union and on the wholesale prices charged for value added services. Communications to certain numbers which are used for providing value added services, for example, premium-rate numbers, freephone numbers or shared cost numbers, are subject to particular pricing conditions at the national level. Nevertheless, the RLAH principle might create an expectation for end-users that communications to such numbers while roaming should not incur any increased cost in comparison to the domestic situation. However, this is not always the case when roaming. End-users are confronted with increased costs, even when they call numbers that are free when called domestically. This could erode customers' confidence in using their phones when roaming and could result in bill shocks, thus having a negative impact on a genuine RLAH experience. This is mainly caused, at retail level by the insufficient level of transparency on the higher charges which can be incurred because of communications to value added services numbers. Therefore measures should be introduced to ***protect consumers***, increase the transparency on the conditions for communications to value added services numbers ***and ensure that roaming customers pay the same price as in their country of origin for communications to value added services numbers and that they do not incur additional roaming costs.*** To that end, roaming customers should be informed in their contract and notified and warned, in a timely manner and free of charge, that communications to value added services numbers in roaming



can entail additional charges.

Or. es

**Amendment 73**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(36 a) At a minimum, providers should clearly inform about specific pricing in timely manner, whenever consumers use value-added services. The Commission should introduce a rule that value-added services must cost the same for roaming consumers as nationals of that EU/EEA country.***

Or. en

**Amendment 74**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Recital 42**

*Text proposed by the Commission*

*Amendment*

(42) To ensure that roaming customers have uninterrupted and effective access to emergency services, free of charge, visited networks should not levy any wholesale charge related to **such** emergency communications on the roaming providers.

(42) To ensure that roaming customers have uninterrupted and effective access to emergency services, free of charge, visited networks should not levy any wholesale charge related to **all types of** emergency communications on the roaming providers **that are agreed between them and home networks or/and operators.**

Or. en

## Amendment 75

Marisa Matias, Cornelia Ernst, Sandra Pereira

### Proposal for a regulation

#### Recital 43

*Text proposed by the Commission*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. ***Since certain customer groups might be well informed about roaming charges***, roaming providers should provide a possibility to easily opt-out from this automatic message service. In addition, roaming customers should be provided with a text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

*Amendment*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. ***The home operator should also inform roaming customers of any additional charges that may apply for resorting to some value-added services and the applicable cut-off limit to prevent bill-shocks. Such information should be provided as soon as the consumer enters another Member State and also when the roaming customer tries to use a value-added service. Providers of mobile communication services should also inform consumers of the use of non terrestrial networks on aircrafts and vessels and the cut-off limit that applies to protect them from bill-shocks. Such information should be provided as soon as the mobile device accesses such non-terrestrial networks.*** Roaming providers should provide a possibility to easily opt-out from this automatic message service ***without unduly subverting or impairing consumer's autonomy, decision-making, or choice.*** In addition, roaming customers should be provided ***free of charge*** with a text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are

located in the Union, on request and free of charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

Or. en

### *Justification*

*This amendment is needed to keep the internal logic of the text and is linked to other amendments related to the use of non-terrestrial networks on vessels and aircrafts and value-added services.*

## **Amendment 76**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

### **Proposal for a regulation**

#### **Recital 43**

#### *Text proposed by the Commission*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. Since certain customer groups might be well informed about roaming charges, roaming providers should provide a possibility to easily opt-out from this automatic message service. In addition, roaming customers should be provided with a text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of

#### *Amendment*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. ***Providers of mobile communication services should also inform consumers of the use of non-terrestrial networks on aircrafts and vessels and the cut-off limit that applies to protect them from bill-shocks. Such information should be provided as soon as the mobile device accesses such non-terrestrial networks.*** Since certain customer groups might be well informed about roaming charges, roaming providers should provide a possibility to easily opt-out from this automatic message service. In addition,

charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

roaming customers should be provided with a text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

Or. en

### *Justification*

*This amendment goes along the lines of clarifying that there are non-terrestrial lines to which consumers can connect. It must be specified that information must be made available to them in a transparent manner so that they do not encounter a problem when they receive their bill. Linked to amendments on recitals 44, 63 and articles 2, 15.*

#### **Amendment 77**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

##### **Recital 43**

###### *Text proposed by the Commission*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. Since certain customer groups might be well informed about roaming charges, roaming providers should provide a possibility to

###### *Amendment*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. ***For the purpose of this regulation the use of non-terrestrial networks onboard aircrafts or marine vessels should be assimilated to***

easily opt-out from this automatic message service. In addition, roaming customers should be provided with a text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

***roaming in terrestrial networks and the information requirements as well as tariff regulations and quality of service should be equally applicable.*** Since certain customer groups might be well informed about roaming charges, roaming providers should provide a possibility to easily opt-out from this automatic message service. In addition, roaming customers should be provided with a text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

Or. en

#### *Justification*

*As the distinction between terrestrial networks and any other network blurs, the personal communications over mobile networks can no longer make the distinction based on the last segment of the network. A sea or air termination of a connection to a terrestrial resource should be considered terrestrial as long as it uses and contacts to a terrestrial network.*

#### **Amendment 78**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

#### **Proposal for a regulation**

#### **Recital 43**

##### *Text proposed by the Commission*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile

##### *Amendment*

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile

communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. ***Since certain customer groups might be well informed about roaming charges, roaming providers should provide a possibility to easily opt-out from this automatic message service.*** In addition, roaming customers should be provided with a text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. ***The home provider must clearly inform the consumer, on entry into another Member State, of the additional charges that may be incurred for value added services and the applicable cut-off limit.*** In addition, roaming customers should be provided with a ***free*** text message including a link to a web page giving detailed information about the types of services (calls and SMS) that may be subject to increased costs. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of charge, additional information on the per-minute, per-SMS or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of SMS, MMS and other data communication services in the visited Member State.

Or. es

**Amendment 79**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Recital 44**

*Text proposed by the Commission*

(44) This Regulation should in relation to regulated retail roaming services lay down specific transparency requirements aligned with the specific tariff and volume conditions applicable following the abolition of the retail roaming surcharges . In particular, provision should be made for roaming customers to be notified, in a timely manner and free of charge, of the applicable fair use policy, when the applicable fair use volume of regulated voice, SMS or data roaming services is

*Amendment*

(44) This Regulation should in relation to regulated retail roaming services lay down specific transparency requirements aligned with the specific tariff and volume conditions applicable following the abolition of the retail roaming surcharges . In particular, provision should be made for roaming customers to be notified, in a timely ***and user-friendly*** manner and free of charge, of the applicable fair use policy, when ***and before*** the applicable fair use volume of regulated voice, SMS or data

fully consumed, of any surcharge, and of accumulated consumption of regulated data roaming services.

roaming services is fully consumed, of any surcharge, and of accumulated consumption of regulated data roaming services **and for using non-terrestrial networks in aircrafts and vessels such as boats or ferries.**

Or. en

#### *Justification*

*This amendment is needed to keep the internal logic of the text and is linked to other key amendments related to fair use policies.*

### **Amendment 80**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

#### **Proposal for a regulation**

##### **Recital 44**

###### *Text proposed by the Commission*

(44) This Regulation should in relation to regulated retail roaming services lay down specific transparency requirements aligned with the specific tariff and volume conditions applicable following the abolition of the retail roaming surcharges . In particular, provision should be made for roaming customers to be notified, in a timely manner and free of charge, of the applicable fair use policy, when the applicable fair use volume of regulated voice, SMS or data roaming services is fully consumed, of any surcharge, and of accumulated consumption of regulated data roaming services.

###### *Amendment*

(44) This Regulation should in relation to regulated retail roaming services lay down specific transparency requirements aligned with the specific tariff and volume conditions applicable following the abolition of the retail roaming surcharges . In particular, provision should be made for roaming customers to be notified, in a timely **and user-friendly** manner and free of charge, of the applicable fair use policy, when **and before** the applicable fair use volume of regulated voice, SMS or data roaming services is fully consumed, of any surcharge, and of accumulated consumption of regulated data roaming services **and for using non-terrestrial networks in aircrafts and vessels such as boats or ferries.**

Or. en

#### *Justification*

*This amendment goes along the lines of clarifying that there are non-terrestrial lines to which consumers can connect. It must be specified that information must be made available to them in a transparent manner so that they do not encounter a problem when they receive their bill.*

*Linked to amendments on recitals 43, 63 and articles 2, 15.*

## **Amendment 81**

**Marisa Matias, Cornelia Ernst**

### **Proposal for a regulation**

#### **Recital 45**

*Text proposed by the Commission*

(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming. Roaming providers should ***therefore take reasonable steps to protect*** customers against incurring roaming charges while they are located in their Member State. This should include adequate information measures in order to empower customers to actively prevent such instances of inadvertent roaming. National regulatory authorities should be alert to situations in which customers face problems with paying roaming charges while they are still located in their Member State and should take appropriate steps to mitigate the problem.

*Amendment*

(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming. Roaming providers should ***ensure*** customers ***are effectively protected*** against incurring roaming charges while they are located in their Member State. This should include adequate, ***timely and clear*** information measures in order to ***effectively protect and*** empower customers to actively prevent such instances of inadvertent roaming, ***including cut-off limits***. National regulatory authorities should be alert to situations in which customers face problems with paying roaming charges while they are still located in their Member State and should take appropriate steps to mitigate the problem.

Or. en

*Justification*

*Customers need to be better protected against inadvertent roaming.*

## **Amendment 82**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

### **Proposal for a regulation**

#### **Recital 45**

*Text proposed by the Commission*

(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming. Roaming

*Amendment*

(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming. Roaming



providers should therefore take reasonable steps to protect customers against incurring roaming charges while they are located in their Member State. This should include adequate information measures in order to empower customers to actively prevent such instances of inadvertent roaming. National regulatory authorities should be alert to situations in which customers face problems with paying roaming charges while they are still located in their Member State and should take appropriate steps to mitigate the problem.

providers should therefore take reasonable steps to protect customers against incurring roaming charges while they are located in their Member State. This should include adequate information measures in order to empower customers to actively prevent such instances of inadvertent roaming, ***including the cut-off limit***. National regulatory authorities should be alert to situations in which customers face problems with paying roaming charges while they are still located in their Member State and should take appropriate steps to mitigate the problem.

Or. es

### **Amendment 83**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

### **Proposal for a regulation**

#### **Recital 50**

#### *Text proposed by the Commission*

(50) There are considerable disparities between regulated roaming tariffs within the Union and roaming tariffs incurred by customers when they are travelling outside the Union, which are significantly higher than prices within the Union, where roaming surcharges are only exceptionally applied following the abolition of retail roaming charges. Due to the absence of a consistent approach to transparency and safeguard measures concerning roaming outside the Union, consumers are not confident about their rights and are therefore often deterred from using mobile services while abroad. Transparent information provided to consumers could not only assist them in the decision as to how to use their mobile devices while travelling abroad (both within and outside the Union), but could also assist them in the choice between roaming providers. It is

#### *Amendment*

(50) There are considerable disparities between regulated roaming tariffs within the Union and roaming tariffs incurred by customers when they are travelling outside the Union, which are significantly higher than prices within the Union, where roaming surcharges are only exceptionally applied following the abolition of retail roaming charges. ***The Commission should consider including roaming provisions such as RLAH in future international agreements with 3rd countries especially those bordering with the EU and those being part of the pre-accession negotiations. The Commission should further assess such possible provisions in the relevant agreements with Western Balkan and Eastern Partnership countries.*** Due to the absence of a consistent approach to transparency and safeguard measures concerning roaming

therefore necessary to address the problem of the lack of transparency and consumer protection by applying certain transparency and safeguard measures also to roaming services provided outside the Union. Those measures should facilitate competition and improve the functioning of the internal market.

outside the Union, consumers are not confident about their rights and are therefore often deterred from using mobile services while abroad. Transparent information provided to consumers could not only assist them in the decision as to how to use their mobile devices while travelling abroad (both within and outside the Union), but could also assist them in the choice between roaming providers. It is therefore necessary to address the problem of the lack of transparency and consumer protection by applying certain transparency and safeguard measures also to roaming services provided outside the Union. Those measures should facilitate competition and improve the functioning of the internal market.

Or. en

#### **Amendment 84**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj**

#### **Proposal for a regulation**

#### **Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

***(50 a) There can be no discrimination between Union citizens when living or working in cross-border areas with third countries. The RLAH should be included in future negotiations with Union neighbouring third countries.***

Or. en

*Justification*

*A reference to RLAH in cross border area is needed in order to avoid discrimination of those living and working in a neighbouring countries*

#### **Amendment 85**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan**

Nica

**Proposal for a regulation**  
**Recital 50 a (new)**

*Text proposed by the Commission*

*Amendment*

**(50 a) The Commission should work closely with the non-EU/EEA countries to reach roaming agreements or, at the very least, promote competition rules that bring down prices for consumers.**

Or. en

*Justification*

*In order to address the problem of very high prices for calling texting or uploading /downloading data when being abroad, especially in case of countries that are neighbours to non-EU/EEA countries.*

**Amendment 86**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

*Amendment*

(52) Roaming providers should inform roaming customers of the possibility to access emergency services free of charge by calling the single European emergency number '112' and by alternative means of access through emergency communications. Alternative means of access through emergency communications enable roaming customers, in particular roaming customers living with a disability, to access emergency services through other means than calls. For example, alternative means of access may be ensured through emergency applications, messaging, relay services or through real time text or total conversation implemented pursuant to Article 4 of Directive (EU) 2019/882 of the European Parliament and of the Council<sup>68</sup>.

(52) Roaming providers should inform roaming customers of the possibility to access emergency services free of charge by calling the single European emergency number '112' and by alternative means of access through emergency communications ***technically feasible to be used by roaming customers, particularly by those with disabilities***. Alternative means of access through emergency communications enable roaming customers, in particular roaming customers living with a disability, to access emergency services through other means than calls. For example, alternative means of access may be ensured through emergency applications, messaging, relay services or through real time text or total conversation implemented pursuant to Article 4 of Directive (EU) 2019/882 of the

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<sup>68</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

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<sup>68</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

Or. en

## **Amendment 87**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

## **Proposal for a regulation**

### **Recital 56**

#### *Text proposed by the Commission*

(56) While ensuring business confidentiality and in order to monitor and supervise the application of this Regulation and developments in wholesale roaming markets, national regulatory authorities should be entitled to require information on wholesale roaming agreements that do not provide for the application of the maximum wholesale roaming charges. Those authorities should also be allowed to require information on the adoption and application of conditions in wholesale roaming agreements aiming to **prevent** permanent roaming and any anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers travelling within the Union.

#### *Amendment*

(56) While ensuring business confidentiality and in order to monitor and supervise the application of this Regulation and developments in wholesale roaming markets, national regulatory authorities should be entitled to require information on wholesale roaming agreements that do not provide for the application of the maximum wholesale roaming charges. Those authorities should also be allowed to require information on the adoption and application of conditions in wholesale roaming agreements aiming to **address** permanent roaming and any anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers travelling within the Union.

Or. en

#### *Justification*

*In a true single market for mobile communications, permanent roaming is not relevant, therefore the legislative text should reflect the goal of truly establishing that market*

## Amendment 88

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

### Proposal for a regulation

#### Recital 57

##### *Text proposed by the Commission*

(57) Where Union providers of mobile services find the benefits of interoperability and end-to-end connectivity for their customers jeopardised by the termination, or threat of termination, of their roaming arrangements with mobile network operators in other Member States, or are unable to provide their customers with service in another Member State as a result of a lack of agreement with at least one wholesale network provider, national regulatory authorities should make use, where necessary, of the powers under Article 61 of Directive (EU) 2018/1972 to ensure adequate access and interconnection, taking into account the objectives set out in Article 3 of that Directive, in particular the development of the internal market by favouring the provision, availability and interoperability of pan-European services, and end-to-end connectivity.

##### *Amendment*

(57) Where Union providers of mobile services find the benefits of interoperability and end-to-end connectivity for their customers jeopardised by the termination, or threat of termination, of their roaming arrangements with mobile network operators in other Member States, or are unable to provide their customers with service in another Member State as a result of a lack of agreement with at least one wholesale network provider, national regulatory authorities should make use, where necessary, of the powers under Article 61 of Directive (EU) 2018/1972 to ensure adequate access and interconnection, taking into account the objectives set out in Article 3 of that Directive, in particular the development of the internal market by favouring the provision, availability and interoperability of pan-European services ***including of pan-European Internet of Things*** and end-to-end connectivity.

Or. en

## Amendment 89

**Angelika Winzig, Sara Skytvedal, Henna Virkkunen, Jerzy Buzek, Gheorghe Falcă, Seán Kelly, Christian Ehler, Angelika Niebler, Pernille Weiss**

### Proposal for a regulation

#### Recital 59

##### *Text proposed by the Commission*

(59) It is necessary to monitor and to review regularly the functioning of

##### *Amendment*

(59) It is necessary to monitor and to review regularly the functioning of

wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit *two* reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit *biennial* reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . ***Furthermore the Commission's reports should assess what impact the roll-out and implementation of new network technologies (e.g.5G) as well as the COVID-19-pandemic have on the roaming market.*** In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the

functioning of those markets after the implementation of those rules. ***The Commission shall continuously work on obtaining new data on the roaming market and making the data publicly available.***

Or. en

#### **Amendment 90**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

#### **Proposal for a regulation**

#### **Recital 59**

##### *Text proposed by the Commission*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit two reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability

##### *Amendment*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit two reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability

of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . ***Reports should include an assessment of the 5G rollout and any new technology implementation as well as effects of the COVID-19 pandemic on the market and end-user behaviour in terms of predictability of volumes.*** In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

Or. en

## **Amendment 91**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

### **Proposal for a regulation**

#### **Recital 59**

*Text proposed by the Commission*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit **two reports** to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the

*Amendment*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit **one report** to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the



evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications. ***The Commission's report should assess the impact of the deployment and implementation of new network technologies and the impact of cybersecurity incidents, among others.*** In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

Or. en

#### *Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new*

*technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 62 and articles 21, 22, 23 and Annex I.*

## **Amendment 92**

**Seán Kelly**

### **Proposal for a regulation**

#### **Recital 59**

##### *Text proposed by the Commission*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit two reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage

##### *Amendment*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit two reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level,

of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level **and the resultant wholesale prices**; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

Or. en

### **Amendment 93**

**Marisa Matias, Cornelia Ernst**

#### **Proposal for a regulation**

#### **Recital 59**

##### *Text proposed by the Commission*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit **two** reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers

##### *Amendment*

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit **biennial** reports to the European Parliament and to the Council. In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a

and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

loss for consumers and undermine the objectives of the digital single market. The Commission's *biennial* reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at *retail and* wholesale level, access to the different network technologies and generations is *effectively* ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

Or. en

#### *Justification*

*In line with the rapporteur's views, the Commission should submit biennial review reports, which should inter alia include how effective the new measures related to quality of service will be.*

#### **Amendment 94** **Evžen Tošenovský**

#### **Proposal for a regulation** **Recital 59**

##### *Text proposed by the Commission*

(59) It is necessary to monitor and to review regularly the functioning of

##### *Amendment*

(59) It is necessary to monitor and to review regularly the functioning of

wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit two reports to the European Parliament and to the Council. In its *biennial* reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit two reports to the European Parliament and to the Council. In its reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services. In addition, the Commission's reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services and the application of the measures on emergency communications . In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

Or. en

## Amendment 95

Jordi Solé

on behalf of the Verts/ALE Group

Rasmus Andresen

### Proposal for a regulation

#### Recital 60

##### *Text proposed by the Commission*

(60) In order to assess competitive developments in Union-wide roaming markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between providers of roaming services, BEREC should collect data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively. BEREC should also collect data on cases where parties to a wholesale roaming agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that aim to **prevent** permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. On the basis of the data collected with sufficient level of granularity, BEREC should report regularly on the relationship between retail prices, wholesale charges and wholesale costs for roaming services. BEREC should also collect the necessary data to allow the monitoring of the elements to be assessed under Article 21(1) of this Regulation.

##### *Amendment*

(60) In order to assess competitive developments in Union-wide roaming markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between providers of roaming services, BEREC should collect data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively. BEREC should also collect data on cases where parties to a wholesale roaming agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that aim to **address** permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. On the basis of the data collected with sufficient level of granularity, BEREC should report regularly on the relationship between retail prices, wholesale charges and wholesale costs for roaming services. BEREC should also collect the necessary data to allow the monitoring of the elements to be assessed under Article 21(1) of this Regulation.

Or. en

##### *Justification*

*In a true single market for mobile communications, permanent roaming is not relevant, therefore the legislative text should reflect the goal of truly establishing that market*

## Amendment 96

Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica

### Proposal for a regulation

#### Recital 60 a (new)

*Text proposed by the Commission*

*Amendment*

**(60 a) The Commission should provide relevant assessments of the M2M and IoT connectivity market in order to provide necessary recommendations in cooperation with BEREC and relevant stakeholders.**

Or. en

## Amendment 97

Izaskun Bilbao Barandica, Claudia Gamon, Klemen Grošelj, Ivars Ijabs

### Proposal for a regulation

#### Recital 62

*Text proposed by the Commission*

*Amendment*

(62) In order to ensure that ***the maximum wholesale charges are*** based on recent and updated data, the ***power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend*** the maximum wholesale charges ***that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network. This Regulation should lay down the detailed criteria and parameters on the basis of which the values of those maximum wholesale charges are set. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the***

(62) In order to ensure that ***this Regulation is*** based on recent and updated data, the Commission ***should monitor closely the developments in the roaming market as laid down in this Regulation. The report shall be accompanied by a legislative proposal addressing changes in the maximum wholesale charges and developments due to the deployment and implementation of new network technologies.***

*principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>69</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

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<sup>69</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

#### *Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 59 and articles 21, 22, 23 and Annex I.*

#### **Amendment 98**

**Marisa Matias, Cornelia Ernst**

#### **Proposal for a regulation**

#### **Recital 63**

##### *Text proposed by the Commission*

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, while increasing transparency and ensuring sustainability of the provision of retail roaming services at domestic prices as well as a genuine RLAH experience in terms of quality of service and access to emergency services while roaming, cannot be sufficiently achieved by the Member

##### *Amendment*

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks **and users of non-terrestrial networks in aircraft and vessels**, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, while increasing **customer protection**, transparency and ensuring sustainability of the provision of retail roaming services at domestic prices as well as a genuine RLAH experience in terms of quality of service and access to emergency



States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

services while roaming, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

#### *Justification*

*This amendment is technically necessary to reflect the other related amendments, keeping the coherence of the text.*

### **Amendment 99**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

#### **Proposal for a regulation**

#### **Recital 63**

##### *Text proposed by the Commission*

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, while increasing transparency and ensuring sustainability of the provision of retail roaming services at domestic prices as well as a genuine RLAH experience in terms of quality of service and access to emergency services while roaming, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set

##### *Amendment*

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks, **and users of non-terrestrial networks in aircrafts and vessels**, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, while increasing transparency and ensuring sustainability of the provision of retail roaming services at domestic prices as well as a genuine RLAH experience in terms of quality of service and access to emergency services while roaming, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.

out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

### *Justification*

*This amendment goes along the lines of clarifying that there are non-terrestrial lines to which consumers can connect. It must be specified that information must be made available to them in a transparent manner so that they do not encounter a problem when they receive their bill. Linked to amendments on recitals 43, 44 and articles 2, 15.*

## **Amendment 100**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

## **Proposal for a regulation**

### **Recital 63**

#### *Text proposed by the Commission*

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks, *when travelling within the Union*, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, while increasing transparency and ensuring sustainability of the provision of retail roaming services at domestic prices as well as a genuine RLAH experience in terms of quality of service and access to emergency services while roaming, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to

#### *Amendment*

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, while increasing transparency and ensuring sustainability of the provision of retail roaming services at domestic prices as well as a genuine RLAH experience in terms of quality of service and access to emergency services while roaming, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

achieve those objectives.

Or. en

*Justification*

*In a true single market for mobile communications, permanent roaming is not relevant, therefore the legislative text should reflect the goal of truly establishing that market*

**Amendment 101**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Recital 65 a (new)**

*Text proposed by the Commission*

*Amendment*

**(65 a) (new recital)**

***Price differences continue to prevail, both for fixed and mobile communications, between domestic voice and SMS communications and those terminating in another Member State. This continues to affect more vulnerable customer groups and to pose barriers to seamless communication within the EU. Any significant retail price differences between electronic communications services terminating in the same Member State and those terminating in another Member State should therefore be justified by reference to objective criteria.***

Or. en

*Justification*

*This amendment is needed to complement the new proposed Article 5a.*

**Amendment 102**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. This Regulation provides for a common approach for ensuring that users of public mobile communications networks, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, when making calls and receiving calls, when sending and receiving SMS messages and when using packet switched data communication services, thereby contributing to the smooth functioning of the internal market while achieving a high level of consumer protection, fostering **competition** and transparency in the market and offering both incentives for innovation and consumer choice.

*Amendment*

1. This Regulation provides for a common approach for ensuring that users of public mobile communications networks, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, when making calls and receiving calls, when sending and receiving SMS messages and when using packet switched data communication services, thereby contributing to the smooth functioning of the internal market while, **needs to be fully compliant with European Charter of Fundamental Rights, consumer rights while** achieving a high level of consumer protection, **data protection, privacy and trust** fostering **independence** and transparency in the market and offering both incentives for innovation and consumer choice **and the integration of people with disabilities**.

Or. en

*Justification*

*This amendment is relevant for the consistency with the consumers rights and integration of users with disabilities.*

**Amendment 103**

**Nicolás González Casares, Adriana Maldonado López, Lina Gálvez Muñoz**

**Proposal for a regulation**

**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. This Regulation also lays down rules aimed at increasing transparency and improving the provision of information on charges to users of roaming services.

*Amendment*

2. This Regulation also lays down rules aimed at increasing transparency and improving the provision of information on charges to users of roaming services, **including users of roaming services outside the European Union**.

Or. es

## **Amendment 104**

**Izaskun Bilbao Barandica, Claudia Gamon, Klemen Grošelj, Ivars Ijabs**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) ‘visited network’ means a **terrestrial** public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator;

*Amendment*

(d) ‘visited network’ means a public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator;

Or. en

#### *Justification*

*This amendment goes along the lines of clarifying that there are non-terrestrial lines to which consumers can connect. It must be specified that information must be made available to them in a transparent manner so that they do not encounter a problem when they receive their bill. Linked to amendments on recitals 43, 44, 63 and article 15.*

## **Amendment 105**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) ‘visited network’ means a **terrestrial** public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network

*Amendment*

(d) ‘visited network’ means a public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network

operator;

operator;

Or. en

*Justification*

*This is needed in order to align with the amendments on non-terrestrial networks in vessels and aircrafts.*

**Amendment 106**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) ‘visited network’ means a **terrestrial** public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator;

*Amendment*

(d) ‘visited network’ means a public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator;

Or. en

*Justification*

*This technical amendment is needed to bring it into line with related amendments to ensure transparency and bill-shock prevention measures on non terrestrial networks in vessels and aircrafts.*

**Amendment 107**

**Seán Kelly**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. "online trading platform" means an electronic marketplace where roaming providers can agree wholesale tariffs for**

*roaming services in future time periods. Key characteristics of an online trading platform are that only one-way trading of capacity and the anonymity of the participants on the exchange are in place.*

Or. en

*Justification*

*Though referred to in a number of places 'online trading platform' is not defined anywhere. The purpose of an online trading platform is to give an alternative price setting mechanism to the traffic balancing that occurs in bilateral negotiations. Traffic balancing drives high wholesale prices. Bilateral negotiations can also continue in parallel.*

**Amendment 108**

**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , *in particular allowing* the roaming *provider to replicate the retail mobile services* offered *domestically, when technically feasible* .

*Amendment*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access. *Within the boundaries of the roaming agreement and without to Article 5(2) the mobile network operator shall not deliberately offer degraded conditions to the roaming customers compared to the conditions offered to its domestic customers.*

Or. en

*Justification*

*Trying to compare home and roaming services in terms of quality and expecting to have the same QoS in roaming and in Home is denying how roaming works, technically and commercially.*

**Amendment 109**

**Izaskun Bilbao Barandica, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to replicate the retail mobile services offered domestically, when technically feasible .

*Amendment*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to replicate the retail mobile services offered domestically, when technically, ***operationally and commercially*** feasible ***and informing the consumer in a transparent manner*** .

Or. en

*Justification*

*Understanding the problem that operators may have with the reference to "when technically feasible" we will propose to change this terminology to also have in consideration operational and commercial aspects in to find valid solution for everyone. Linked to amendments on recitals 15, 28 and article 5. It follows the spirit of the Council's position on Article 5.2 but operators will need to inform and indicate to the consumers the reasoning behind.*

**Amendment 110**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to ***replicate*** the retail mobile services offered domestically, when technically feasible .

*Amendment*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to ***offer*** the retail mobile services ***adequate to those*** offered domestically, when ***available and*** technically feasible ***within the visited network***.

Or. en

**Amendment 111**  
**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Pawel Balt, Miapetra Kumpula-Natri, Dan Nica**



## Proposal for a regulation

### Article 3 – paragraph 1

*Text proposed by the Commission*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to replicate the retail mobile services offered domestically, **when technically feasible** .

*Amendment*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to replicate the retail mobile services offered domestically, **according to technical capacities and availability**.

Or. en

## Amendment 112

Marisa Matias, Cornelia Ernst

## Proposal for a regulation

### Article 3 – paragraph 1

*Text proposed by the Commission*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to replicate the retail mobile services offered domestically, **when technically feasible** .

*Amendment*

1. Mobile network operators shall meet all reasonable requests for wholesale roaming access , in particular allowing the roaming provider to replicate the retail mobile services offered domestically, **unless it is technically unfeasible** .

Or. en

*Justification*

*Technical unfeasibility should be the only reason not to provide the same RLAH experience.*

## Amendment 113

Robert Hajšel, Carlos Zorrinho, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Pawel Balt, Miapetra Kumpula-Natri, Dan Nica

## Proposal for a regulation

### Article 3 – paragraph 3

*Text proposed by the Commission*

3. Wholesale roaming access shall cover access to all network elements and

*Amendment*

3. Wholesale roaming access shall cover access to all network elements and

associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers , on any network technology and generation available .

associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers , on any network technology and generation available ***in particular through equal and fair opportunity to accessing all networks and technologies available. Anomalous or abusive use shall not be covered by wholesale roaming access.***

Or. en

#### *Justification*

*For further clarification, anomalous or abusive use also includes but is not limited to a transfer of IMSI ranges by the roaming provider for the implementation in another network which results in roaming traffic on the visited network without the roaming provider itself being in the role of a network operator (“IMSI borrowing” or “Sponsored Roaming”). This does not include resale roaming access to national mobile wholesale partners, who are resellers of the home network in the Member State of the roaming provider. Furthermore, anomalous or abusive use of regulated roaming services also includes scenarios, where roaming traffic is generated from a number of SIM cards that are sold to customers outside of EEA.*

#### **Amendment 114**

**Paolo Borchia, Isabella Tovaglieri**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 3**

##### *Text proposed by the Commission*

3. Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers , ***on any network technology and generation available .***

##### *Amendment*

3. Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers.

Or. en

#### *Justification*

*Current wording of Article 3 already requires mobile network operators to provide “access to all network elements and associated facilities”, expanding the obligation to grant access to*

“any network technology and generation available” is disproportionate and unclear. Also, technical feasibility cannot be the only driver of operators’ choices when stipulating roaming agreements.

**Amendment 115**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

3. Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers , ***on any network technology and generation available*** .

*Amendment*

3. Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers ***in accordance with paragraph 1.***

Or. en

**Amendment 116**  
**Robert Hajšel, Carlos Zorrinho, Lukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**  
**Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. BEREC shall, in close cooperation with the Commission and the relevant stakeholders, assess the possible future proof regulatory framework for consumers, businesses and operators to facilitate the access to next generation connectivity and modern technologies and to ensure the interoperability of key digital infrastructures, such as extensive 5G and future networks***

Or. en

## Amendment 117

Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica

### Proposal for a regulation

#### Article 3 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

**3 b. Commission shall provide assessments of the M2M and IoT connectivity market in timely manner in order to build on necessary recommendations in close cooperation with BEREC and relevant stakeholders.**

Or. en

## Amendment 118

Marisa Matias, Cornelia Ernst

### Proposal for a regulation

#### Article 3 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Mobile network operators shall publish a reference offer, taking into account the BEREC guidelines referred to in paragraph 8, and make it available to an undertaking requesting wholesale roaming access. Mobile network operators shall provide the undertaking requesting access with a draft contract, complying with this Article, for such access at the latest one month after the initial receipt of the request by the mobile network operator. The wholesale roaming access shall be granted within a reasonable period of time not exceeding three months from the conclusion of the contract. Mobile network operators receiving a wholesale roaming access request and undertakings requesting access shall negotiate in good faith.

5. Mobile network operators shall publish a reference offer, taking into account the BEREC guidelines referred to in paragraph 8, and make it available to an undertaking requesting wholesale roaming access. Mobile network operators shall provide the undertaking requesting access with a draft contract, complying with this Article, for such access at the latest one month after the initial receipt of the request by the mobile network operator. The wholesale roaming access shall be granted within a reasonable period of time not exceeding three months from the conclusion of the contract. Mobile network operators receiving a wholesale roaming access request and undertakings requesting access shall negotiate in good faith **and transparency**.

*Justification*

*To be consistent on the aim of transparency.*

**Amendment 119****Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen****Proposal for a regulation****Article 3 – paragraph 6 – subparagraph 1***Text proposed by the Commission*

That reference offer may include conditions to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. Where specified in a reference offer, such conditions shall include the specific measures that the visited network operator may take to **prevent** permanent roaming or anomalous or abusive use of wholesale roaming access as well as the objective criteria on the basis of which such measures may be taken. Such criteria may refer to aggregate roaming traffic information. They shall not refer to specific information relating to individual traffic of the roaming provider's customers.

*Amendment*

That reference offer may include conditions to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. Where specified in a reference offer, such conditions shall include the specific measures that the visited network operator may take to **address** permanent roaming or anomalous or abusive use of wholesale roaming access as well as the objective criteria on the basis of which such measures may be taken. Such criteria may refer to aggregate roaming traffic information. They shall not refer to specific information relating to individual traffic of the roaming provider's customers.

Or. en

*Justification*

*In a true single market for mobile communications, permanent roaming is not relevant, therefore the legislative text should reflect the goal of truly establishing that market*

**Amendment 120****Marisa Matias, Cornelia Ernst****Proposal for a regulation**

### Article 3 – paragraph 6 – subparagraph 1

*Text proposed by the Commission*

That reference offer may include conditions to prevent ***permanent roaming or anomalous or abusive*** use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. Where specified in a reference offer, such conditions shall include the specific measures that the visited network operator may take to prevent permanent roaming or anomalous or abusive use of wholesale roaming access as well as the objective criteria on the basis of which such measures may be taken. Such criteria may refer to aggregate roaming traffic information. They shall not refer to specific information relating to individual traffic of the roaming provider's customers.

*Amendment*

That reference offer may include conditions to prevent ***fraudulent*** use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. Where specified in a reference offer, such conditions shall include the specific measures that the visited network operator may take to prevent permanent roaming or anomalous or abusive use of wholesale roaming access as well as the objective criteria on the basis of which such measures may be taken. Such criteria may refer to aggregate roaming traffic information. They shall not refer to specific information relating to individual traffic of the roaming provider's customers.

Or. en

*Justification*

*Only fraudulent use should be subject to restrictions.*

#### **Amendment 121**

**Marisa Matias, Cornelia Ernst**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 6 – subparagraph 4**

*Text proposed by the Commission*

The visited network operator may terminate the wholesale roaming agreement unilaterally on grounds of ***permanent roaming or anomalous or abusive*** use of wholesale roaming access only upon prior authorisation of the visited network operator's national regulatory authority.

*Amendment*

The visited network operator may terminate the wholesale roaming agreement unilaterally on grounds ***fraudulent*** use of wholesale roaming access only upon prior authorisation of the visited network operator's national regulatory authority.

Or. en

*Justification*

*Only fraudulent use should be subject to restrictions.*

**Amendment 122**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 10**

*Text proposed by the Commission*

If necessary, national regulatory authorities shall impose changes to reference offers, including as regards the specific measures that the visited network operator may take to prevent ***permanent roaming or anomalous or abusive*** use of wholesale roaming access, and the objective criteria on the basis of which the visited network operator may take such measures, to give effect to obligations laid down in this Article.

*Amendment*

If necessary, national regulatory authorities shall impose changes to reference offers, including as regards the specific measures that the visited network operator may take to prevent ***fraudulent*** use of wholesale roaming access, and the objective criteria on the basis of which the visited network operator may take such measures, to give effect to obligations laid down in this Article.

Or. en

*Justification*

*Only fraudulent use should be subject to restrictions.*

**Amendment 123**

**Seán Kelly**

**Proposal for a regulation**

**Article 3 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6 a. Roaming providers shall ensure that they have the ability to trade wholesale roaming traffic through an online trading platform when this regulation enters into force. In the calendar year 2023 and for each year thereafter, wholesale roaming users shall make available not less than 25% of their roaming requirements in the previous***

*year by volume in the EEA over the exchange. The calculation of roaming requirements may exclude roaming capacity traded between members of the same company group and roaming capacity already contracted before this regulation enters into force.*

Or. en

*Justification*

*Operators should have the possibility to negotiate wholesale roaming agreements according to their commercial needs without having to offer returning traffic at the same time. Traffic balancing leads to higher wholesale prices and disadvantages smaller operators and MVNOs. An obligation to make traffic available on a one-way and anonymous basis will allow smaller MNOs and MVNOs to access fair pricing offers. Such an obligation to make traffic available does not mean that that traffic has to be traded. It is only traded if the roaming providers accept the price offered on the platform*

**Amendment 124**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *Roaming providers shall ensure, when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service.* **deleted**

Or. en

**Amendment 125**  
**Izaskun Bilbao Barandica, Nicola Danti, Klemen Grošelj**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *Roaming providers shall ensure,* **deleted**



*when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service.*

Or. en

*Justification*

*Understanding the problem that operators may have with the reference to "when technically feasible" we will propose to change this terminology to also have in consideration operational and commercial aspects in to find valid solution for everyone. Linked to amendments on recitals 15, 28 and articles 3, 5. It follows the spirit of the Council's position on Article 5.2 but operators will need to inform and indicate to the consumers the reasoning behind.*

**Amendment 126**

**Robert Hajšel, Carlos Zorrinho, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Pawel Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation  
Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Roaming providers shall ensure, when technically *feasible*, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service.

*Amendment*

2. Roaming providers shall ensure, when technically *available*, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service. ***Roaming providers shall offer similar quality of service (same generation) where technically available. For no reason, providers shall not limit quality of service or the conditions of regulated retail roaming services.***

Or. en

*Justification*

*Transparency obligations about quality of service limitations in the country where the consumer is roaming will not ensure that consumers would enjoy the same quality of service while at home. As BEREC data shows, some operators do not have the intention to provide 4G when receiving consumers from other countries. This clearly shows it is a business decision not to provide a high quality of service. The situation is likely to worsen with 5G.*

*Therefore, close monitoring of the market could be crucial to define necessary new regulatory approaches to be required.*

#### **Amendment 127**

**Antonius Manders, Róza Thun und Hohenstein, Pascal Arimont**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Roaming providers shall ensure, when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service.

*Amendment*

2. Roaming providers shall ensure, when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service, ***including with regard to an instant and seamless handover between mobile communications networks at internal EU borders, as compared to when roaming domestically.***

Or. en

*Justification*

*Since we have an internal market, the handover between networks at internal EU borders should be as seamless as in case of domestic roaming.*

#### **Amendment 128**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Roaming providers shall ensure, when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service.

*Amendment*

2. Roaming providers shall ensure, when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service. ***Commercial practices that result in lowering the***

*quality of service for consumers are forbidden.*

Or. en

*Justification*

*While the quality of service might vary due to objective reasons, intentionally throttling consumer services should not be allowed.*

**Amendment 129**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Roaming providers shall ensure, ***when*** technically ***feasible***, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, ***in particular*** in terms of quality of service.

*Amendment*

2. Roaming providers shall ensure, ***unless it is*** technically ***unfeasible***, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, ***including*** in terms of quality of service. ***Commercial considerations that seek to limit this principle shall not be permitted.***

Or. en

*Justification*

*Technical unfeasibility should be the only reason not to provide a Roam-Like-At-Home experience, including in terms of quality of service.*

**Amendment 130**

**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Roaming providers shall ***ensure***, ***when technically feasible***, that regulated retail roaming services ***are provided*** under ***the same*** conditions ***as if such services were consumed*** domestically, ***in particular***

*Amendment*

2. Roaming providers shall ***not deliberately offer*** regulated retail roaming services under ***degraded*** conditions ***than offered*** domestically, ***if the same generation of mobile communication***

*in terms of quality of service.*

*networks, conditions, and technologies are available on the visited network.*

Or. en

### *Justification*

*Intrinsic features of roaming make it impossible for MNOs to ensure a certain level quality of service: 1) Mobile networks are not homogeneous, it is their difference in terms of technology and coverage that aims to differentiate them in a competitive market. Mobile networks have a very different architecture from one country to another, and the same applies to different networks in the same country; 2) Mobile Data speed depends on many factors such as climatic conditions, topography, cell load at a time, intermediate equipment used between countries, handsets' performance and so on. It is outside the control of the domestic operator to manage the level of service offered on the visited network. 3) The proposals undermine the commercial agreements between operators. Trying to compare home and roaming services in terms of quality and expecting to have the same quality of service or ensuring a not inferior service in roaming and in Home is denying how roaming works, technically and commercially. The proposals should not oblige all operators to upgrade agreements with one/all MNOs in visited countries as new technologies are introduced at home. MNOs should not have to commit to using only operators who have launched new (such as 5G) services. This is problematic for a few reasons: o In case only one operator in a country has launched such services, then that operator would get a monopoly position, distorting the roaming agreements; o Launching new (such as 5G) services depends on spectrum; o Having to use only operators who have launched similar new services would limit operators' freedom to negotiate the best terms for roaming.*

### **Amendment 131**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. In order to contribute to the consistent application of this Article, BEREC shall, by ...[6 months after the entry into force of this Regulation], after consulting stakeholders and in close cooperation with the Commission, update its retail guidelines regarding the implementation of the quality of service measures. Such guidelines shall also provide more clarity around data speed and other quality of service parameters**

*provided while roaming*

Or. en

*Justification*

*Transparency obligations about quality of service limitations in the country where the consumer is roaming will not ensure that consumers would enjoy the same quality of service while at home. As BEREC data shows, some operators do not have the intention to provide 4G when receiving consumers from other countries. This clearly shows it is a business decision not to provide a high quality of service. The situation is likely to worsen with 5G. Therefore, close monitoring of the market could be crucial to define necessary new regulatory approaches to be required.*

**Amendment 132**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Within six months after the adoption of this Regulation, and in order to contribute to the consistent application of this and related provisions, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, update its roaming guidelines regarding the implementation of the quality of service, transparency and other relevant requirements to protect roaming customers under this Regulation.***

Or. en

*Justification*

*This amendment is needed to bring it in line with the corresponding recital. It complements AM 12 by the rapporteur.*

**Amendment 133**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj**

**Proposal for a regulation**

**Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a.** *Mobile network operators will not intentionally or fraudulently prevent, if there are no technical problems, the access of companies that have to use their network.*

Or. en

#### **Amendment 134**

**Izaskun Bilbao Barandica, Nicola Danti, Klemen Grošelj**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2 b.** *As a general principle where the same generation of mobile communication networks and technologies are available on the visited network, the roaming provider shall offer regulated roaming services under same conditions than offered domestically. If the roaming providers offers inferior conditions than offered domestically, it shall inform users and indicate whether it is due to technical, commercial or any other reason.*

Or. en

#### *Justification*

*Understanding the problem that operators may have with the reference to "when technically feasible" we will propose to change this terminology to also have in consideration operational and commercial aspects in to find valid solution for everyone. Linked to amendments on recitals 15, 28 and articles 3, 5. It follows the spirit of the Council's position on Article 5.2 but operators will need to inform and indicate to the consumers the reasoning behind.*

#### **Amendment 135**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**  
**Article 5 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2 b. BEREC shall closely monitor the market and provide follow up assessments. Special attention shall be brought to the assessment of the quality of service, including reports on the statistics about complaints received by consumers on the quality of services, the suitability of the existing regulatory approach/regulation and the adequacy of the different mechanisms as regards to characteristics of M2M and IoT.**

Or. en

**Amendment 136**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5 a**

***Abolition of retail charges for regulated intra-EU communications***

- 1. Providers of electronic communication services to the public shall not apply tariffs for intra-Union fixed and mobile communications services terminating in another Member State different from tariffs of services terminating in the same Member State, unless the provider demonstrates the existence of direct costs that are objectively justified.***
- 2. Six months after the entry into force of this Regulation, BEREC shall provide guidelines on the recovery of such objectively justified direct costs pursuant to paragraph 1.***
- 3. One year after the entry into force of***

*this Regulation and biannually thereafter, the European Commission shall, after receiving an Opinion by BEREC, provide a report on the application of the obligations of paragraph 1, including an assessment of the evolution of intra-Union communication tariffs.*

Or. en

### *Justification*

*The BEREC Regulation amended Regulation (EU) 2015/2120 to establish price caps for intra- EU communications. This amendment helps building one key pillar for digital single market in telecoms. Seeking to abolish any type of discriminatory practice, whether on access to services or prices for cross-border services.*

### **Amendment 137**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

### **Proposal for a regulation**

**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

### *Article 5 a*

*Abolition of retail charges for regulated intra-EU communications*

*1. Providers of electronic communication services to the public shall not apply tariffs for intra-Union fixed and mobile communications services terminating in another Member State different from tariffs of services terminating in the same Member State, unless the provider demonstrates the existence of direct costs that are objectively justified.*

*2. Six months after the entry into force of this Regulation, BEREC shall provide guidelines on the recovery of such objectively justified direct costs pursuant to paragraph 1.*

*3. One year after the entry into force of this Regulation and biannually thereafter,*



*the European Commission shall, after receiving an Opinion by BEREC, provide a report on the application of the obligations of paragraph 1, including an assessment of the evolution of intra-Union communication tariffs.*

Or. en

*Justification*

*The BEREC Regulation amended Regulation (EU) 2015/2120 to establish price caps for intra-EU communications. However there is confusion amongst consumer on differences between roaming and intra-EU charges, therefore is recommended to bring the matter into a single legislative act. Abolishing any type of discriminatory practice, whether on access to services or prices for cross-border services, is important for the creation of a true single market.*

**Amendment 138**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, ***in order to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers in a Member State other than that of their domestic provider for purposes other than periodic travel.***

*Amendment*

1. Roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level.

Or. en

*Justification*

*Only fraudulent use should be subject to restrictions.*

**Amendment 139**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to prevent ***abusive or anomalous*** usage of regulated retail roaming services by ***roaming customers, such as the use of such services by*** roaming customers ***in a Member State other than that of their domestic provider for purposes other than periodic travel.***

*Amendment*

1. Roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to prevent ***fraudulent*** usage of regulated retail roaming services by ***permanent.*** roaming customers

Or. en

*Justification*

*This amendment is necessary to keep the coherence of the text and other amendments.*

**Amendment 140**  
**Jordi Solé**  
on behalf of the Verts/ALE Group  
**Rasmus Andresen**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to ***prevent*** abusive or anomalous usage of regulated retail roaming services by ***roaming customers, such as the use of such services by*** roaming customers ***in a***

*Amendment*

1. ***In exceptional cases,*** roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to ***address*** abusive or anomalous usage of regulated retail roaming services by ***permanent*** roaming customers.

***Member State other than that of their domestic provider for purposes other than periodic travel.***

Or. en

*Justification*

*A fair use provision shall not be used to artificially limit the freedoms that citizens and business are entitled in the European Union.*

**Amendment 141**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**

**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers, ***such as the use of such services by roaming customers in a Member State other than that of their domestic provider for purposes other than periodic travel.***

*Amendment*

1. ***In very limited circumstances,*** roaming providers may apply in accordance with this Article and the implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers.

Or. es

**Amendment 142**

**Róza Thun und Hohenstein**

**Proposal for a regulation**

**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Roaming providers may apply in accordance with this Article and the

*Amendment*

1. Roaming providers may apply in accordance with this Article and the

implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers in a Member State other than that of their domestic provider *for purposes other than periodic travel*.

implementing acts referred to in Article 8 a ‘fair use policy’ to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers *only* in a Member State other than that of their domestic provider.

Or. en

*Justification*

*This amendment is necessary for pressing reasons relating to the internal logic of the text.*

**Amendment 143**

**Róża Thun und Hohenstein, Antonius Manders**

**Proposal for a regulation**

**Article 6 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Any fair use policy shall enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that *are consistent with* their respective tariff plans.

*Amendment*

Any fair use policy shall enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that *replicate* their respective tariff plans.

Or. en

*Justification*

*This amendment is necessary for pressing reasons relating to the internal logic of the text.*

**Amendment 144**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**

**Article 6 – paragraph 1 – subparagraph 1 a (new)**

***By way of derogation from paragraph 1, roaming providers may not apply surcharges for the consumption of regulated retail roaming services under the fair use policy in the event of force majeure, following public health emergencies as provided for in Regulation (EU) No .... / (Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU), natural disasters or any other event involving the temporary closure of borders or an obligation on the part of the roaming customer to involuntarily extend the duration of his temporary stay in another Member State.***

Or. es

**Amendment 145**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***In the event of a cut-off limit when the fair use policy limits are exceeded, the roaming customer must be informed thereof clearly, sufficiently in advance and free of charge by SMS by the roaming provider.***

Or. es

*Justification*

*It is understood that the cut-off limit occurs when the customer suffers a service cut-off, irrespective of whether this concerns SMS, voice or data.*

**Amendment 146**

**Jordi Solé**  
on behalf of the Verts/ALE Group  
**Rasmus Andresen**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. In order to ensure consistent application of Articles 6 and 7, the Commission shall, after having consulted BEREC, adopt and periodically review in the light of market developments implementing acts laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices and on the application to be submitted by a roaming provider for the purposes of that assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 4(2).

*Amendment*

1. In order to ensure consistent application of Articles 6 and 7, the Commission shall, after having consulted BEREC, adopt and periodically review in the light of market developments implementing acts laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices and on the application to be submitted by a roaming provider for the purposes of that assessment. Those implementing acts shall be adopted ***with the objective to limit the application of fair use policies in the Union leading to a progressive phase-out of their application. These implementing acts shall be*** in accordance with the examination procedure referred to in Article 4(2).

Or. en

*Justification*

*The European Commission's report on the review of the roaming market showed, "the proportion of customers who actually exceed the limits of any fair use policy remains very limited". It is important any limitation to RLAH is temporary and exceptional. This amendment is technically necessary to keep the coherence of the text and complement the rapporteur's AM 13.*

**Amendment 147**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. In order to ensure consistent application of Articles 6 and 7, the Commission shall, after having consulted BEREC, adopt and periodically review in the light of market developments implementing acts laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices and on the application to be submitted by a roaming provider for the purposes of that assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 4(2).

1. In order to ensure consistent application of Articles 6 and 7, the Commission shall, after having consulted BEREC, adopt and periodically review in the light of market developments implementing acts laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices and on the application to be submitted by a roaming provider for the purposes of that assessment. Those implementing acts shall be adopted *with the objective to limit the application of fair use policies in the Union leading to a progressive phase-out of their application. These implementing acts shall be* in accordance with the examination procedure referred to in Article 4(2).

Or. en

#### *Justification*

*The European Commission's report on the review of the roaming market showed "the proportion of customers who actually exceed the limits of any fair use policy remains very limited". It is important any limitation to RLAH is temporary and exceptional. This amendment is technically necessary to keep the coherence of the text and complement the rapporteur's AM13.*

#### **Amendment 148**

**Angelika Winzig, Sara Skyttedal, Henna Virkkunen, Jerzy Buzek, Gheorghe Falcă, Seán Kelly, Christian Ehler, Angelika Niebler, Pernille Weiss, Róza Thun und Hohenstein**

#### **Proposal for a regulation Article 8 – paragraph 1**

##### *Text proposed by the Commission*

1. In order to ensure consistent application of Articles 6 and 7, the Commission shall, after having consulted BEREC, adopt and periodically review in the light of market developments implementing acts laying down detailed rules on the application of fair use policy

##### *Amendment*

1. **By 31 December 2022**, in order to ensure consistent application of Articles 6 and 7, the Commission shall, after having consulted BEREC, adopt and periodically review in the light of market developments implementing acts laying down detailed rules on the application of fair use policy

and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices and on the application to be submitted by a roaming provider for the purposes of that assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 4(2).

and on the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices and on the application to be submitted by a roaming provider for the purposes of that assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 4(2).

Or. en

#### **Amendment 149**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

***(-a) the exceptional character of fair use provisions with a view of eliminating costs that do not stem from competitive behaviour;***

Or. en

*Justification*

*Safeguard type of clauses that protect from market behaviours that did not proved to be real, such as fair use, need to be steered towards elimination*

#### **Amendment 150**

**Róża Thun und Hohenstein**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the travelling patterns in the Union;

(c) the travelling patterns in the Union ***and potential impact on them of extraordinary circumstances, such as situations of force majeure;***



*Justification*

*This amendment is necessary for pressing reasons relating to the internal logic of the text.*

**Amendment 151**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the travelling patterns in the Union;

(c) the ***professional and leisure*** travelling patterns in the Union;

Or. en

*Justification*

*Fair use shall not be used to artificially limit the freedoms that citizens and business are entitled in the European Union.*

**Amendment 152**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) a path towards phasing out fair use mechanisms.***

Or. en

*Justification*

*Safeguard type of clauses that protect from market behaviours that did not prove to be real, such as fair use, need to be steered towards elimination*

**Amendment 153**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 8 – paragraph 4**

*Text proposed by the Commission*

4. The national regulatory authority shall strictly monitor and supervise the application of the fair use policy and the measures on the sustainability of the provision of retail roaming services at domestic prices, taking utmost account of relevant objective factors specific to the Member State concerned and of relevant objective variations between roaming providers. Without prejudice to the procedure set out in Article 7(3), the national regulatory authority shall in a timely manner enforce the requirements of Articles 6 and 7 and the implementing acts provided for in paragraph 2 of this Article. The national regulatory authority may at any time require the roaming provider to amend or discontinue the surcharge if it does not comply with Article 6 or 7. The national regulatory authority shall inform the Commission annually concerning the application of Articles 6 and 7, and of this Article.

*Amendment*

4. The national regulatory authority shall strictly monitor and supervise the application of the fair use policy and the measures on the sustainability of the provision of retail roaming services at domestic prices, taking utmost account of relevant objective factors specific to the Member State concerned and of relevant objective variations between roaming providers. Without prejudice to the procedure set out in Article 7(3), the national regulatory authority shall in a timely **and transparent** manner enforce the requirements of Articles 6 and 7 and the implementing acts provided for in paragraph 2 of this Article. The national regulatory authority may at any time require the roaming provider to amend or discontinue the surcharge if it does not comply with Article 6 or 7. The national regulatory authority shall inform the Commission annually concerning the application of Articles 6 and 7, and of this Article.

Or. en

*Justification*

*To be in line with the objectives of transparency.*

**Amendment 154**  
**Miapetra Kumpula-Natri**

**Proposal for a regulation**  
**Article 8 – paragraph 5**

*Text proposed by the Commission*

5. Implementing Regulation (EU)

*Amendment*

5. Implementing Regulation (EU)

2016/2286 shall continue to apply until the entry into force of a new implementing act adopted pursuant to paragraph 1.

2016/2286 shall continue to apply until the entry into force of a new implementing act adopted pursuant to paragraph 1. ***Providers shall gradually phase out the general application of fair use policy except for the open data bundle tariff model, which can only be applied when anomalous or abusive use of wholesale roaming access, permanent roaming or justified fraudulent practices are observed.***

Or. en

#### *Justification*

*Unlimited open data bundles are customer friendly and dominant in several EU countries and being introduced in additional countries. Fair use policy must be retained for these tariffs to enable sustainability and the continued offering of these tariff plans. Open data bundle FUP model can widened to apply to all tariff plans.*

#### **Amendment 155**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Pawel Balt, Dan Nica**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 5**

##### *Text proposed by the Commission*

5. Implementing Regulation (EU) 2016/2286 shall continue to apply until the entry into force of a new implementing act adopted pursuant to paragraph 1.

##### *Amendment*

5. Implementing Regulation (EU) 2016/2286 shall continue to apply until the entry into force of a new implementing act adopted pursuant to paragraph 1. ***Providers shall gradually phase out the general application of fair use policy, which can only be applied when anomalous or abusive use of wholesale roaming access, permanent roaming or justified fraudulent practices are observed.***

Or. en

#### **Amendment 156**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 8 – paragraph 5**

*Text proposed by the Commission*

5. Implementing Regulation (EU) 2016/2286 shall continue to apply until the entry into force of a new implementing act ***adopted pursuant to paragraph 1.***

*Amendment*

5. Implementing Regulation (EU) 2016/2286 shall continue to apply until the entry into force of a new implementing act, ***which shall have the objective of limiting the application of fair use policies in the Union leading to a progressive phase-out of their application.***

Or. en

*Justification*

*The European Commission 's report on the review of the roaming market showed, "the proportion of customers who actually exceed the limits of any fair use policy remains very limited" It is important any limitation to RLAH is temporary and exceptional. This amendment is technically necessary to keep the coherence of the text and improve the rapporteur's AM 13.*

**Amendment 157**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 9 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) ***the quality of service that can reasonably be expected when roaming in the Union.***

*Amendment*

***deleted***

Or. en

**Amendment 158**  
**Robert Hajšel, Carlos Zorrinho, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**  
**Article 9 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) the quality of service that can

*Amendment*

(c) the quality of service that can

reasonably be expected when roaming in the Union.

reasonably be expected when roaming in the Union. ***Quality of service shall be recognized as an important element for consumers, and where appropriate for operators, consumers shall be offered available information on relevant factors that can affect the quality of service when using applications and services especially if they are primarily subject to certain QoS limitations. As an addition and where available, operators could provide consumers with links to reliable local sources related to the current weather conditions, traffic information and potential general/public health threads and restrictions.***

Or. en

#### **Amendment 159**

**Nicolás González Casares, Adriana Maldonado López, Lina Gálvez Muñoz**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) the quality of service that can reasonably be expected when roaming in the Union.

*Amendment*

(c) the quality of ***the roaming*** service that can reasonably be expected when roaming in the Union.

Or. es

#### **Amendment 160**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a

regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0,022** per minute. That maximum wholesale charge shall decrease to EUR **0,019** per minute *on 1 January 2025* and shall, without prejudice to *Articles 21, 22 and 23*, remain at EUR **0,019** per minute until 30 June 2032 .

regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0,0072** per minute. That maximum wholesale charge shall decrease to EUR **0,0053** per minute *in 2023 and to EUR 0,0026 per minute in 2024*, and shall, without prejudice to *Article 21* remain at EUR **0,0026** per minute until 30 June 2032 .

Or. en

#### *Justification*

*The wholesale roaming caps for voice should follow the same gliding path as the one provided for by the single maximum Union-wide mobile voice termination rate adopted by EC in compliance with art. 75 of the EECC through the Implementing Regulation 2021/654 of 18 December 2020 .The 2024 value should be subject to revision in the context of the full review of all aspects of the Regulation to be completed for bringing onto effect on 1 January 2025 (see article 21).*

#### **Amendment 161**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

**Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The wholesale caps for voice should follow the same gliding path provided for in the single Union-wide mobile voice termination rates set for the years 2022, 2023 and 2024 in accordance with Article 75 (1) of Directive (EU) 2018/1972.***

Or. en

#### *Justification*

*Same justification as in the changes to art. 10.1*

## Amendment 162

Jordi Solé

on behalf of the Verts/ALE Group

Rasmus Andresen

### Proposal for a regulation

#### Article 11 – paragraph 1

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR **0,004** per SMS message . That maximum wholesale charge shall **decrease to EUR 0,003 per SMS message on 1 January 2025, and shall**, without prejudice to **Articles 21, 22 and 23** , remain at EUR 0,003 until 30 June 2032 .

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR **0,003** per SMS message . That maximum wholesale charge shall without prejudice to **Article 21** remain at EUR 0,003 until 30 June 2032 .

Or. en

*Justification*

*The value should be aligned to the realities of the market, and be decreased sooner than 2025*

## Amendment 163

Massimiliano Salini, Salvatore De Meo, Aldo Patriciello, Andrea Caroppo

### Proposal for a regulation

#### Article 12 – paragraph 1

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,00 per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR 1,50 per gigabyte of data transmitted on 1 January 2025 and shall**, without prejudice to **Articles 21, 22 and 23 remain at EUR**

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,50** per gigabyte of data transmitted until 30 June 2032 .

**1,50** per gigabyte of data transmitted until  
30 June 2032 .

Or. en

*Justification*

*At a time when it is necessary to invest in 5G deployment, the reduction of the wholesale cap penalizes the infrastructure competition model ignoring the investments that operators are facing to upgrade the networks, hampering the EU goal of 5G population coverage.*

**Amendment 164**

**Robert Hajšel, Carlos Zorrinho, Maria-Manuel Leitão-Marques, Romana Jerković,  
Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation  
Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50** per gigabyte of data transmitted on 1 January **2025** and shall, without prejudice to **Articles 21, 22 and 23** remain at EUR **1,50** per gigabyte of data transmitted until 30 June 2032 .

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **1,00** per gigabyte of data transmitted. That maximum wholesale charge shall **gradually** decrease to EUR **0,90** per gigabyte of data transmitted on 1 January **2023** **and to EUR 0,70 per gigabyte of data transmitted on 1 January 2024. On 1 January 2025 the maximum average wholesale charge shall decrease to EUR 0,60 per gigabyte** and shall, without prejudice to **Article 21** remain at EUR **0,60** per gigabyte of data transmitted until 30 June 2032

Or. en

**Amendment 165  
Henna Virkkunen**

**Proposal for a regulation  
Article 12 – paragraph 1**



*Text proposed by the Commission*

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50** per gigabyte of data transmitted on 1 January **2025** and shall, without prejudice to **Articles 21, 22 and 23** remain at EUR **1,50** per gigabyte of data transmitted until 30 June 2032 .

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0,70** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **0,45** per gigabyte of data transmitted on 1 January **2024**. **On 1 January 2025 the maximum average wholesale charge shall decrease to EUR 0,30 per gigabyte** and shall, without prejudice to **Article 21**, remain at EUR **0,30** per gigabyte of data transmitted until 30 June 2032.

Or. en

*Justification*

*At wholesale level, the sharp reduction in price caps has contributed to a further reduction in wholesale roaming prices, often significantly below the level of regulated caps, which in turn makes the end of roaming charges sustainable for almost all roaming providers. The regulated caps should reflect this reality and provide market actors with right incentives.*

**Amendment 166**

**Róża Thun und Hohenstein, Antonius Manders**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50** per gigabyte of data transmitted on 1 January **2025** and shall, without prejudice to **Articles 21, 22 and 23** remain at EUR **1,50** per gigabyte of data transmitted until 30 June 2032 .

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **1,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **0,75** per gigabyte of data transmitted on 1 January **2024**. **On 1 January 2025 the maximum average wholesale charge shall decrease to EUR 0,50 per gigabyte** and shall, without prejudice to **Article 21**

remain at EUR **0,50** per gigabyte of data transmitted until 30 June 2032 .

Or. en

#### **Amendment 167**

**Zdzisław Krasnodebski, Beata Szydło, Izabela-Helena Kloc, Elżbieta Kruk**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50** per gigabyte of data transmitted on 1 January **2025** and shall, without prejudice to **Articles 21, 22 and 23** remain at EUR **1,50** per gigabyte of data transmitted until 30 June 2032 .

##### *Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **1,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **0,70** per gigabyte of data transmitted on 1 January **2024**. **On 1 January 2025 the maximum average wholesale charge shall decrease to EUR 0,50 per gigabyte** and shall, without prejudice to **Article 21** remain at EUR **0,50** per gigabyte of data transmitted until 30 June 2032 .

Or. en

##### *Justification*

*The wholesale charges proposed by the Commission are still too high and neither reflect the expected average annual growth rate of mobile data traffic nor the decreasing costs of operators for the provision of wholesale roaming services.*

#### **Amendment 168**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit **of EUR 2,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50 per gigabyte of data transmitted on 1 January 2025** and shall, without prejudice to **Articles 21, 22 and 23** remain at EUR **1,50** per gigabyte of data transmitted until **30 June 2032** .

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit per gigabyte of data transmitted **of EUR 0,75/GB until 31st December 2022**. That maximum wholesale charge shall decrease to EUR **0,50/GB until 31st December 2023, EUR 0,25/GB until 31st December 2024** and shall, without prejudice to **Article 21** remain at EUR **0,25** per gigabyte of data transmitted until **31st December 2026** .

Or. en

*Justification*

*There are indications that lower thresholds are possible, thus removing more barriers for accessing digital services while roaming. Also the end date has been changed to reflect the aim for a review in 2025*

**Amendment 169**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR 2,00 per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50** per gigabyte of data transmitted on 1 January 2025 and **shall, without prejudice to Articles 21, 22 and 23 remain at EUR 1,50** per gigabyte of data transmitted until 30 June 2032 .

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR 2,00 per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,70 per gigabyte on 1 January 2024, to EUR 1,40** per gigabyte of data transmitted on 1 January 2025 and **to EUR 1,40** per gigabyte of data transmitted **on 1 January 2025** until 30 June 2032 .

Or. en

**Amendment 170**  
**Paolo Borchia, Isabella Tovaglieri**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50** per gigabyte of data transmitted on 1 January 2025 and shall, without prejudice to Articles 21, 22 and 23 remain at EUR **1,50** per gigabyte of data transmitted until 30 June 2032 .

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,50** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **2,00** per gigabyte of data transmitted on 1 January 2025 and shall, without prejudice to Articles 21, 22 and 23 remain at EUR **2,00** per gigabyte of data transmitted until 30 June 2032 .

Or. en

*Justification*

*Pushing for a continuous reduction of wholesale caps is a short-sighted strategy and does not reward the infrastructure competition model, not taking into account the huge investments that operators are making to upgrade their networks. The reduction of wholesale caps will further fuel the resale model, as opposed to the infrastructural one. This sends the wrong signal to potential investors in EU telecom network operators, especially at a time when investment in 5G deployment is needed to achieve the EU goal of full population coverage with 5G. Wholesale caps should be kept as safeguard limits. In the long term, a reduction in wholesale caps could be detrimental to the quality delivered to the end user. In fact, this could hinder the flexibility necessary for operators to develop differentiated scenarios in the future with different settings for user profiles. This would have negative repercussions both for the customer, who would see the quality standard applied abroad, and for the operator, who would not have the possibility to benefit from the potential of 5G, on which he has made important investments (not least for the frequency acquisition).*

**Amendment 171**  
**Izaskun Bilbao Barandica, Claudia Gamon, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2,00** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **1,50** per gigabyte of data transmitted on 1 January 2025 and shall, without prejudice to Articles 21, **22 and 23** remain at EUR **1,50** per gigabyte of data transmitted until 30 June 2032 .

*Amendment*

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0,80** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR **0,50** per gigabyte of data transmitted on 1 January 2025 and shall, without prejudice to Articles 21 remain at EUR **0,50** per gigabyte of data transmitted until 30 June 2032 .

Or. en

*Justification*

*The level of the wholesale roaming charges is one of the key point in this revision in order to keep competition between all the operators. RLAH is a big achievement that we need to preserve. There will be an increase in data flow in the following years therefore it make sense to decrease the caps as this would allow the well functioning of the roaming market. Linked to amendments on articles 21, 22 and 23.*

**Amendment 172**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.

*Amendment*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.  
***By extension visited network operator shall also not levy on the roaming provider any charge related other non-emergency crucial communications initiated by the roaming customer such as free of charge local helplines and***

***accessibility relay services for persons with disabilities.***

Or. en

*Justification*

*There are other number besides 112 that are crucial for European citizens and generally free of charge locally. When communications with such numbers is free of charge for a mobile customer at home, roaming regulation should ensure that this remains as such. Extra costs when roaming to such numbers hamper effective urgent communications.*

**Amendment 173**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to ***the*** emergency communications initiated by the roaming customer and the transmission of caller location information.

*Amendment*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to ***all types of*** emergency communications (***calls and emergency SMS messages***) ***agreed between the roaming provider and the visited network operator and*** initiated by the roaming customer and the transmission of caller location information. ***All clearly identifiable means of emergency services shall be provided without any additional charges***

Or. en

*Justification*

*This change limits the no charge principle to those types of emergency communication which are clearly identifiable based on the inter-operator agreements. It is claimed to be technically impossible for a visited operator to identify that certain data traffic is carrying emergency communication unless it is agreed between operators in advance.*

**Amendment 174**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.

*Amendment*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.  
***Visited network operator shall also not levy on roaming provider any charge related other non-emergency crucial communications initiated by roaming customer.***

Or. en

*Justification*

*There are other numbers beside 112 that are crucial, like missing children, child help, COVID line, passenger assistance. The access to these numbers with no additional costs is essential.*

**Amendment 175**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.

*Amendment*

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.  
***Communications to value added services must also be priced at the applicable domestic retail price level.***

Or. es

## **Amendment 176**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

*Amendment*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges. ***Roaming providers shall also ensure that the use of value added service is provided under the same conditions as if such services were consumed domestically.***

Or. en

*Justification*

*In order to accomplish a real single market it is of outmost importance that customer services offered when travelling - like calling for passenger assistance for people with disabilities or asking for car assistance in the highway - are offered at the same price as at home. Furthermore, in several MS added value numbers look like normal numbers and are not really distinguishable even if the provider inform about the potential risk of increased charges*

## **Amendment 177**

**Evžen Tošenovský**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – subparagraph 2**



*Text proposed by the Commission*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

*Amendment*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer ***no later than two months after the establishment of the database of value added services referred to in Article 17***, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

Or. en

**Amendment 178**

**Nicolás González Casares, Adriana Maldonado López, Lina Gálvez Muñoz**

**Proposal for a regulation**

**Article 14 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added

*Amendment*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a ***free*** link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added

services number ranges.

services number ranges.

Or. es

#### **Amendment 179**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Pawel Balt, Miapetra Kumpula-Natri, Dan Nica**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

##### *Amendment*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on the potential risk of increased charges due to the use of value added services including a link to a dedicated webpage **hosted by BEREC** providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

Or. en

##### *Justification*

*All customers should get the same harmonized and clear information about the number ranges that have a potential risk of increased charges due to the use of value-added services. Therefore, all providers should include a reference link to the same webpage which is hosted by BEREC and includes the relevant information for all Member States. The BEREC already proposes to implement central information point for emergency calls, therefore this should be possible for the value-added service as well.*

#### **Amendment 180**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on ***the potential risk of increased*** charges due to the use of value added services ***including*** a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

*Amendment*

Roaming providers shall, except when the roaming customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming customer enters a Member State other than that of his domestic provider, with information on charges due to the use of value added services, ***which should also be priced at the applicable national retail price.*** ***Moreover, this SMS is to include*** a link to a dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

Or. es

**Amendment 181**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**  
**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The Commission shall introduce a rule that value-added services must cost the same for roaming consumers as nationals of that EU/EEA country.***

Or. en

**Amendment 182**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques,**

Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica

**Proposal for a regulation**  
**Article 14 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5 a. The Commission shall further assess the possibility of opt-in requirement to swift and clear minimum information requirements for where appropriate also warning messages and cut-off limits to avoid bill shocks.**

Or. en

*Justification*

*This opt-in rule would protect consumers who think they are still in the EU and give them obligation to join such non-EU/EEA network for consumers who do not have a specific tariff for such country in advance. It would also protect those consumers who are staying within EU borders but – without realising it – see their network inadvertently change to a non-EU neighbouring country (e.g. because they have their mobile device in their pocket). It would also protect those consumers who think that roaming still applies, e.g. consumers travelling through France or Austria and passing by Switzerland by car. However, it is important to take into considerations also negative impacts that cut off may have. A blunt cut-off would limit consumer's ability to continue working or even be reached by/or reach anyone if needed.*

**Amendment 183**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where appropriate, roaming providers shall inform their customers, before the conclusion of a contract and on a regular basis thereafter, of the risk of automatic and uncontrolled data roaming connection and download. Furthermore, roaming providers shall notify to their customers, free of charge **and** in a clear and easily understandable manner, how to switch off these automatic data roaming connections in order to avoid uncontrolled consumption

Where appropriate, roaming providers shall inform their customers, before the conclusion of a contract and on a regular basis thereafter, of the risk of automatic and uncontrolled data roaming connection and download. Furthermore, roaming providers shall notify to their customers, free of charge, in a clear and easily understandable manner **and accessible for people with disabilities**, how to switch off these automatic data roaming connections

of data roaming services.

in order to avoid uncontrolled consumption of data roaming services.

Or. en

*Justification*

*Accessibility is of the key pillar of the European Social Pact. It is important to be in line with the European Accessibility Act. Linked to amendments on article 15.*

**Amendment 184**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**

**Article 15 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. An automatic message from the roaming provider shall inform the roaming customer that the latter is using regulated data roaming services, and provide basic personalised tariff information on the charges (in the currency of the home bill provided by the customer's domestic provider) applicable to the provision of regulated data roaming services to that roaming customer in the Member State concerned, except where the customer has notified the roaming provider that he does not require that information.

*Amendment*

2. An automatic message from the roaming provider shall inform the roaming customer, ***in an accessible manner for everyone including disabled people***, that the latter is using regulated data roaming services, and provide basic personalised tariff information on the charges (in the currency of the home bill provided by the customer's domestic provider) applicable to the provision of regulated data roaming services to that roaming customer in the Member State concerned, except where the customer has notified the roaming provider that he does not require that information.

Or. en

*Justification*

*Accessibility is of the the key pillar of the European Social Pact. It is important to be in line with the European Accessibility Act. Linked to amendments on article 15.*

**Amendment 185**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**

**Article 15 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The information shall be delivered to the roaming customer's mobile device, for example by an SMS message, an e-mail or a pop-up window on the mobile device, every time the roaming customer enters a Member State other than that of his domestic provider and initiates for the first time a data roaming service in that particular Member State. It shall be provided free of charge at the moment the roaming customer initiates a regulated data roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

*Amendment*

The information shall be delivered to the roaming customer's mobile device ***in an accessible manner for everyone including disabled people***, for example by an SMS message, an e-mail or a pop-up window on the mobile device, every time the roaming customer enters a Member State other than that of his domestic provider and initiates for the first time a data roaming service in that particular Member State. It shall be provided free of charge at the moment the roaming customer initiates a regulated data roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

Or. en

*Justification*

*Accessibility is of the the key pillar of the European Social Pact. It is important to be in line with the European Accessibility Act. Linked to amendments on article 15.*

**Amendment 186**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation  
Article 15 – paragraph 3**

*Text proposed by the Commission*

3. The roaming provider shall send a notification when the applicable fair use volume of regulated data roaming service is fully consumed or any usage threshold applied in accordance with Article 7 is reached. That notification shall indicate the surcharge that will be applied to any additional consumption of regulated data roaming services by the roaming customer. Each customer shall have the right to require the roaming provider to stop sending such notifications and shall have the right, at any time and free of charge, to require the roaming provider to provide the service again.

*Amendment*

3. The roaming provider shall send a notification ***in an accessible manner for everyone including disabled people*** when the applicable fair use volume of regulated data roaming service is fully consumed or any usage threshold applied in accordance with Article 7 is reached. That notification shall indicate the surcharge that will be applied to any additional consumption of regulated data roaming services by the roaming customer. Each customer shall have the right to require the roaming provider to stop sending such notifications and shall have the right, at any time and free of charge, to require the roaming

provider to provide the service again.

Or. en

*Justification*

*Accessibility is of the the key pillar of the European Social Pact. It is important to be in line with the European Accessibility Act. Linked to amendments on article 15.*

**Amendment 187**

**Nicolás González Casares, Adriana Maldonado López, Lina Gálvez Muñoz**

**Proposal for a regulation**

**Article 15 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Each roaming provider shall grant to all their roaming customers ***the opportunity to opt deliberately and free of charge for*** a facility which provides in a timely manner information on the accumulated consumption expressed in volume or in the currency in which the roaming customer is billed for regulated data roaming services and which guarantees that, without the customer's explicit consent, the accumulated expenditure for regulated data roaming services over a specified period of use, excluding MMS billed on a per-unit basis, does not exceed a specified financial limit.

*Amendment*

4. Each roaming provider shall grant to all their roaming customers ***free access to*** a facility which provides in a timely manner information on the accumulated consumption expressed in volume or in the currency in which the roaming customer is billed for regulated data roaming services and which guarantees that, without the customer's explicit consent, the accumulated expenditure for regulated data roaming services over a specified period of use, excluding MMS billed on a per-unit basis, does not exceed a specified financial limit.

Or. es

**Amendment 188**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 15 – paragraph 6**

*Text proposed by the Commission*

6. Roaming providers shall take ***reasonable steps to*** protect their customers from paying roaming charges for

*Amendment*

6. Roaming providers shall take ***the necessary measures to effectively*** protect their customers from paying roaming

inadvertently accessed roaming services while situated in their home Member State. This shall include informing customers on how to avoid inadvertent roaming in border regions.

charges for inadvertently accessed roaming services while situated in their home Member State. This shall include informing customers on how to *effectively* avoid inadvertent roaming in border regions.

Or. en

*Justification*

*Customers need to be better protected from inadvertent roaming. This is a real issue that current rules are not solving.*

**Amendment 189**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 15 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6 a. Roaming providers shall take reasonable steps to protect their customers from paying roaming charges for data services for inadvertently accessed non-terrestrial networks on board aircraft and vessels. In particular, each customer shall have the right at anytime easily and free of charge to opt-out from the use of such networks and shall have the right, at any time, easily and free of charge to require the roaming provider to enable access to such networks again.**

Or. en

**Amendment 190**  
**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**  
**Article 15 – paragraph 7 – introductory part**

*Text proposed by the Commission*

*Amendment*

7. This Article, with the exception of

7. This Article, with the exception of



paragraph 6, the second subparagraph of paragraph 2 and paragraph 3, and subject to the second and third subparagraphs of this paragraph, shall also apply to data roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.

paragraph 6, the second subparagraph of paragraph 2 and paragraph 3, and subject to the second and third subparagraphs of this paragraph, shall also apply to data roaming services used by roaming customers travelling outside the Union and provided by a roaming provider ***and to data roaming services used by roaming customers when using non-terrestrial networks in vessels and aircrafts.***

Or. en

#### *Justification*

*This amendment goes along the lines of clarifying that there are non-terrestrial lines to which consumers can connect. It must be specified that information must be made available to them in a transparent manner so that they do not encounter a problem when they receive their bill. Linked to amendments on recitals 43, 44, 63 and article 2.*

#### **Amendment 191**

**Marisa Matias, Cornelia Ernst**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 7 – introductory part**

##### *Text proposed by the Commission*

7. This Article, with the exception of paragraph 6, the second subparagraph of paragraph 2 and paragraph 3, and subject to the second and third subparagraphs of this paragraph, shall also apply to data roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.

##### *Amendment*

7. This Article, with the exception of paragraph 6, the second subparagraph of paragraph 2 and paragraph 3, and subject to the second and third subparagraphs of this paragraph, shall also apply to data roaming services used by roaming customers travelling outside the Union and provided by a roaming provider ***and to data roaming services used by roaming customers when using non-terrestrial networks in vessels and aircrafts.***

Or. en

#### *Justification*

*This amendment is needed to be coherent with other parts of the text.*

## Amendment 192

Jordi Solé

on behalf of the Verts/ALE Group

Rasmus Andresen

### Proposal for a regulation

#### Article 15 – paragraph 7 – introductory part

*Text proposed by the Commission*

7. This Article, with the exception of paragraph 6, the second subparagraph of paragraph 2 and paragraph 3, and subject to the second and third subparagraphs of this paragraph, shall also apply to data roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.

*Amendment*

7. This Article, with the exception of paragraph 6, the second subparagraph of paragraph 2 and paragraph 3, and subject to the second and third subparagraphs of this paragraph, shall also apply to data roaming services used by roaming customers travelling outside the Union and provided by a roaming provider **and to using non-terrestrial networks.**

Or. en

*Justification*

*In line to changes in the recitals, this clarifies the scope and relation to EECC provisions on what constitutes a terrestrial network and its end points.*

## Amendment 193

Nicolás González Casares, Adriana Maldonado López, Lina Gálvez Muñoz

### Proposal for a regulation

#### Article 15 – paragraph 7 – subparagraph 1

*Text proposed by the Commission*

***Where the customer opts for the facility referred to in the first subparagraph of paragraph 3,*** the requirements provided in paragraph 4 shall not apply if the visited network operator in the visited country outside the Union does not allow the roaming provider to monitor its customers' usage on a real-time basis.

*Amendment*

The requirements provided in paragraph 4 shall not apply if the visited network operator in the visited country outside the Union does not allow the roaming provider to monitor its customers' usage on a real-time basis **and, as a result, renders the mechanism provided for in the first subparagraph of paragraph 4 unworkable.**

Or. es

## **Amendment 194**

**Marisa Matias, Cornelia Ernst, Sandra Pereira**

### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

*Text proposed by the Commission*

Roaming providers shall ensure that their roaming customers are kept adequately informed on the means of access to emergency services in the visited Member State.

*Amendment*

Roaming providers shall ensure that their roaming customers are kept adequately informed on the means of access to emergency services in the visited Member State **and shall ensure that the access including for persons with disabilities to emergency services is equivalent to that enjoyed by other users.**

Or. en

*Justification*

*Full respect for the integration for people with disabilities.*

## **Amendment 195**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

### **Proposal for a regulation**

#### **Article 16 – paragraph 2**

*Text proposed by the Commission*

An automatic message from the roaming provider shall inform the roaming customer that the latter may access emergency services free of charge by calling the single European emergency number ‘112’ and by alternative means of access to emergency services through emergency communications mandated in the visited Member State. The information shall be delivered to the roaming customer’s mobile device by an SMS message, every time the roaming customer enters a Member State other than that of his domestic provider. It shall be provided free of charge at the moment the roaming customer initiates a

*Amendment*

An automatic message from the roaming provider shall inform the roaming customer that the latter may access emergency services free of charge by calling the single European emergency number ‘112’ and by alternative means of access to emergency services through emergency communications mandated in the visited Member State. The information shall be delivered to the roaming customer’s mobile device by an SMS message, **and via all the appropriate means established in the Directive 2018/1972, in order to ensure that end-users with disabilities can access emergency services on an equivalent basis**

roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

*with others*, every time the roaming customer enters a Member State other than that of his domestic provider. It shall be provided free of charge at the moment the roaming customer initiates a roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

Or. en

#### *Justification*

*This changes aligns the text with EECC and the recitals 19, 42 and 52.*

#### **Amendment 196**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

#### **Proposal for a regulation Article 16 – paragraph 2**

##### *Text proposed by the Commission*

An automatic message from the roaming provider shall inform the roaming customer that the latter may access emergency services free of charge by calling the single European emergency number ‘112’ and by alternative means of access to emergency services through emergency communications mandated in the visited Member State. The information shall be delivered to the roaming customer’s mobile device by an SMS message, every time the roaming customer enters a Member State other than that of his domestic provider. It shall be provided free of charge at the moment the roaming customer initiates a roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

##### *Amendment*

An automatic message from the roaming provider shall inform the roaming customer that the latter may access emergency services free of charge by calling the single European emergency number ‘112’ and by alternative means of access to emergency services through emergency communications mandated in the visited Member State. The information shall be delivered to the roaming customer’s mobile device by an SMS message, every time the roaming customer enters a Member State other than that of his domestic provider. ***The SMS shall contain a link to a dedicated webpage serving as a central information point where BEREC would provide regularly updated database.*** It shall be provided free of charge at the moment the roaming customer initiates a roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

### *Justification*

*This is to ensure that information on access to emergency services are collected and presented in a harmonized way leaving no space for confusion on the side of the customer. BEREC as the regulator's body is best positioned to collect and consolidate such information, while if each of the EU operators would have to do it this would create a disproportionate risk of information being incomplete and not up-to-date. This approach finds support also in the BEREC standpoint to the legislative proposal, where BEREC suggests "a central information point (e.g. official website)" that provides the relevant information on all emergency communications in each MS and to which roaming providers can provide a link.*

#### **Amendment 197**

**Evžen Tošenovský**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 2**

##### *Text proposed by the Commission*

An automatic message from the roaming provider shall inform the roaming customer that the latter may access emergency services free of charge by calling the single European emergency number '112' and by alternative means of access to emergency services through emergency communications mandated in the visited Member State. The information shall be delivered to the roaming customer's mobile device by an SMS message, every time the roaming customer enters a Member State other than that of his domestic provider. It shall be provided free of charge at the moment the roaming customer initiates a roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

##### *Amendment*

An automatic message from the roaming provider shall inform the roaming customer that the latter may access emergency services free of charge by calling the single European emergency number '112' and ***no later than two months after the establishment of the database of emergency services referred to in Article 17 also*** by alternative means of access to emergency services through emergency communications mandated in the visited Member State. The information shall be delivered to the roaming customer's mobile device by an SMS message, every time the roaming customer enters a Member State other than that of his domestic provider. It shall be provided free of charge at the moment the roaming customer initiates a roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

#### **Amendment 198**

**Róza Thun und Hohenstein, Antonius Manders**

**Proposal for a regulation**

**Article 17 – title**

*Text proposed by the Commission*

Database for numbers of value added service

*Amendment*

Database for numbers of value added service ***and means of access to emergency services***

Or. en

**Amendment 199**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 17 – title**

*Text proposed by the Commission*

Database for numbers of value added service

*Amendment*

Database for numbers of value added service ***and emergency services***

Or. en

**Amendment 200**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 17 – paragraph 1**

*Text proposed by the Commission*

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State to be made accessible for national regulatory authorities and operators. The database shall be established by 31 December 2023. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to

*Amendment*

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State to be made accessible for national regulatory authorities and operators ***and shall create the necessary conditions for roaming providers to ensure that the use of value added service is provided under the same prices as if such services were consumed domestically. BEREC shall***

BEREC without undue delay.

*ensure adequate means of access to emergency services to customers, in particular to people with disabilities in the modalities set in Directive 2018/1972.* The database shall be established by 31 December 2023. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

Or. en

#### *Justification*

*This AM operationalises the changes on value added services.*

#### **Amendment 201**

**Róza Thun und Hohenstein**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1**

##### *Text proposed by the Commission*

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State *to* be made accessible for national regulatory authorities and operators. *The database shall be established by 31 December 2023.* To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

##### *Amendment*

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State *and means of access to emergency services through emergency communications mandated in each Member State.* *The database shall* be made accessible for national regulatory authorities and operators *at latest from 31 October 2022.* To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

Or. en

#### **Amendment 202**

**Evžen Tošenovský**

#### **Proposal for a regulation**

## Article 17 – paragraph 1

*Text proposed by the Commission*

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State to be made accessible for national regulatory authorities and operators. The database shall be established by 31 December **2023**. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

*Amendment*

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges **and of emergency services** in each Member State to be made accessible for national regulatory authorities and operators. The database shall be established by 31 December **2022**. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

Or. en

### Amendment 203

Marisa Matias, Cornelia Ernst

#### Proposal for a regulation

##### Article 17 a (new)

*Text proposed by the Commission*

*Amendment*

#### **Article 17 a**

##### ***Exceptional application of retail charges for value-added services***

***1. Roaming customers that are roaming within the Union shall in principle pay the same amount as local customers for value added services and ensure that customers keep paying the same price as at home when resorting to value added services from their home country when travelling within the Union, if technically feasible.***

***2. Without prejudice to paragraph 1, customers should be informed in their contract and notified and warned upfront, in a timely, user-friendly manner and free of charge, when communications to value added services numbers in roaming can entail additional charges. They should also be informed in a similar manner of any applicable cut-off limit which***



*consumers can opt-out from, in line with the BEREC guidelines referred to in paragraph 3.*

*3. Within six months after the adoption of this Regulation, and in order to contribute to the consistent application of this and related provisions, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, update its roaming guidelines regarding how to best implement provisions related to value added services in the interest of consumers and a single market.*

Or. en

#### *Justification*

*This amendment seeks to introduce improved measures based on the European Commission's additions on value added services.*

#### **Amendment 204**

**Marisa Matias, Cornelia Ernst**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2**

##### *Text proposed by the Commission*

2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, **11, and 12**, publicly available in a manner *that enables* interested parties *to have easy access to it*.

##### *Amendment*

2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, **11,12, 13 and 18 (new)** publicly available in a manner *accessible to* interested parties *including persons with disabilities*.

Or. en

#### *Justification*

*It is important that national regulatory authorities also monitor implications of roaming on equal access to electronic communications by persons with disabilities, that this information is systematically collected and available in accessible manner.*

**Amendment 205**  
**Marisa Matias, Cornelia Ernst, Sandra Pereira**

**Proposal for a regulation**  
**Article 18 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7 a. Roaming providers shall ensure that all information referred to in Articles 9, 14, 15,16,17 and 18 which is provided to customers, is accessible for persons with disabilities in accordance with requirements of Directive (EU) 2019/882 (European Accessibility Act), the information does not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages, as well as is provided in easy-to-read format.**

Or. en

*Justification*

*It is important that all customers including the ones with disabilities are sufficiently informed about their rights and obligations as consumers of roaming mobile services, so the information should be easy and accessible to everyone.*

**Amendment 206**  
**Róża Thun und Hohenstein**

**Proposal for a regulation**  
**Article 21 – paragraph new1 – introductory part**

*Text proposed by the Commission*

*Amendment*

new1. The Commission shall , after consulting BEREC, submit **two** reports to the European Parliament and to the Council. **Where necessary, after submitting each report, the Commission shall adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in** this Regulation. The first such report shall be submitted by 30

new1. The Commission shall, after consulting BEREC, submit **biennial** reports to the European Parliament and to the Council **accompanied, if appropriate, by a legislative proposal to amend** this Regulation. The first such report shall be submitted by 30 June 2025.

June 2025 *and the second by 30 June 2029* .

Or. en

#### **Amendment 207**

**Izaskun Bilbao Barandica, Claudia Gamon, Klemen Grošelj, Ivars Ijabs**

#### **Proposal for a regulation**

#### **Article 21 – paragraph new1 – introductory part**

##### *Text proposed by the Commission*

new1. The Commission shall , after consulting BEREC, submit **two reports** to the European Parliament and to the Council. Where necessary, after submitting **each** report, the Commission shall **adopt a delegated act pursuant to Article 22** amending the maximum wholesale charges for regulated roaming services laid down in this Regulation. **The first such** report shall be submitted by 30 June 2025 *and the second by 30 June 2029* .

##### *Amendment*

new1. The Commission shall , after consulting BEREC, submit **one report** to the European Parliament and to the Council. Where necessary, after submitting **the** report, the Commission shall **submit a legislative proposal** amending the maximum wholesale charges for regulated roaming services laid down in this Regulation **as well as any other modification needed due to the deployment and implementation of new network technologies**. **The** report shall be submitted by 30 June 2025. **The legislative proposal shall be submitted by 31 December 2027**.

Or. en

##### *Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 59, 62 and articles 21, 22, 23 and Annex I.*

#### **Amendment 208**

**Evžen Tošenovský, Zdzisław Krasnodębski**

#### **Proposal for a regulation**

#### **Article 21 – paragraph new1 – introductory part**

*Text proposed by the Commission*

new1. The Commission shall , after consulting BEREC, submit two reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall ***adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in*** this Regulation. The first such report shall be submitted by 30 June 2025 ***and the second by 30 June 2029*** .

*Amendment*

new1. The Commission shall , after consulting BEREC, submit two reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall ***submit a legislative proposal to*** this Regulation. The first such report shall be submitted by 30 June 2025.

Or. en

**Amendment 209**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 21 – paragraph new1 – introductory part**

*Text proposed by the Commission*

new1. The Commission shall , after consulting BEREC, submit ***two*** reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission ***shall adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in*** this Regulation. The first such report shall be submitted by 30 June 2025 ***and the second by 30 June 2029*** .

*Amendment*

new1. The Commission shall , after consulting BEREC, submit ***biennial*** reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission ***may submit a legislative proposal to amend*** this Regulation. The first such report shall be submitted by 30 June 2025.

Or. en

*Justification*

*This amendment seeks to improve the rapporteur's AM 17 as a legislative proposal may be proposed, when appropriate.*

**Amendment 210**

**Robert Hajšel, Carlos Zorrinho, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

## Proposal for a regulation

### Article 21 – paragraph new1 – introductory part

*Text proposed by the Commission*

new1. The Commission shall , after consulting BEREC, submit **two** reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall **adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in** this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029 .

*Amendment*

new1. The Commission shall , after consulting BEREC, submit **biennial** reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall **submit a legislative proposal to amend** this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029 .

Or. en

## Amendment 211

**Marisa Matias, Cornelia Ernst**

## Proposal for a regulation

### Article 21 – paragraph new1 – introductory part

*Text proposed by the Commission*

new1. The Commission shall , after consulting BEREC, submit two reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029 .

*Amendment*

new1. The Commission shall , after consulting BEREC **and consumer associations**, submit two reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029 .

Or. en

*Justification*

*This amendment seeks to reinforce the involvement of the consumers.*

## Amendment 212

Jordi Solé

on behalf of the Verts/ALE Group

Rasmus Andresen

### Proposal for a regulation

#### Article 21 – paragraph new1 – introductory part

*Text proposed by the Commission*

new1. The Commission shall , after consulting BEREC, submit **two** reports to the European Parliament and to the Council. Where necessary, **after submitting each report**, the Commission shall **adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges** for regulated roaming services laid down in this Regulation. The first such report shall be submitted by **30 June 2025 and the second by 30 June 2029** .

*Amendment*

new1. The Commission shall, after consulting BEREC, submit **biennial** reports to the European Parliament and to the Council. Where necessary, the Commission shall **propose a new legislative proposal** for regulated roaming services **as** laid down in this Regulation. The first such report shall be submitted by **15 December 2023, with a view of updating the legislative framework by 31st December 2025**.

Or. en

*Justification*

*Since the scope of the reviewed legislative act is wider than just the wholesale caps, a delegated act would not be a sufficient tool.*

## Amendment 213

Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica

### Proposal for a regulation

#### Article 21 – paragraph new1 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) the availability and quality of services, including those which are an alternative to regulated retail voice, SMS and data roaming services, in particular in the light of technological developments and of the access to the different network technologies and generations ;

*Amendment*

(a) the availability and quality of services, including those which are an alternative to regulated retail voice, SMS and data roaming services, in particular in the light of technological developments and of the access to the different network technologies and generations **in particular the access to next generation connectivity**

*and modern technologies;*

Or. en

**Amendment 214**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 21 – paragraph new1 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the availability and quality of services, including those which are an alternative to regulated retail voice, SMS and data roaming services, in particular in the light of technological developments and of the access to the different network technologies and generations ;

(a) the availability and *effective* quality of services, *at retail and wholesale level*, including those which are an alternative to regulated retail voice, SMS and data roaming services, in particular in the light of *any potential commercial barriers*, technological developments and of the access to the different network technologies and generations ;

Or. en

*Justification*

*This amendment seeks to ensure the review on quality of service is comprehensive and can assess whether the new provisions will guarantee the same quality of service as at home from a retail and wholesale perspective.*

**Amendment 215**  
**Marisa Matias, Cornelia Ernst, Sandra Pereira**

**Proposal for a regulation**  
**Article 21 – paragraph new1 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(a a) Effectiveness of this regulation on ensuring equal access to electronic communications by persons with disabilities when travelling within the EU/EEA.*

Or. en

### *Justification*

*The European Electronic Communications Code sets obligations for providers to ensure equal access to electronic communications including emergency communications by persons with disabilities. It is important to monitor and assess the implications roaming costs can have on consumers with disabilities, to make sure that they are not put in a less favourable position than other consumers of roaming services and that this Regulation is consistent with the objectives set by the Code.*

#### **Amendment 216** **Evžen Tošenovský**

#### **Proposal for a regulation** **Article 21 – paragraph new1 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) the impact of the roll-out and implementation of next generation mobile communication networks and technologies on the roaming market, in particular 5G;***

Or. en

#### **Amendment 217** **Nicolás González Casares, Adriana Maldonado López, Lina Gálvez Muñoz**

#### **Proposal for a regulation** **Article 21 – paragraph nuevo1 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) the impact of the deployment of 5G communication networks and technologies on the roaming market;***

Or. es

#### **Amendment 218** **Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

#### **Proposal for a regulation**



## Article 21 – paragraph new1 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) the degree of competition in both the retail and wholesale roaming markets, in particular the actual wholesale rates paid by the operators and the competitive situation of small, independent or newly started operators, **and** MVNOs, including the competition effects of commercial agreements, of traffic traded on trading platforms and similar instruments and the degree of interconnection between operators;

*Amendment*

(b) the degree of competition in both the retail and wholesale roaming markets, in particular the actual wholesale rates paid by the operators and the competitive situation of small, independent or newly started operators, MVNOs **and providers of pan-European Internet of Things**, including the competition effects of commercial agreements, of traffic traded on trading platforms and similar instruments and the degree of interconnection between operators;

Or. en

### Amendment 219

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

#### Proposal for a regulation

## Article 21 – paragraph new1 – subparagraph 1 – point c

*Text proposed by the Commission*

(c) the evolution of the machine-to-machine **roaming**;

*Amendment*

(c) the evolution of **roaming for** the machine-to-machine **and Internet of Things services** ;

Or. en

### *Justification*

*Commission shall provide relevant assessments of the M2M/IoT connectivity market in order to build on necessary recommendations in cooperation with BEREC and relevant stakeholders*

### Amendment 220

**Seán Kelly**

#### Proposal for a regulation

## Article 21 – paragraph new1 – subparagraph 1 – point d

*Text proposed by the Commission*

*Amendment*

(d) the extent to which the implementation of the measures provided for in Article 3, in particular, on the basis of the information provided by the national regulatory authorities, of the procedure for prior authorisation laid down in Article 3(6), has produced results in the development of competition in the internal market for regulated roaming services;

(d) the extent to which the implementation of the **structural** measures provided for in Article 3(6 a) in particular, **and Article 3 in general** on the basis of the information provided by the national regulatory authorities, of the procedure for prior authorisation laid down in Article 3(6) **and Article 3(6 a)**, has produced results in the development of competition in the internal market for regulated roaming services;

Or. en

*Justification*

*Making roaming capacity available on an online trading platform is a structural measure which may remove the need for price regulation in the future. Moving from available to mandating trading should be considered in the future depending on data from the market. The current obligation to make traffic available will still allow operators to refuse to trade. If trading on the platform is shown to reduce wholesale prices then mandating trading should be a possibility in future reviews*

**Amendment 221**

**Róza Thun und Hohenstein**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point i**

*Text proposed by the Commission*

*Amendment*

(i) the impact of the application of fair use policies by operators in accordance with Article 8, including the identification of any inconsistencies in the application and implementation of such fair use policies;

(i) the impact of the application of fair use policies by operators in accordance with Article 8, including the identification of any inconsistencies in the application and implementation of such fair use policies **and the extent to which those policies are needed in the future;**

Or. en

**Amendment 222**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point i**

*Text proposed by the Commission*

(i) the ***impact of the application*** of fair use policies by operators in accordance with Article 8, including the identification of any inconsistencies in the application and implementation of such fair use policies;

*Amendment*

(i) the ***deadline for elimination*** of fair use policies by operators in accordance with Article 8, including the identification of any inconsistencies in the application and implementation of such fair use policies;

Or. en

*Justification*

*Safeguard type of clauses that protect from market behaviours that did not proved to be real, such as fair use, need to be steered towards elimination*

**Amendment 223**

**Angelika Winzig, Sara Skyttedal, Henna Virkkunen, Jerzy Buzek, Gheorghe Falcă, Seán Kelly, Christian Ehler, Angelika Niebler, Pernille Weiss, Róza Thun und Hohenstein**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(i a) the effectiveness of the quality of service obligations introduced in this Regulation and to which extent customers are properly informed and can benefit from a genuine RLAH experience;***

Or. en

**Amendment 224**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(i a) the impact of the obligation to ensure the highest quality of service available when travelling;***

Or. en

*Justification*

*This amendment aligns the review to the obligations introduced in the act.*

## **Amendment 225**

**Róza Thun und Hohenstein**

### **Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

(j) the extent to which roaming customers and operators face problems in relation to value added services;

(j) the extent to which roaming customers and operators face problems in relation to value added services ***and how those problems can be resolved to protect customers and strengthen the internal market;***

Or. en

## **Amendment 226**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

### **Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

(j) the extent to which roaming customers and operators face problems in relation to value added services;

(j) the extent to which roaming customers and operators face problems in relation to value added services ***and inadvertent roaming;***

Or. en

*Justification*

*Since inadvertent roaming has already been identified as problem and the act is imposing solutions, their analysis needs to be included in the assessment.*

**Amendment 227**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

**(j a) the impact on equal access to electronic communications by persons with disabilities when travelling within EU/EEA.**

Or. en

*Justification*

*As the European Electronic Communications Code sets obligations for providers to ensure equal access to electronic communications, including emergency communications, by persons with disabilities, roaming should be ensured and data on the compliance with the EECC provisions needs to be available.*

**Amendment 228**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

**(k) the application of the measures of this Regulation on emergency communications.**

**(k) the extent to which roaming customers and operators face problems in relation to emergency communications.**

Or. en

**Amendment 229**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(k a) the impact of cybersecurity incidents***

Or. en

*Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 59, 62 and articles 21, 22, 23 and Annex I.*

**Amendment 230**

**Izaskun Bilbao Barandica, Claudia Gamon, Nicola Danti, Klemen Grošelj, Ivars Ijabs**

**Proposal for a regulation**

**Article 21 – paragraph new1 – subparagraph 1 – point k b (new)**

*Text proposed by the Commission*

*Amendment*

***(k b) the impact of the deployment and implementation of new network technologies***

Or. en

*Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 59, 62 and articles 21, 22, 23 and Annex I.*

**Amendment 231**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**

**Article 21 – paragraph 2 – introductory part**

2. In order to assess **competitive** developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively , on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, and **on the extent to which** wholesale roaming agreements **cover** quality of service and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on transparency, the application of measures on emergency communication and on value added services .

2. In order to assess developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively , on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, and **how** wholesale roaming agreements **effectively secure the highest** quality of service **available** and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on **other relevant points, including but not limited** transparency, the application of measures on emergency communication and on value added services .

Or. en

*Justification*

*It is important BEREC is consulted and provides independent expert advice on all relevant information, market developments, complaints and provisions in this Regulation.*

**Amendment 232**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Article 21 – paragraph 2 – introductory part**

2. In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively , on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, and on the extent to which wholesale roaming agreements cover quality of service and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on transparency, the application of measures on emergency communication and on value added services .

2. In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively , on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming **and Internet of Things**, and on the extent to which wholesale roaming agreements cover quality of service and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on transparency, the application of measures on emergency communication and on value added services .

Or. en

#### *Justification*

*This should serve to encompass 5G and IoT (when it comes to access to the different network technologies and generations)*

**Amendment 233**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 21 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory

*Amendment*

2. In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory



authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively , on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, **and on the extent to which wholesale roaming agreements cover quality of service and give access to different network technologies and generations**. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on transparency, the application of measures on emergency communication and on value added services .

authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively , on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming, **including complaints on the quality of service**. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on transparency, **including on non-terrestrial roaming on aircraft and vessels**, the application of measures on emergency communication and on value added services .

Or. en

#### **Amendment 234**

**Marisa Matias, Cornelia Ernst**

#### **Proposal for a regulation**

#### **Article 21 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

It shall also collect data on the wholesale roaming agreements not subject to the maximum wholesale roaming charges provided for in Article 10, 11 or 12 and on the implementation of contractual measures at wholesale level aiming to prevent **permanent roaming or anomalous or abusive** use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the

##### *Amendment*

It shall also collect data on the wholesale roaming agreements not subject to the maximum wholesale roaming charges provided for in Article 10, 11 or 12 and on the implementation of contractual measures at wholesale level aiming to prevent **fraudulent** use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union.

Union.

Or. en

*Justification*

*Only fraudulent use should be subject to restrictions.*

**Amendment 235**

**Robert Hajšel, Carlos Zorrinho, Maria-Manuel Leitão-Marques, Romana Jerković, Cyrus Engerer, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Article 21 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Those data shall be notified to the Commission at least **once** a year. The Commission shall make them public.

*Amendment*

Those data shall be notified to the Commission at least **twice** a year. The Commission shall make them public.

Or. en

*Justification*

*This should serve to reinstate BEREC's data collection to keep the pulse of the market, notably for the roll-out of 5G and the development of IoT*

**Amendment 236**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Article 22**

*Text proposed by the Commission*

**Article 22**

**Revision of the maximum wholesale charges**

***The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to amend the maximum wholesale charges that a visited network operator***

*Amendment*

***deleted***

*can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.*

*To that end, the Commission shall:*

*(a) comply with the principles, criteria and parameters set out in Annex I;*

*(b) take into account the current average wholesale rates charged across the Union and the need to leave appropriate economic space for the commercial market to evolve;*

*(c) take into account market information provided by BEREC, national regulatory authorities or, directly, by undertakings providing electronic communications networks and services.*

Or. en

#### **Amendment 237**

**Izaskun Bilbao Barandica, Claudia Gamon, Ivars Ijabs**

#### **Proposal for a regulation**

#### **Article 22**

*Text proposed by the Commission*

*Amendment*

*Article 22*

*deleted*

*Revision of the maximum wholesale charges*

*The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to amend the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.*

*To that end, the Commission shall:*

*(a) comply with the principles, criteria and parameters set out in Annex I;*

*(b) take into account the current average*

***wholesale rates charged across the Union and the need to leave appropriate economic space for the commercial market to evolve;***

***(c) take into account market information provided by BEREC, national regulatory authorities or, directly, by undertakings providing electronic communications networks and services.***

Or. en

*Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 59, 62 and articles 21, 23 and Annex I.*

**Amendment 238**

**Evžen Tošenovský, Zdzisław Krasnodębski**

**Proposal for a regulation**

**Article 22**

*Text proposed by the Commission*

*Amendment*

**Article 22**

**deleted**

***Revision of the maximum wholesale charges***

***The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to amend the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.***

***To that end, the Commission shall:***

***(a) comply with the principles, criteria and parameters set out in Annex I;***

***(b) take into account the current average wholesale rates charged across the Union and the need to leave appropriate***

*economic space for the commercial market to evolve;*

*(c) take into account market information provided by BEREC, national regulatory authorities or, directly, by undertakings providing electronic communications networks and services.*

Or. en

**Amendment 239**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 22**

*Text proposed by the Commission*

*Amendment*

*Article 22*

*deleted*

*Revision of the maximum wholesale charges*

*The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to amend the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.*

*To that end, the Commission shall:*

*(a) comply with the principles, criteria and parameters set out in Annex I;*

*(b) take into account the current average wholesale rates charged across the Union and the need to leave appropriate economic space for the commercial market to evolve;*

*(c) take into account market information provided by BEREC, national regulatory authorities or, directly, by undertakings providing electronic communications networks and services.*

Or. en

**Amendment 240**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 22**

*Text proposed by the Commission*

*Amendment*

*Article 22*

*deleted*

*Revision of the maximum wholesale charges*

*The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to amend the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.*

*To that end, the Commission shall:*

*(a) comply with the principles, criteria and parameters set out in Annex I;*

*(b) take into account the current average wholesale rates charged across the Union and the need to leave appropriate economic space for the commercial market to evolve;*

*(c) take into account market information provided by BEREC, national regulatory authorities or, directly, by undertakings providing electronic communications networks and services.*

Or. en

*Justification*

*In line with the proposed changes to art. 21 this text needs to be deleted.*

**Amendment 241**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 22 – paragraph 1**

*Text proposed by the Commission*

The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to **amend** the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.

*Amendment*

The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to **lower** the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.

Or. en

*Justification*

*This amendment seeks the coherence of the text.*

**Amendment 242**  
**Róża Thun und Hohenstein**

**Proposal for a regulation**  
**Article 23**

*Text proposed by the Commission*

**Article 23**

***Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Articles 21 and 22 shall be conferred on the Commission for an indeterminate period of time from 1 January 2025.***
- 3. The delegation of power referred to in Articles 21 and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of***

*Amendment*

***deleted***

*the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 21 and 22 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.*

Or. en

#### **Amendment 243**

**Evžen Tošenovský, Zdzisław Krasnodębski**

#### **Proposal for a regulation**

#### **Article 23**

*Text proposed by the Commission*

*Amendment*

#### *Article 23*

*deleted*

#### *Exercise of the delegation*

*1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

*2. The power to adopt delegated acts*



*referred to in Articles 21 and 22 shall be conferred on the Commission for an indeterminate period of time from 1 January 2025.*

*3. The delegation of power referred to in Articles 21 and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 21 and 22 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.*

Or. en

**Amendment 244**

**Izaskun Bilbao Barandica, Claudia Gamon, Ivars Ijabs**

**Proposal for a regulation**

## Article 23

*Text proposed by the Commission*

*Amendment*

### *Article 23*

*deleted*

#### *Exercise of the delegation*

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
- 2. The power to adopt delegated acts referred to in Articles 21 and 22 shall be conferred on the Commission for an indeterminate period of time from 1 January 2025.*
- 3. The delegation of power referred to in Articles 21 and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.*
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
- 6. A delegated act adopted pursuant to Article 21 and 22 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended*

**by one month at the initiative of the European Parliament or of the Council.**

Or. en

*Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 59, 62 and articles 21, 22 and Annex I.*

**Amendment 245**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Rasmus Andresen**

**Proposal for a regulation**

**Article 23**

*Text proposed by the Commission*

*Amendment*

*Article 23*

*deleted*

*Exercise of the delegation*

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
- 2. The power to adopt delegated acts referred to in Articles 21 and 22 shall be conferred on the Commission for an indeterminate period of time from 1 January 2025.*
- 3. The delegation of power referred to in Articles 21 and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
- 4. Before adopting a delegated act, the*

*Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 21 and 22 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.*

Or. en

*Justification*

*In line with the proposed changes to art. 21 this text needs to be deleted.*

**Amendment 246**

**Robert Hajšel, Carlos Zorrinho, Nicolás González Casares, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

**Proposal for a regulation**

**Article 23**

*Text proposed by the Commission*

*Amendment*

*Article 23*

*deleted*

*Exercise of the delegation*

*1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

*2. The power to adopt delegated acts referred to in Articles 21 and 22 shall be*

*conferred on the Commission for an indeterminate period of time from 1 January 2025.*

*3. The delegation of power referred to in Articles 21 and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 21 and 22 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.*

Or. en

**Amendment 247**  
**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 26 – title**

*Text proposed by the Commission*

*Amendment*

26 Entry into force ***and expiry***

26 Entry into force

Or. en

**Amendment 248**

**Adriana Maldonado López, Nicolás González Casares, Lina Gálvez Muñoz, Alicia Homs Ginel**

**Proposal for a regulation**

**Article 26 – title**

*Text proposed by the Commission*

*Amendment*

Entry into force ***and expiry***

Entry into force

Or. es

**Amendment 249**

**Angelika Winzig, Sara Skyttdal, Henna Virkkunen, Jerzy Buzek, Gheorghe Falcă, Seán Kelly, Christian Ehler, Angelika Niebler, Pernille Weiss, Róza Thun und Hohenstein**

**Proposal for a regulation**

**Article 26 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***This Regulation shall apply from the date of its entry into force. However, the second subparagraph of Article 14(1) and the second paragraph of Article 16 shall apply from 1 January 2023 insofar as those provisions are related to the establishment of the database referred to in Article 17.***

Or. en

**Amendment 250**

**Marisa Matias, Cornelia Ernst**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***It shall expire on 30 June 2032 .***

***deleted***

Or. en

*Justification*

*Ensuring roaming rules apply without an expiry date. While CJEU case C-58/08, para. 69 expresses a view on the time limitation of the roaming rules, it should be possible to extend the application of the rules if the review process is carefully drafted, ensuring the possibility to make a legislative proposal if need be. In any case, as mentioned in recital 3 of the proposal, "the underlying basic competition conditions have not changed and are not likely to change in the foreseeable future" this justifies the extension.*

**Amendment 251**

**Adriana Maldonado López**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***It shall expire on 30 June 2032 .***

***deleted***

Or. es

**Amendment 252**

**Izaskun Bilbao Barandica, Claudia Gamon, Ivars Ijabs**

**Proposal for a regulation**  
**Annex I**

*Text proposed by the Commission*

*Amendment*

***Criteria for the determination of maximum wholesale charges***

***deleted***

***Principles, criteria and parameters for the determination of maximum wholesale charges referred to in Article 22:***

***(a) the rates shall allow recovery of wholesale roaming costs incurred by an efficient operator in any Member State***

*when offering the relevant, regulated wholesale service; the evaluation of efficient costs shall be based on current cost values; the cost methodology to calculate efficient costs shall be based on a bottom-up modelling approach using long-run incremental costs plus some allocation of joint and common costs (LRIC+) of providing the wholesale roaming services to third parties;*

*(b) The increment refers to the relevant part (service) of interest in the specific situation, here roaming services. The LRIC cost standard encompasses solely the elements needed to provide this specific service;*

*(c) The LRIC+ cost standard allows for including joint and common costs which are relevant for other services;*

*(d) As network operators need to be able to recover joint and common costs to ensure long-term sustainability, joint and common costs are shared among the services that generate them and accordingly recovered by any price cap set above the estimated costs for those services;*

*(e) for mobile network operators, the minimum efficient scale shall be set at a market share not below 20 %;*

*(f) the relevant approach for asset depreciation shall be economic depreciation; and*

*(g) the technology choice of the modelled networks shall be forward looking, based on an IP core network, taking into account the various technologies likely to be used over the period of validity of the maximum rate.*

Or. en

#### *Justification*

*The proposal will last 10 years but after five years, in 2027, the Commission shall submit a new proposal based on wholesale prices and the deployment and implementation of new technological networks (e.g. 5G). In addition, in 2025 the Commission shall present a report*



with the data details we agree on in article 21. This amendment goes in line with amendments on recitals 4, 59, 62 and articles 21, 22, 23.

## **Amendment 253**

**Evžen Tošenovský, Zdzisław Krasnodębski**

### **Proposal for a regulation**

#### **Annex I**

*Text proposed by the Commission*

*Amendment*

***Criteria for the determination of maximum wholesale charges***

***deleted***

***Principles, criteria and parameters for the determination of maximum wholesale charges referred to in Article 22:***

***(a) the rates shall allow recovery of wholesale roaming costs incurred by an efficient operator in any Member State when offering the relevant, regulated wholesale service; the evaluation of efficient costs shall be based on current cost values; the cost methodology to calculate efficient costs shall be based on a bottom-up modelling approach using long-run incremental costs plus some allocation of joint and common costs (LRIC+) of providing the wholesale roaming services to third parties;***

***(b) The increment refers to the relevant part (service) of interest in the specific situation, here roaming services. The LRIC cost standard encompasses solely the elements needed to provide this specific service;***

***(c) The LRIC+ cost standard allows for including joint and common costs which are relevant for other services;***

***(d) As network operators need to be able to recover joint and common costs to ensure long-term sustainability, joint and common costs are shared among the services that generate them and accordingly recovered by any price cap set above the estimated costs for those services;***

*(e) for mobile network operators, the minimum efficient scale shall be set at a market share not below 20 %;*

*(f) the relevant approach for asset depreciation shall be economic depreciation; and*

*(g) the technology choice of the modelled networks shall be forward looking, based on an IP core network, taking into account the various technologies likely to be used over the period of validity of the maximum rate.*

Or. en

#### **Amendment 254**

**Robert Hajšel, Carlos Zorrinho, Łukasz Kohut, Maria-Manuel Leitão-Marques, Romana Jerković, Marek Paweł Balt, Miapetra Kumpula-Natri, Dan Nica**

#### **Proposal for a regulation**

#### **Annex I**

*Text proposed by the Commission*

*Amendment*

*Criteria for the determination of maximum wholesale charges*

*deleted*

*Principles, criteria and parameters for the determination of maximum wholesale charges referred to in Article 22:*

*(a) the rates shall allow recovery of wholesale roaming costs incurred by an efficient operator in any Member State when offering the relevant, regulated wholesale service; the evaluation of efficient costs shall be based on current cost values; the cost methodology to calculate efficient costs shall be based on a bottom-up modelling approach using long-run incremental costs plus some allocation of joint and common costs (LRIC+) of providing the wholesale roaming services to third parties;*

*(b) The increment refers to the relevant part (service) of interest in the specific situation, here roaming services. The LRIC cost standard encompasses solely*

*the elements needed to provide this specific service;*

*(c) The LRIC+ cost standard allows for including joint and common costs which are relevant for other services;*

*(d) As network operators need to be able to recover joint and common costs to ensure long-term sustainability, joint and common costs are shared among the services that generate them and accordingly recovered by any price cap set above the estimated costs for those services;*

*(e) for mobile network operators, the minimum efficient scale shall be set at a market share not below 20 %;*

*(f) the relevant approach for asset depreciation shall be economic depreciation; and*

*(g) the technology choice of the modelled networks shall be forward looking, based on an IP core network, taking into account the various technologies likely to be used over the period of validity of the maximum rate.*

Or. en