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*Committee on Culture and Education*

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**2013/0309(COD)**

6.12.2013

# **AMENDMENTS 45 - 190**

**Draft opinion**  
**Petra Kammerevert**  
(PE522.810v01-00)

European single market for electronic communications

Proposal for a regulation  
(COM(2013)0627 – C7-0267/2013 – 2013/0309(COD))

AM\_Com\_LegOpinion

**Amendment 45**  
**Emma McClarkin**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) In a seamless single market **in** electronic communications, the **freedom to provide** electronic communications networks and services **to every customer in the Union and the right of each end-user to choose the best offer available on the market should be ensured and should not be hindered by the fragmentation of markets along national borders. The current regulatory framework for electronic communications does not fully address such fragmentation, with national, rather than Union-wide general authorisation regimes, national spectrum assignment schemes, differences of access products available for electronic communications providers in different Member States, and different sets of sector-specific consumer rules applicable. The Union rules in many cases merely define a baseline, and are often implemented in diverging ways by the Member States.**

*Amendment*

(3) In a seamless single market **for** electronic communications, the **provision of** electronic communications, networks and services **to consumers, competition and choice must be prioritised.**

Or. en

**Amendment 46**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

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electronic communications, the freedom to provide electronic communications networks and services to every customer in the Union and the right of each end-user to choose the best offer available on the market should be ensured and should not be hindered by the fragmentation of markets along national borders. ***The current regulatory framework for electronic communications does not fully address such fragmentation, with national, rather than Union-wide general authorisation regimes, national spectrum assignment schemes, differences of access products available for electronic communications providers in different Member States, and different sets of sector-specific consumer rules applicable. The Union rules in many cases merely define a baseline, and are often implemented in diverging ways by the Member States.***

electronic communications, the freedom to provide electronic communications networks and services to every customer in the Union and the right of each end-user to choose the best offer available on the market should be ensured and should not be hindered by the fragmentation of markets along national borders.

Or. en

**Amendment 47**  
**Claudiu Ciprian Tănăsescu**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) In a seamless single market in electronic communications, the freedom to provide electronic communications networks and services to every customer in the Union and the right of each end-user to choose the best offer available on the market should be ensured and should not be hindered by the fragmentation of markets along national borders. The current regulatory framework for electronic communications does not fully address such fragmentation, with national, rather than Union-wide general authorisation

*Amendment*

(3) In a seamless single market in electronic communications, the freedom to provide electronic communications networks and services to every customer in the Union and the right of each end-user to choose the best offer available on the market should be ensured and should not be hindered by the fragmentation of markets along national borders. The current regulatory framework for electronic communications does not fully address such fragmentation, with national, rather than Union-wide general authorisation

regimes, national spectrum assignment schemes, differences of access products available for electronic communications providers in different Member States, and different sets of sector-specific consumer rules applicable. The Union rules in *many* cases *merely* define a baseline, *and* are often implemented in diverging ways by the Member States.

regimes, national spectrum assignment schemes, differences of access products available for electronic communications providers in different Member States, and different sets of sector-specific consumer rules applicable. The Union rules in *most* cases define a *precise* baseline. *However, they, are often implemented in diverging ways by the Member States or are not implemented properly, if at all.*

Or. ro

**Amendment 48**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) The benefits arising from a single market for electronic communications should extend to the wider digital ecosystem that includes Union equipment manufacturers, content and application providers and the wider economy, covering sectors such as banking, automotive, logistics, retail, energy and transport, which rely on connectivity to enhance their productivity through, for example, ubiquitous cloud applications, connected objects and possibilities for integrated service provision for different parts of the company. Public administrations and the health sector should also benefit from a wider availability of e-government and e-health services. The offer of cultural content and services, and cultural diversity in general, may be also enhanced in a single market for electronic communications. The provision of connectivity through electronic communications networks and services is of such importance to the wider economy and society that unjustified sector-specific

*Amendment*

(5) The benefits arising from a single market for electronic communications should extend to the wider digital ecosystem that includes Union equipment manufacturers, content and application providers and the wider economy, covering sectors such as banking, automotive, logistics, retail, energy and transport, which rely on connectivity to enhance their productivity through, for example, ubiquitous cloud applications, connected objects and possibilities for integrated service provision for different parts of the company. Public administrations and the health sector should also benefit from a wider availability of e-government and e-health services. The offer of cultural content and services, and cultural diversity in general, may be also enhanced in a single market for electronic communications, *but would also require a review of Directive 2001/29/EC with the aim of establishing a harmonized and flexible system of copyright and related rights in the EU, fit for the digital age.*

burdens, whether regulatory or otherwise, should be avoided.

The provision of connectivity through electronic communications networks and services is of such importance to the wider economy and society that unjustified sector-specific burdens, whether regulatory or otherwise, should be avoided.

Or. en

**Amendment 49**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) This Regulation aims at the completion of the single electronic communications market through action on three broad, inter-related axes. First, it should secure the freedom to provide electronic communications services across borders and networks in different Member States, building on the concept of a single EU authorisation which puts in place the conditions for ensuring greater consistency and predictability in the content and implementation of sector-specific regulation throughout the Union. Second, it is necessary to enable access on much more convergent terms and conditions to essential inputs for the cross-border provision of electronic communications networks and services, not only for wireless broadband communications, for which both licensed and unlicensed spectrum is key, but also for fixed line connectivity. Third, in the interests of aligning business conditions and building the digital confidence of citizens, this Regulation should harmonise rules on the protection of end-users, especially consumers. This includes rules on non-discrimination, contractual information, termination of contracts and switching, in

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(6) This Regulation aims at the completion of the single electronic communications market through action on three broad, inter-related axes. First, it should secure the freedom to provide electronic communications services across borders and networks in different Member States, building on the concept of a single EU authorisation which puts in place the conditions for ensuring greater consistency and predictability in the content and implementation of sector-specific regulation throughout the Union. Second, it is necessary to enable access on much more convergent terms and conditions to essential inputs for the cross-border provision of electronic communications networks and services, not only for wireless broadband communications, for which both licensed and unlicensed spectrum is key, but also for fixed line connectivity. Third, in the interests of aligning business conditions and building the digital confidence of citizens, this Regulation should harmonise rules on the protection of end-users, especially consumers. This includes rules on non-discrimination, contractual information, termination of contracts and switching, in

addition to rules on access to online content, applications and services and on traffic management which not only protect end-users but simultaneously guarantee the continued functioning of the Internet ecosystem as an engine of innovation. In addition, further reforms in the field of roaming should give end-users the confidence to stay connected when they travel in the Union, and should become over time a driver of convergent pricing and other conditions in the Union.

addition to rules on *net neutrality*, *safeguarding non-discriminatory* access to online content, applications and services and on traffic management which not only protect end-users but simultaneously guarantee the continued functioning of the Internet ecosystem as an engine of innovation. In addition, further reforms in the field of roaming should give end-users the confidence to stay connected when they travel in the Union, and should become over time a driver of convergent pricing and other conditions in the Union.

Or. en

**Amendment 50**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Radio spectrum is a public good and *an essential resource for the internal market for mobile, wireless broadband and satellite communications in the Union. Development of wireless broadband communications contributes to the implementation of the Digital Agenda for Europe and in particular to the aim of securing access to broadband at a speed of no less than 30 Mbps by 2020 for all Union citizens and of providing the Union with the highest possible broadband speed and capacity. However, the Union has fallen behind other major global regions - North America, Africa and parts of Asia - in terms of the roll-out and penetration of the latest generation of wireless broadband technologies that are necessary to achieve those policy goals. The piecemeal process of authorising and making available the 800 MHz band for wireless broadband communications, with*

*Amendment*

(17) Radio spectrum is a public good and *a finite resource. Therefore it is of utmost importance to take account of the social, cultural and economic value of spectrum as a whole. As laid down in the Radio Spectrum Policy Programme (RSPP) Decision 243/2012 of the European Parliament and the Council, any additional spectrum for wireless broadband communications should be linked with the review of the use of spectrum in the whole UHF band. According to Article 6, paragraph 5 of the RSPP, the Commission will report to the European Parliament and the Council by 1 January 2015 on whether there is a need for action to harmonise additional frequency bands.*

*over half of the Member States seeking a derogation or otherwise failing to do so by the deadline* laid down in the Radio Spectrum Policy Programme (RSPP) Decision 243/2012 of the European Parliament and the Council,<sup>23</sup> *testifies to the urgency of action even within the term of the current RSPP. Union measures to harmonise the conditions of availability and efficient use of radio spectrum for wireless broadband communications pursuant to Decision 676/2002/EC of the European Parliament and the Council<sup>24</sup> have not been sufficient to address this problem.*

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<sup>24</sup> Decision 676/2002/EC of the European Parliament and the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

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<sup>24</sup> Decision 676/2002/EC of the European Parliament and the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

Or. en

**Amendment 51**  
**Emma McClarkin**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Radio spectrum is a public good and an essential resource for the internal market for mobile, wireless broadband and satellite communications in the Union. Development of wireless broadband communications contributes to the implementation of the Digital Agenda for Europe and in particular to the aim of securing access to broadband at a speed of no less than 30 Mbps by 2020 for all Union citizens and of providing the Union with the highest possible broadband speed and

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(17) Radio spectrum is a public good and an essential resource for the internal market for mobile, wireless broadband and satellite communications in the Union. Development of wireless broadband communications contributes to the implementation of the Digital Agenda for Europe and in particular to the aim of securing access to broadband at a speed of no less than 30 Mbps by 2020 for all Union citizens and of providing the Union with the highest possible broadband speed and

capacity. However, the Union has fallen behind other major global regions - North America, Africa and parts of Asia - in terms of the roll-out and penetration of the latest generation of wireless broadband technologies that are necessary to achieve those policy goals. ***The piecemeal process of authorising and making available the 800 MHz band for wireless broadband communications, with over half of the Member States seeking a derogation or otherwise failing to do so by the deadline laid down in the Radio Spectrum Policy Programme (RSPP) Decision 243/2012 of the European Parliament and the Council,<sup>23</sup> testifies to the urgency of action even within the term of the current RSPP. Union measures to harmonise the conditions of availability and efficient use of radio spectrum for wireless broadband communications pursuant to Decision 676/2002/EC of the European Parliament and the Council<sup>24</sup> have not been sufficient to address this problem.***

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<sup>23</sup> Decision 243/2012/EU of the European Parliament and the Council of 14 March 2012, establishing a multiannual radio spectrum policy programme, OJ L 81 of 21.3.2012.

capacity. However, the Union has fallen behind other major global regions - North America, Africa and parts of Asia - in terms of the roll-out and penetration of the latest generation of wireless broadband technologies that are necessary to achieve those policy goals. ***With more than half of the Member States seeking a derogation or otherwise failing to comply by the deadline laid down in the Radio Spectrum Policy Programme (RSPP) Decision 243/2012 of the European Parliament and the Council,<sup>23</sup> the Commission should prioritise removal of these derogations and enforcement of existing rules.***

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<sup>24</sup> Decision 676/2002/EC of the European Parliament and the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

<sup>23</sup> Decision 243/2012/EU of the European Parliament and the Council of 14 March 2012, establishing a multiannual radio spectrum policy programme, OJ L 81 of 21.3.2012.

Or. en

**Amendment 52**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 17**

(17) Radio spectrum is a public good and an essential resource for the internal market for mobile, wireless broadband and satellite communications in the Union. Development of wireless broadband communications contributes to the implementation of the Digital Agenda for Europe and in particular to the aim of securing access to broadband at a speed of no less than 30 Mbps by 2020 for all Union citizens and of providing the Union with the highest possible broadband speed and capacity. However, the Union has fallen behind other major global regions - North America, Africa and parts of Asia - in terms of the roll-out and penetration of the latest generation of wireless broadband **technologies that are necessary to achieve** those policy goals. The piecemeal process of authorising and making available the 800 MHz band for wireless broadband communications, with over half of the Member States seeking a derogation or otherwise failing to do so by the deadline laid down in the Radio Spectrum Policy Programme (RSPP) Decision 243/2012 of the European Parliament and the Council,<sup>23</sup> testifies to the urgency of action even within the term of the current RSPP. Union measures to harmonise the conditions of availability and efficient use of radio spectrum for wireless broadband communications pursuant to Decision 676/2002/EC of the European Parliament and the Council<sup>24</sup> have not been sufficient to address this problem.

(17) Radio spectrum is a public good and an essential resource for the internal market for mobile, wireless broadband and satellite communications in the Union. ***In the digital age, wireless broadband communications are increasingly important for public access to information, freedom of expression, media pluralism and cultural and linguistic diversity.*** Development of wireless broadband communications contributes to the implementation of the Digital Agenda for Europe and in particular to the aim of securing access to broadband at a speed of no less than 30 Mbps by 2020 for all Union citizens and of providing the Union with the highest possible broadband speed and capacity. However, ***marked differences exist between different areas of the Union with regard to the achievement of the goals set out in the Digital Agenda for Europe.*** The Union has fallen behind other major global regions - North America, Africa and parts of Asia - in terms of the roll-out and penetration of the latest generation of wireless broadband ***access. The fragmentation in the availability of spectrum for high speed wireless broadband access between different areas, is a particular threat to achieving*** those policy goals ***across the Union.*** The piecemeal process of authorising and making available the 800 MHz band for wireless broadband communications, with over half of the Member States seeking a derogation or otherwise failing to do so by the deadline laid down in the Radio Spectrum Policy Programme (RSPP) Decision 243/2012 of the European Parliament and the Council,<sup>23</sup> testifies to the urgency of action even within the term of the current RSPP. Union measures to harmonise the conditions of availability and efficient use of radio spectrum for

wireless broadband communications pursuant to Decision 676/2002/EC of the European Parliament and the Council<sup>24</sup> have not been sufficient to address this problem.

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<sup>23</sup> Decision 243/2012/EU of the European Parliament and the Council of 14 March 2012, establishing a multiannual radio spectrum policy programme, OJ L 81 of 21.3.2012.

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<sup>23</sup> Decision 243/2012/EU of the European Parliament and the Council of 14 March 2012, establishing a multiannual radio spectrum policy programme, OJ L 81 of 21.3.2012.

<sup>24</sup> Decision 676/2002/EC of the European Parliament and the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

Or. en

**Amendment 53**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) The creation of a secondary market for the trade and lease of spectrum harmonised for wireless broadband communications should be stimulated in order to allow for a more efficient allocation of available spectrum through increased flexibility.***

Or. en

**Amendment 54**  
**Emma McClarkin**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

***(18) The application of various national policies creates inconsistencies and fragmentation of the internal market which hamper the roll-out of Union-wide services and the completion of the internal market for wireless broadband communications. It could in particular create unequal conditions for access to such services, hamper competition between undertakings established in different Member States and stifle investments in more advanced networks and technologies and the emergence of innovative services, thereby depriving citizens and businesses of ubiquitous integrated high-quality services and wireless broadband operators of increased efficiency gains from large-scale more integrated operations. Therefore, action at Union level regarding certain aspects of radio spectrum assignment should accompany the development of wide integrated coverage of advanced wireless broadband communications services throughout the Union. At the same time, Member States should retain the right to adopt measures to organise their radio spectrum for public order, public security purposes and defence.***

(18) Member States should retain the right to adopt measures to organise ***and manage*** their radio spectrum.

Or. en

**Amendment 55**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

***(18) The application of various national policies creates inconsistencies and fragmentation of the internal market***

(18) The ***EU Telecom Package as revised in 2009 establishes the principles for spectrum management. It recognises***

*which hamper the roll-out of Union-wide services and the completion of the internal market for wireless broadband communications. It could in particular create unequal conditions for access to such services, hamper competition between undertakings established in different Member States and stifle investments in more advanced networks and technologies and the emergence of innovative services, thereby depriving citizens and businesses of ubiquitous integrated high-quality services and wireless broadband operators of increased efficiency gains from large-scale more integrated operations. Therefore, action at Union level regarding certain aspects of radio spectrum assignment should accompany the development of wide integrated coverage of advanced wireless broadband communications services throughout the Union. At the same time, Member States should retain the right to adopt measures to organise their radio spectrum for public order, public security purposes and defence.*

*Member States' competence with respect to cultural and audiovisual policies and generally leaves them the necessary scope for action. Therefore, action at Union level regarding certain aspects of radio spectrum assignment should continue to endorse a dynamic approach to spectrum management, which recognises Member States' competence in this field and respects the cultural, audiovisual and media policies of each Member State. Sufficient flexibility is needed to accommodate specific national requirements and Member States should retain the right to adopt measures to organise their radio spectrum for public order, public security purposes and defence. In cases of disputes between Member States over spectrum use, the Commission may coordinate and support dispute settlement.*

Or. en

**Amendment 56**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The application of various national policies creates inconsistencies and fragmentation of the internal market which hamper the roll-out of Union-wide services and the completion of the internal market for wireless broadband communications. It could in particular create unequal conditions for access to such services, hamper competition between undertakings

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established in different Member States and stifle investments in more advanced networks and technologies and the emergence of innovative services, thereby depriving citizens and businesses of ubiquitous integrated high-quality services and wireless broadband operators of increased efficiency gains from large-scale more integrated operations. Therefore, action at Union level regarding certain aspects of radio spectrum assignment should accompany the development of wide integrated coverage of advanced wireless broadband communications services throughout the Union. At the same time, Member States should retain the right to adopt measures to organise their radio spectrum for public order, public security purposes and defence.

established in different Member States and stifle investments in more advanced networks and technologies and the emergence of innovative services, thereby depriving citizens and businesses of ubiquitous integrated high-quality services and wireless broadband operators of increased efficiency gains from large-scale more integrated operations. Therefore, action at Union level regarding certain aspects of radio spectrum assignment should accompany the development of wide integrated coverage of advanced wireless broadband communications services throughout the Union, ***in order to establish a level playing field across Member States***. At the same time, Member States should retain the right to adopt measures to organise their radio spectrum for public order, public security purposes and defence.

Or. en

**Amendment 57**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) Coordination and consistency of rights of use for radio spectrum should be improved, at least for the bands which have been harmonised for wireless fixed, nomadic and mobile broadband communications. This includes the bands identified at ITU level for International Mobile Telecommunications (IMT) Advanced systems, as well as bands used for radio local area networks (RLAN) such as 2.4 GHz and 5 GHz. It should also extend to bands that may be harmonised in the future for wireless broadband communications, as ***envisaged in Article***

*Amendment*

(20) Coordination and consistency of rights of use for radio spectrum should be improved, at least for the bands which have been harmonised for wireless fixed, nomadic and mobile broadband communications. This includes the bands identified at ITU level for International Mobile Telecommunications (IMT) Advanced systems, as well as bands used for radio local area networks (RLAN) such as 2.4 GHz and 5 GHz. It should also extend to bands that may be harmonised in the future for wireless broadband communications, as ***laid down in Directive***

**3(b) of the RSPP and in the RSPG  
Opinion on ‘Strategic challenges facing  
Europe in addressing the growing radio  
spectrum demand for wireless broadband’  
adopted on 13 June 2013, such as, in the  
near future, the 700 MHz, 1.5 GHz and  
3.8-4.2 GHz bands.**

2002/21/EC.

Or. en

**Amendment 58  
Sabine Verheyen, Ivo Belet**

**Proposal for a regulation  
Recital 36**

*Text proposed by the Commission*

*Amendment*

**(36) In a context of progressive migration to ‘all IP networks’, the lack of availability of connectivity products based on the IP protocol for different classes of services with assured service quality that enable communication paths across network domains and across network borders, both within and between Member States, hinders the development of applications that rely on access to other networks, thus limiting technological innovation. Moreover, this situation prevents the diffusion on a wider scale of efficiencies which are associated with the management and provision of IP-based networks and connectivity products with an assured service quality level, in particular enhanced security, reliability and flexibility, cost-effectiveness and faster provisioning, which benefit network operators, service providers and end users. A harmonised approach to the design and availability of these products is therefore necessary, on reasonable terms including, where requested, the possibility of cross-supply by the electronic communications undertakings concerned.**

**deleted**

**Amendment 59**  
**Marietje Schaake**

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

*Text proposed by the Commission*

(36) In a context of progressive migration to ‘all IP networks’, the lack of availability of connectivity products based on the IP protocol for different classes of services with *assured service* quality *that enable communication paths across network domains and across network borders, both within and between Member States*, hinders the development of *applications* that rely on *access to other networks, thus limiting technological innovation*. *Moreover, this situation prevents the diffusion on a wider scale of efficiencies which are associated with the management and provision of IP-based networks and connectivity products with an assured service quality level, in particular enhanced security, reliability and flexibility, cost-effectiveness and faster provisioning, which benefit network operators, service providers and end users. A harmonised approach to the design and availability of these products is therefore necessary, on reasonable terms including, where requested, the possibility of cross-supply by the electronic communications undertakings concerned.*

*Amendment*

(36) In a context of progressive migration to ‘all IP networks’, the lack of availability of connectivity products based on the IP protocol for different classes of services with *an enhanced quality of service* within *closed communications networks* hinders the development of *services* that rely on *this enhanced quality in order to function adequately. A harmonised approach to the design and availability of these services is therefore necessary, including safeguards to guarantee that the enhanced quality is not to the detriment of the performance, affordability or quality of internet access services or undermines competition, innovation or net neutrality.*

Or. en

**Amendment 60**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(36a) The imposition by suppliers of certain terminal specifications may also limit the quality and availability of electronic communication content, applications and services. Such business practices are not consistent with the objective of ensuring a functional internal market and protecting end-user rights.***

Or. de

**Amendment 61**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

*Amendment*

***(42) Where the provisions in Chapters 4 and 5 of this Regulation refer to end-users, such provisions should apply not only to consumers but also to other categories of end-users, primarily micro enterprises. At their individual request, end-users other than consumers should be able to agree, by individual contract, to deviate from certain provisions.***

***deleted***

Or. en

**Amendment 62**  
**Claudiu Ciprian Tănăsescu**

**Proposal for a regulation**  
**Recital 45**

*Text proposed by the Commission*

(45) The internet has developed over the past decades as an open platform for innovation with low access barriers for end-users, content and application providers and internet service providers. The existing regulatory framework aims at promoting the ability of end-users to access and distribute information or run applications and services of their choice. Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the Executive Agency for Consumers and Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down specific applications. ***These tendencies require clear rules at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures.***

*Amendment*

(45) The internet has developed over the past decades as an open platform for innovation with low access barriers for end-users, content and application providers and internet service providers. The existing regulatory framework aims at promoting the ability of end-users to access and distribute information ***covering all content*** or run applications and services of their choice, ***thereby facilitating the transfer free of charge of data used for non-commercial purposes, irrespective of content.*** Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the Executive Agency for Consumers and Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down specific applications.

Or. ro

**Amendment 63**

**Petra Kammerevert, Helga Trüpel**

**Proposal for a regulation**

**Recital 45**

*Text proposed by the Commission*

(45) The internet has developed over the past decades as an open platform for innovation with low access barriers for end-users, content and application providers and internet

*Amendment*

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service providers. The existing regulatory framework aims at promoting the ability of end-users to access and distribute information or run applications and services of their choice. Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the Executive Agency for Consumers and Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down specific applications. These tendencies require clear rules at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures.

service providers. ***Fundamentally equal treatment and non-discrimination in forwarding data packages, irrespective of content, service, application, origin or destination, must be safeguarded by law throughout the EU, to provide a lasting guarantee that all internet users can in principle access or provide all online content, services or applications. Access network operators are under a general obligation to forward data packages while providing users with transfer services of suitable quality and constantly adapted to technological progress, regardless of the origin, destination or nature of the content, services and applications to be transferred. The open and non-discriminatory nature of the internet is the key to stimulating innovation and economic efficiency. These essential characteristics help ensure freedom and diversity of expression in the media and in the cultural sector.*** The existing regulatory framework aims at promoting the ability of end-users to access and distribute information or run applications and services of their choice. Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the Executive Agency for Consumers and Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down

specific applications. These tendencies require clear rules at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures. *An open internet operating exclusively on the best-effort principle should not be impaired or restricted by the development of other products and services.*

Or. de

**Amendment 64**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 45**

*Text proposed by the Commission*

(45) The internet has developed over the past decades as an open platform for innovation with low access barriers for end-users, content and application providers and internet service providers. The existing regulatory framework aims at promoting the ability of end-users to access and distribute information or run applications and services of their choice. Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the Executive Agency for Consumers and Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down specific applications. These

*Amendment*

(45) The internet has developed over the past decades as an open platform for innovation with low access barriers for end-users, content and application providers and internet service providers. *The key driver of the unprecedented innovation and economic activity in the digital age has been the fact that all internet traffic is treated equally, without discrimination, restriction or interference, independent of its sender, receiver, type, content, device, service or application; conform the principle of net neutrality.* The existing regulatory framework aims at promoting the ability of end-users to access and distribute information or run applications and services of their choice. Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the

tendencies require clear rules at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures.

Executive Agency for Consumers and Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down specific *content, services or* applications. These tendencies require clear rules *to enshrine the principle of net neutrality in law* at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures.

Or. en

**Amendment 65**  
**Ivo Belet**

**Proposal for a regulation**  
**Recital 45**

*Text proposed by the Commission*

(45) The internet has developed over the past decades as an open platform for innovation with low access barriers for end-users, content and application providers and internet service providers. The existing regulatory framework aims at promoting the ability of end-users to access and distribute information or run applications and services of their choice. Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the Executive Agency for Consumers and Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic

*Amendment*

(45) The internet has developed over the past decades as an open platform for innovation with low access barriers for end-users, content and application providers and internet service providers. *The openness and non-discriminatory features of the Internet are key drivers for innovation, economic efficiency as well as safeguarding media freedom and pluralism and cultural diversity.* The existing regulatory framework aims at promoting the ability of end-users to access and distribute information or run applications and services of their choice. Recently, however, the report of the Body of European Regulators for Electronic Communications (BEREC) on traffic management practices published in May 2012 and a study, commissioned by the Executive Agency for Consumers and

management practices which block or slow down specific applications. These tendencies require clear rules at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures.

Health and published in December 2012, on the functioning of the market of internet access and provision from a consumer perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down specific applications. These tendencies require clear rules at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures.

Or. en

**Amendment 66**  
**Piotr Borys**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) The freedom of end-users to access and distribute information and lawful content, run applications and use services of their choice is subject to the respect of Union and compatible national law. This Regulation defines the limits for any restrictions to this freedom by providers of electronic communications to the public but is without prejudice to other Union legislation, *including copyright rules and Directive 2000/31/EC*.

*Amendment*

(46) The freedom of end-users to access and distribute information and lawful content, run applications and use services of their choice is subject to the respect of Union and compatible national law. This Regulation defines the limits for any restrictions to this freedom by providers of electronic communications to the public but is without prejudice to other Union legislation.

Or. en

**Amendment 67**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) The **freedom** of end-users to access and distribute information and lawful content, run applications and use services of their choice is subject to the respect of Union and compatible national law. This Regulation defines the limits for any restrictions to this **freedom** by providers of electronic communications to the public but is without prejudice to other Union legislation, including **copyright rules and Directive 2000/31/EC**.

*Amendment*

(46) The **right** of end-users to access and distribute information and lawful content, run applications and use services of their choice is subject to the respect of Union and compatible national law. This Regulation defines the limits for any restrictions to this **right** by providers of electronic communications to the public but is without prejudice to other Union legislation, including Directive 2000/31/EC.

Or. en

**Amendment 68**  
**Emma McClarkin**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) The freedom of end-users to access and distribute information and lawful content, run applications and use services of their choice is subject to the respect of Union and compatible national law. This Regulation defines the limits for any restrictions to this freedom by providers of electronic communications to the public but is without prejudice to other Union legislation, including copyright rules **and Directive 2000/31/EC**.

*Amendment*

(46) The freedom of end-users to access and distribute information and lawful content, run applications and use services of their choice is subject to the respect of Union and compatible national law. This Regulation defines the limits for any restrictions to this freedom by providers of electronic communications to the public but is without prejudice to other Union legislation, including copyright rules, Directive 2000/31/EC and **Directive 2011/93/EC, in particular Article 25 thereof, which allows Member State measures to block access to web pages containing or disseminating child pornography**.

Or. en

**Amendment 69**  
**Jean-Marie Cavada**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(47) In an open internet, providers of electronic communications to the public should, ***within contractually agreed limits on data volumes and speeds for internet access services***, not block, slow down, degrade or discriminate against specific content, applications or services or specific classes thereof except for a limited number of reasonable traffic management measures. ***Such measures*** should be transparent, proportionate and non-discriminatory. Reasonable traffic management encompasses prevention or impediment of serious crimes, including voluntary actions of providers to prevent access to and distribution of child pornography. Minimising the effects of network congestion should be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

*Amendment*

(47) In an open internet, providers of electronic communications to the public should not block, slow down, degrade or discriminate against specific content, applications or services or specific classes thereof except for a limited number of reasonable traffic management measures. ***Any price discrimination against content, applications or services or any discriminatory conditions regarding data flow and volumes should be prohibited. Reasonable traffic management measures*** should be transparent, proportionate and non-discriminatory. Reasonable traffic management encompasses prevention or impediment of serious crimes, including voluntary actions of providers to prevent access to and distribution of child pornography. Minimising the effects of network congestion should be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

Or. fr

**Amendment 70**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(47) In an open internet, providers of electronic communications to the public should, within contractually agreed limits on data volumes and speeds for internet

*Amendment*

(47) In an open internet, providers of electronic communications to the public should, within contractually agreed limits on data volumes and speeds for internet

access services, not block, slow down, degrade or discriminate against specific content, applications or services or specific classes thereof except for a limited number of reasonable traffic management measures. Such measures should be transparent, proportionate and non-discriminatory. Reasonable traffic management encompasses prevention or impediment of serious crimes, including voluntary actions of providers to prevent access to and distribution of child pornography. Minimising the effects of network congestion should be considered reasonable *provided that* network congestion *occurs only temporarily or in exceptional circumstances*.

access services, not block, slow down, degrade or discriminate against specific content, applications or services or specific classes thereof except for a limited number of reasonable traffic management measures. Such measures should be transparent, proportionate and non-discriminatory. Reasonable traffic management encompasses prevention or impediment of serious crimes, including voluntary actions of providers to prevent access to and distribution of child pornography. Minimising the effects of network congestion should be considered reasonable *in demonstrated punctual cases of acute* network congestion, *provided that equivalent types of traffic are treated equally*.

Or. en

**Amendment 71**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(47) In an open internet, providers of electronic communications to the public should, within contractually agreed limits on data volumes and speeds for internet access services, not block, slow down, degrade or discriminate against specific content, applications or services or specific classes thereof except for a limited number of reasonable traffic management measures. Such measures should be transparent, proportionate and non-discriminatory. Reasonable traffic management encompasses prevention or impediment of serious crimes, including voluntary actions of providers to prevent access to and distribution of child pornography. Minimising the effects of

*Amendment*

(47) In an open internet, providers of electronic communications to the public should, within contractually agreed limits on data volumes and speeds for internet access services, not block, slow down, degrade or discriminate against specific content, applications or services or specific classes thereof except for a limited number of *clearly defined* reasonable traffic management measures. Such measures should be transparent, proportionate and non-discriminatory. Reasonable traffic management encompasses prevention or impediment of serious crimes, including voluntary actions of providers to prevent access to and distribution of child pornography, *subject to ex post judicial*

network congestion *should* be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

*review*. Minimising the effects of network congestion *could* be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

Or. en

**Amendment 72**  
**Petra Kammerevert, Helga Trüpel**

**Proposal for a regulation**  
**Recital 47 a (new)**

*Text proposed by the Commission*

*Amendment*

***(47a) This Regulation is without prejudice to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications).***

Or. de

**Amendment 73**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

*Amendment*

(48) Volume-based tariffs should be considered compatible with the principle of an open internet as long as they allow end-users to choose the tariff corresponding to their normal data consumption based on transparent information about the conditions and implications of such choice. At the same time, such tariffs should

(48) Volume-based tariffs should be considered compatible with the principle of an open internet as long as they allow end-users to choose the tariff corresponding to their normal data consumption based on transparent information about the conditions and implications of such choice. At the same time, such tariffs should

enable providers of electronic communications to the public to better adapt network capacities to expected data volumes. It is essential that end-users are fully informed before agreeing to any data volume or speed limitations and the tariffs applicable, that they can continuously monitor their consumption and easily acquire extensions of the available data volumes if desired.

enable providers of electronic communications to the public to better adapt network capacities to expected data volumes. It is essential that end-users are fully informed before agreeing to any data volume or speed limitations and the tariffs applicable, that they can continuously monitor their consumption and easily acquire extensions of the available data volumes if desired ***and that volume limits on internet traffic are applied in a non-discriminatory manner, independent of the sender, receiver, type, content, device, service or application in accordance with the principle of net neutrality.***

Or. en

**Amendment 74**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

(49) There is also end-user demand for services and applications requiring an enhanced ***level of assured service quality*** offered by providers of electronic communications to the public or by content, applications or service providers. Such services may comprise inter alia broadcasting via Internet Protocol (IP-TV), video-conferencing and certain health applications. End-users should therefore also be free to conclude agreements on the provision of specialised services with an enhanced quality of service with either providers of electronic communications to the public or providers of content, applications or services.

*Amendment*

(49) There is also end-user demand for services and applications requiring an enhanced ***quality of service*** offered by providers of electronic communications to the public or by content, applications or service providers. Such services may comprise inter alia broadcasting via Internet Protocol (IP-TV), video-conferencing, ***gaming*** and certain health applications. End-users should therefore also be free to conclude ***voluntary*** agreements on the provision of specialised services with an enhanced quality of service with either providers of electronic communications to the public or providers of content, applications or services. ***Where such agreements are concluded with a provider of internet access services, that provider shall ensure that the enhanced quality is not to the detriment of the***

*performance, affordability or quality of internet access services and does not restrict net neutrality.*

Or. en

**Amendment 75**

**Ivo Belet**

**Proposal for a regulation**

**Recital 49**

*Text proposed by the Commission*

(49) There is also end-user demand for services and applications requiring an enhanced level of assured service quality offered by providers of electronic communications to the public or by content, applications or service providers. Such services may comprise inter alia broadcasting via Internet Protocol (IP-TV), video-conferencing and certain health applications. End-users should therefore also be free to conclude agreements on the provision of specialised services with an enhanced quality of service with either providers of electronic communications to the public or providers of content, applications or services.

*Amendment*

(49) There is also end-user demand for services and applications requiring an enhanced level of assured service quality offered by providers of electronic communications to the public or by content, applications or service providers. Such services may comprise inter alia broadcasting via Internet Protocol (IP-TV), video-conferencing and certain health applications. End-users should therefore also be free to conclude agreements on the provision of specialised services with an enhanced quality of service with either providers of electronic communications to the public or providers of content, applications or services. ***However these specialised services should remain the exception and should not be marketed or widely used as a substitute for internet access service;***

Or. en

**Amendment 76**

**Petra Kammerevert, Helga Trüpel, Sabine Verheyen**

**Proposal for a regulation**

**Recital 50**

*Text proposed by the Commission*

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission services based on **flexible** quality parameters, **including lower levels of priority for traffic which is not time-sensitive. The possibility for** content, applications and service providers to negotiate such **flexible** quality of service levels with providers of electronic communications to the public is necessary **for the provision of specialised services and** is expected to play an important role in the development of new services such as machine-to-machine (M2M) communications. **At the same time such arrangements should allow providers of electronic communications to the public to better balance traffic and prevent network congestion. Providers of content, applications and services and providers of electronic communications to the public should therefore be free to conclude specialised services agreements on defined levels of quality of service as long as such agreements do not substantially impair the general quality of internet access services.**

*Amendment*

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission services based on quality parameters. **For the provision of specialised services in closed networks, it is necessary that** content, applications and service providers **have the opportunity** to negotiate such a **specific** quality of service levels with providers of electronic communications to the public **for a limited group of users. This** is expected to play an important role in the development of new services such as machine-to-machine (M2M) communications. **Special services must neither impair open internet access service quality nor be marketed or used as an internet substitute. They are admissible only if there is a manifest technical and de facto need, over and above economic self-interest, to be able to supply real-time critical applications of a particular quality. If special services are offered or marketed by access network providers, they are also under the obligation to provide an open internet access service as referred to in recital (45). All open internet services are subject to the best-effort principle.**

Or. de

**Amendment 77**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 50**

*Text proposed by the Commission*

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission

*Amendment*

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission

services based on flexible quality parameters, including lower levels of priority for traffic which is not time-sensitive. The possibility for content, applications and service providers to negotiate such flexible quality of service levels with providers of electronic communications to the public ***is necessary for the provision of specialised services and is expected to play an important role*** in the development of new services such as machine-to-machine (M2M) communications. At the same time such arrangements should allow providers of electronic communications to the public to better balance traffic and prevent network congestion. Providers of content, applications and services and providers of electronic communications to the public should therefore be free to conclude specialised services agreements on defined levels of quality of service as long as such agreements do not ***substantially*** impair the general quality of internet access services.

services based on flexible quality parameters, including lower levels of priority for traffic which is not time-sensitive. The possibility for content, applications and service providers to negotiate such flexible quality of service levels with providers of electronic communications to the public ***could foster*** the development of new services such as machine-to-machine (M2M) communications. At the same time such arrangements should allow providers of electronic communications to the public to better balance traffic and prevent network congestion. Providers of content, applications and services and providers of electronic communications to the public should therefore be free to conclude specialised services agreements on defined levels of quality of service as long as such agreements do not impair the general quality of internet access services, ***in accordance with the principle of net neutrality***.

Or. en

**Amendment 78**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Recital 50**

*Text proposed by the Commission*

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission services based on flexible quality parameters, including lower levels of priority for traffic which is not time-sensitive. The possibility for content, applications and service providers to negotiate such flexible quality of service levels with providers of electronic communications to the public is necessary

*Amendment*

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission services based on flexible quality parameters, including lower levels of priority for traffic which is not time-sensitive. The possibility for content, applications and service providers to negotiate such flexible quality of service levels with providers of electronic communications to the public is necessary

for the provision of specialised services and is expected to play an important role in the development of new services such as machine-to-machine (M2M) communications. At the same time such arrangements should allow providers of electronic communications to the public to better balance traffic and prevent network congestion. Providers of content, applications and services and providers of electronic communications to the public should therefore be free to conclude specialised services agreements on defined levels of quality of service as long as such agreements do not *substantially* impair the *general* quality of internet access services.

for the provision of specialised services and is expected to play an important role in the development of new services such as machine-to-machine (M2M) communications. At the same time such arrangements should allow providers of electronic communications to the public to better balance traffic and prevent network congestion. Providers of content, applications and services and providers of electronic communications to the public should therefore be free to conclude specialised services agreements on defined levels of quality of service as long as such agreements do not impair the quality of internet access services.

Or. en

**Amendment 79**  
**Marietje Schaake**

**Proposal for a regulation**  
**Recital 51**

*Text proposed by the Commission*

(51) National regulatory authorities play an essential role in ensuring that end-users are effectively able to exercise this freedom to avail of open internet access. To this end national regulatory authorities should have monitoring and reporting obligations, and ensure compliance of providers of electronic communications to the public and the availability of non-discriminatory internet access services of high quality which are not impaired by specialised services. In their assessment of a possible general impairment of internet access services, national regulatory authorities should take account of quality parameters such as timing and reliability parameters (latency, jitter, packet loss), levels and effects of congestion in the network, actual versus advertised speeds, performance of

*Amendment*

(51) National regulatory authorities play an essential role in ensuring that end-users are effectively able to exercise this freedom to avail of open internet access. To this end national regulatory authorities should have monitoring and reporting obligations, and ensure compliance of providers of electronic communications to the public and the availability of non-discriminatory internet access services of high quality which are not impaired by specialised services. ***National regulatory authorities should establish clear and comprehensible notification and redress mechanisms for end-users subjected to discrimination, restriction or interference of online content, services or applications.*** In their assessment of a possible general impairment of internet access services,

internet access services compared with specialised services, and quality as perceived by end-users. National regulatory authorities should be empowered to impose minimum quality of service requirements on all or individual providers of electronic communications to the public if this is necessary to prevent general impairment/degradation of the quality of service of internet access services.

national regulatory authorities should take account of quality parameters such as timing and reliability parameters (latency, jitter, packet loss), levels and effects of congestion in the network, actual versus advertised speeds, performance of internet access services compared with specialised services, and quality as perceived by end-users. National regulatory authorities should be empowered to impose minimum quality of service requirements on all or individual providers of electronic communications to the public if this is necessary to prevent general impairment/degradation of the quality of service of internet access services.

Or. en

**Amendment 80**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Recital 68**

*Text proposed by the Commission*

*Amendment*

***(68) In order to take account of market and technical developments, 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 in respect of adapting the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.***

*deleted*

Or. en

**Amendment 81**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Recital 76**

*Text proposed by the Commission*

(76) In **addition, the significant** reduction in mobile termination rates **throughout the Union in the recent past should now allow the elimination of additional roaming charges for incoming calls.**

*Amendment*

(76) In **order to provide clarity and legal certainty, a date should be set for the final phasing out of retail roaming surcharges which reduction began with Regulation (EC) No 717/2007. In advance of that final abolition of retail surcharges, the wholesale rates should be further decreased and** mobile termination rates **should be harmonised, throughout the EU, in order to allow for a true level playing field for telecom operators.**

Or. en

**Amendment 82**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 1 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

**ea) to ensure that all internet traffic is treated equally, without discrimination, restriction or interference, independent of its sender, receiver, type, content, device, service or application;**

Or. en

**Amendment 83**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 2 – point 8**

*Text proposed by the Commission*

(8) ‘harmonised radio spectrum for wireless broadband communications’ means radio spectrum for which the conditions of availability and efficient use are harmonised at Union level, ***in particular*** pursuant to Decision 676/2002/EC of the European Parliament and the Council,<sup>27</sup> and which serves for electronic communications services other than broadcasting;

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<sup>27</sup> Decision 676/2002/EC of the European Parliament and the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

*Amendment*

(8) ‘harmonised radio spectrum for wireless broadband communications’ means radio spectrum for which the conditions of availability and efficient use are harmonised at Union level, ***according to the provisions and procedures as laid down in Directive 2002/21/EC and*** pursuant to Decision 676/2002/EC of the European Parliament and the Council,<sup>27</sup> and which serves for electronic communications services other than broadcasting;

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<sup>27</sup> Decision 676/2002/EC of the European Parliament and the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

Or. en

**Amendment 84**  
**Ivo Belet**

**Proposal for a regulation**  
**Article 2 – point 12**

*Text proposed by the Commission*

***(12) ‘assured service quality (ASQ) connectivity product’ means a product that is made available at the internet protocol (IP) exchange, which enables customers to set up an IP communication link between a point of interconnection and one or several fixed network termination points, and enables defined levels of end to end network performance for the provision of specific services to***

*Amendment*

***deleted***

*end users on the basis of the delivery of a specified guaranteed quality of service, based on specified parameters;*

Or. en

**Amendment 85**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 2 – point 12**

*Text proposed by the Commission*

*Amendment*

*(12) ‘assured service quality (ASQ) connectivity product’ means a product that is made available at the internet protocol (IP) exchange, which enables customers to set up an IP communication link between a point of interconnection and one or several fixed network termination points, and enables defined levels of end to end network performance for the provision of specific services to end users on the basis of the delivery of a specified guaranteed quality of service, based on specified parameters;*

*deleted*

Or. en

**Amendment 86**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 2 – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*(12a) "net neutrality" means the principle that all internet traffic is treated equally, without discrimination, restriction or interference, independent of its sender, receiver, type, content, device, service or application;*

**Amendment 87**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 2 – point 14**

*Text proposed by the Commission*

(14) 'internet access service' means a publicly available electronic communications service that provides connectivity to the internet, and thereby connectivity between *virtually* all end points connected to the internet, irrespective of the network technology used;

*Amendment*

(14) '**open** internet access service' means a publicly available electronic communications service that provides connectivity to the internet **at a level of quality that reflects the advances in technology**, and thereby **allows for** connectivity between all end points connected to the internet, irrespective of the network technology used **and without any restrictions to the legal content exchanged. It enables end-users to run any application utilising the online electronic communication function** **Unrestricted internet access service is based on the best efforts principle, the only exceptions allowed are proportionate technical traffic management measures or implementation of court order.**

**Amendment 88**  
**Petra Kammerevert, Helga Trüpel**

**Proposal for a regulation**  
**Article 2 – point 14**

*Text proposed by the Commission*

14) "internet access service" means a publicly available electronic communications service that provides connectivity to the internet, and thereby connectivity between virtually all end

*Amendment*

14) "**open** internet access service" means a publicly available electronic communications service that provides connectivity to the internet, and thereby connectivity between virtually all end

points connected to the internet,  
irrespective of the network technology  
used;

points connected to the internet,  
irrespective of the network technology  
used; ***the Member States shall impose  
reasonable minimum requirements in  
respect of open internet access service  
quality, which must be constantly adapted  
to technological progress; an open  
internet access service enables end-users  
to use any internet-based application in  
accordance with the best effort principle;  
the only permissible derogation from this  
principle is proportional and justified  
traffic management where the conditions  
for its use are clearly defined;***

Or. de

**Amendment 89**  
**Helga Trüpel**

**Proposal for a regulation**  
**Article 2 – point 15**

*Text proposed by the Commission*

15) "specialised service" means an electronic communications service or any other service ***that provides the capability to access specific content, applications or services, or a combination thereof, and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints; and that is not marketed or widely used as a substitute for internet access service;***

*Amendment*

15) " specialised service" means an electronic communications service or any other service ***provided and operated only within a closed, electronic communications networks and not marketed or used as an internet substitute or functionally identical to open internet content, applications or services. A special service shall only be only admissible if there is a manifest technical and de facto need, over and above economic self-interest, for particular real-time critical applications or applications requiring special safeguards which meet particular quality criteria.***

Or. de

**Amendment 90**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 2 – point 15**

*Text proposed by the Commission*

15) "specialised service" means an electronic communications service or any other service ***that provides the capability to access specific content, applications or services, or a combination thereof, and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints; and that is not marketed or widely used as a substitute for internet access service;***

*Amendment*

15) " specialised service" means an electronic communications service or any other service ***provided and operated only within a closed, electronic communications networks and not marketed or used as an internet substitute or functionally identical to open internet content, applications or services. A special service shall only be admissible if it there is a manifest technical and factual need, over and above economic self-interest, for particular real-time critical applications meeting particular quality criteria. It is characterized by clearly defined and guaranteed customized quality-of-service parameters and subject to continuous end-to-end management up to the 'last mile' by the special service provider. A special service may not be limited to an endpoint controlled by the service provider.***

Or. de

**Amendment 91**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Article 2 – point 15**

*Text proposed by the Commission*

(15) 'specialised service' means an electronic communications service or any other service that ***provides the capability to access specific content, applications or services, or a combination thereof, and***

*Amendment*

(15) 'specialised service' means an electronic communications service or any other service that ***is provided and operated within a closed electronic communications network using the***

*whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints;* and that is not marketed or widely used as a substitute for internet access service;

*internet protocol, relying on strict admission control* and that is not marketed or widely used as a substitute for internet access service;

Or. en

**Amendment 92**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 2 – point 15**

*Text proposed by the Commission*

(15) 'specialised service' means an electronic communications service *or any other service that provides the capability to access* specific content, applications or services, or a combination thereof, *and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints; and that is not marketed or widely used as a substitute for internet access service;*

*Amendment*

(15) 'specialised service' means an electronic communications service *optimised for* specific content, applications or services, or a combination thereof, *by deploying traffic management to ensure the appropriate level of network capacity and quality.*

Or. en

**Amendment 93**  
**Jean-Marie Cavada**

**Proposal for a regulation**  
**Article 2 – point 15**

*Text proposed by the Commission*

(15) "specialised service" means an electronic communications service or any other service that provides the capability to

*Amendment*

(15) "specialised service" means an electronic communications service or any other service that provides the capability to

access specific content, applications or services, or a combination thereof, and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints; **and that is** not marketed or **widely** used as a substitute for internet access service;

access specific content, applications or services, or a combination thereof, and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints; **it is provided within a closed electronic communications network using the internet protocol, relying on strict admission control. A specialised service must not be** marketed or used as a substitute for internet access service;

Or. fr

**Amendment 94**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 2 – point 15**

*Text proposed by the Commission*

(15) ‘specialised service’ means an electronic communications service or any other service that provides the capability to access specific content, applications or services, or a combination thereof, and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints; and that is not marketed or **widely** used as a substitute for internet access service;

*Amendment*

(15) ‘specialised service’ means an electronic communications service or any other service **with an enhanced quality of service** that provides the capability to access specific content, applications or services, or a combination thereof, and whose technical characteristics are controlled from end-to-end or provides the capability to send or receive data to or from a determined number of parties or endpoints; and that is not marketed or used as a substitute for internet access service;

Or. en

**Amendment 95**  
**Emma McClarkin**

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

*Text proposed by the Commission*

1. This section shall apply to harmonised radio spectrum **for wireless broadband communications**.

*Amendment*

1. This section shall apply to harmonised radio spectrum.

Or. en

**Amendment 96**  
**Sabine Verheyen**

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

*Text proposed by the Commission*

1. This section shall apply to harmonised radio spectrum for wireless broadband communications.

*Amendment*

1. This section shall apply to harmonised radio spectrum for wireless broadband communications **according to Directive 2009/140/EC and Decision No 676/2002/EC of the European Parliament and of the Council with due regard to the provisions as laid down in Article 8a and 9 of Directive 2002/21/EC**.

Or. en

**Amendment 97**  
**Marietje Schaake, Hannu Takkula**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. This section shall be without prejudice to the right of the Member States to benefit from fees imposed to ensure the optimal use of radio spectrum resources in accordance with Article 13 of Directive 2002/20/EC and to organise and use their

*Amendment*

2. This section shall be without prejudice to the right of the Member States to benefit from fees imposed to ensure the optimal use of radio spectrum resources in accordance with Article 13 of Directive 2002/20/EC and to organise and use their

radio spectrum for public order, public security *and defence*.

radio spectrum for public order, public security, *defence and the promotion of cultural and linguistic diversity and media pluralism, both online and offline*.

Or. en

**Amendment 98**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. This section shall be without prejudice to the right of the Member States to benefit from fees imposed to ensure the optimal use of radio spectrum resources in accordance with Article 13 of Directive 2002/20/EC and to organise and use their radio spectrum for public order, public security and defence.

*Amendment*

2. This section shall be without prejudice to the right of the Member States to benefit from fees imposed to ensure the optimal use of radio spectrum resources in accordance with Article 13 of Directive 2002/20/EC and to organise and use their radio spectrum for public order, public security and defence, *taking into account general interest objectives such as cultural diversity and media pluralism, as well as the interests of all radio spectrum users*.

Or. en

**Amendment 99**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 8 a*

*Harmonisation of certain aspects relating to transfer or lease of individual rights to use radio frequencies and their duration*  
*1. Without prejudice to the application of*

*competition rules to undertakings, the following shall apply with respect to the transfer or lease of rights of use of spectrum, or parts thereof, identified in Article 6(8) of Decision No 243/2012/EU:*

*(a) Member States shall make current details of all such rights of use publicly available in a standardised electronic format;*

*(b) Member States may not refuse to allow a transfer or lease to an existing holder of such rights of use;*

*(c) in cases not covered by point (b), Member States may refuse a transfer only where it is found that there is a clear risk that the new holder would be unable to meet the existing conditions for the right of use;*

*(d) in cases not covered by point (b), Member States may not refuse a lease where the transferor undertakes to remain liable for meeting the existing conditions for the right of use.*

*2. Any administrative charge imposed on undertakings in connection with processing an application for the transfer or lease of spectrum shall, in total, cover only the administrative costs, including ancillary steps such as the issuance of a new right of use, incurred in processing the application. Any such charges shall be imposed in an objective, transparent and proportionate manner which minimises additional administrative costs and attendant charges. Article 12(2) of Directive 2002/20/EC shall apply to charges imposed under this paragraph.*

Or. en

#### *Justification*

*The practical possibility of spectrum trading should be further improved in order to stimulate the creation of a secondary market in spectrum leading to a more efficient allocation of released spectrum resources.*

**Amendment 100**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 9**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

*Justification*

*Deletion of Article 9. These principles have already been defined in the existing Electronic Communications Framework. It is therefore unclear how these two legal texts could co-exist and this would generate regulatory and legal uncertainty for all actors.*

**Amendment 101**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 9 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Without prejudice to the possible future harmonisation of radio spectrum bands for wireless broadband communications, due consideration shall be given to the establishment of multi-functional networks which combine broadcasting and wireless broadband communications.***

Or. en

**Amendment 102**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Article 9 – paragraph 4 – point e**

*Text proposed by the Commission*

e) ensuring ***wide territorial coverage of high-speed wireless broadband networks and a high level of penetration and consumption of related services.***

*Amendment*

e) ensuring ***efficient use of spectrum to meet the increasing demand for high-speed wireless broadband networks, at the same time taking account of the public interest and the social, cultural and economic value of spectrum as a whole.***

Or. en

**Amendment 103**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 9 – paragraph 4 – point e**

*Text proposed by the Commission*

e) ensuring wide territorial coverage of high-speed wireless broadband networks and a high level of penetration and consumption of related services.

*Amendment*

e) ensuring wide territorial coverage of high-speed wireless broadband networks, ***including through harmonised spectrum for wireless broadband communications,*** and a high level of penetration and consumption of related services.

Or. en

**Amendment 104**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Article 9 – paragraph 4 – point e a (new)**

*Text proposed by the Commission*

***ea) ensuring that any change in policy with regard to the efficient use of spectrum takes account of its impact on the public interest in terms of interference and costs.***

Or. en

**Amendment 105**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 10**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

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<sup>29</sup> *Decision No 243/2012/EU of the European Parliament and the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).*

Or. en

*Justification*

*Deletion of Article 10. These principles have already been defined in the existing Electronic Communications Framework. It is therefore unclear how these two legal texts could co-exist and this would generate regulatory and legal uncertainty for all actors.*

**Amendment 106**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 11**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

*Justification*

*Deletion of Article 11. These principles have already been defined in the existing Electronic Communications Framework. It is therefore unclear how these two legal texts could co-exist and this would generate regulatory and legal uncertainty for all actors. The provision of electronic communications, networks and services to consumers, competition and choice must*

*be prioritised in single market for electronic communications.*

**Amendment 107**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 12 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) define the date of expiry of any existing rights of use of harmonised bands other than for wireless broadband communications, or, in the case of rights of indefinite duration, the date by which the right of use shall be amended, in order to allow the provision of wireless broadband communications.* **deleted**

Or. en

**Amendment 108**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 13**

*Text proposed by the Commission*

*Amendment*

**[...]** **deleted**

Or. en

*Justification*

*Deletion of Article 13. These measures imposed by the Commission on National regulatory Authorities are far too prescriptive and should instead be delegated to BEREC.*

**Amendment 109**  
**Claudiu Ciprian Tănăsescu**

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

*Text proposed by the Commission*

Where a national competent authority intends to subject the use of radio spectrum to a general authorisation or to grant individual rights of use of radio spectrum, or to amend rights and obligations in relation to the use of radio spectrum in accordance with Article 14 of Directive 2002/20/EC, it shall make accessible its draft measure, together with the reasoning thereof, simultaneously to the Commission and the competent authorities for radio spectrum of the other Member States, upon completion of the public consultation referred to in Article 6 of Directive 2002/21/EC, if applicable, and in any event only at a stage in its preparation which allows it to provide to the Commission and the competent authorities of the other Member States sufficient and stable information on all relevant matters.

*Amendment*

Where a national competent authority intends to subject the use of radio spectrum to a general authorisation or to grant individual rights of use of radio spectrum, or to amend rights and obligations in relation to the use of radio spectrum in accordance with Article 14 of Directive 2002/20/EC, it shall **be required to** make accessible its draft measure, together with the reasoning thereof, simultaneously to the Commission and the competent authorities for radio spectrum of the other Member States, upon completion of the public consultation referred to in Article 6 of Directive 2002/21/EC, if applicable, and in any event only at a stage in its preparation which allows it to provide to the Commission and the competent authorities of the other Member States sufficient and stable information on all relevant matters.

Or. ro

**Amendment 110**  
**Ivo Belet**

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*[...]*

*Amendment*

*deleted*

Or. en

**Amendment 111**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 112**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Commission may adopt implementing acts laying down uniform technical and methodological rules for the implementation of one or more of the European access products within the meaning of Articles 17 and **19 and** of Annex I, points 2 and 3, **and Annex II**, in accordance with the respective criteria and parameters specified therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2).

2. The Commission may adopt implementing acts laying down uniform technical and methodological rules for the implementation of one or more of the European access products within the meaning of Articles 17 and of Annex I, points 2 and 3, in accordance with the respective criteria and parameters specified therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2).

Or. en

**Amendment 113**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 21 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Providers of electronic communications to the public shall not apply tariffs for intra-Union communications terminating in another Member State which are**

*deleted*

*higher, unless objectively justified:*

*a) as regards fixed communications, than tariffs for domestic long-distance communications;*

*b) as regards mobile communications, than the euro-tariffs for regulated voice and SMS roaming communications, respectively, established in Regulation (EC) No 531/2012.*

Or. en

**Amendment 114**  
**Claudiu Ciprian Tănăsescu**

**Proposal for a regulation**  
**Article 23 – title**

*Text proposed by the Commission*

*Freedom to provide and avail of open internet access, and reasonable traffic management*

*Amendment*

*Right to open internet access, specialised service and justified data traffic management*

Or. ro

**Amendment 115**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – title**

*Text proposed by the Commission*

*Freedom to provide and avail of open internet access, and reasonable traffic management*

*Amendment*

*Open internet access, specialised services, and reasonable traffic management*

Or. en

**Amendment 116**  
**Claudiu Ciprian Tănăsescu**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

End-users shall *be free* to access and distribute information and content, run applications and use services of their choice via their internet access service.

*Amendment*

End-users shall *have the right* to access and distribute information and content, run applications and use services of their choice via their internet access service.

Or. ro

**Amendment 117**  
**Jean-Marie Cavada**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

End-users *shall be free* to access and distribute information and content, run applications and use services of their choice via their internet access service.

*Amendment*

*Open internet access shall be globally guaranteed under Article 2 (14) to allow end-users to access and distribute all information and content of their choice, run applications and use services and terminal equipment of their choice via their open internet access service, irrespective of the source or destination of the information, content, applications or services. Access network managers shall bound by a general obligation to comply with the best effort principle.*

Or. fr

**Amendment 118**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

End-users shall be free to access and distribute information and content, run applications and use services of their choice via their internet access service.

*Amendment*

End-users shall be free to access and distribute information and content, run applications and use services of their choice, ***irrespective of their origin or destination***, via their internet access service.

***Internet access service providers shall not restrict or prevent the use by end-users of any terminal equipment to access and distribute information and content via their internet access service. This is without prejudice to the rights of Member States to grant individual rights of use under Article 5 of Directive 2002/20/EC.***

***Providers of electronic communications to the public shall ensure that end-users are able to run any application utilising the electronic communication function of the internet without any form of restriction on the content exchanged, except for the purposes of reasonable traffic management measures or to implement a court order.***

Or. en

**Amendment 119**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

End-users shall be free to access and distribute information and content, run applications and use services of their choice via their internet access service.

*Amendment*

End-users shall be free to access and distribute information and content, run applications and use services of their choice via their internet access service ***in accordance with the principle of net neutrality***.

Or. en

**Amendment 120**  
**Jean-Marie Cavada**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*End-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services and, in accordance with any such agreements relative to data volumes, to avail of any offers by providers of internet content, applications and services.*

*deleted*

Or. fr

**Amendment 121**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

End-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services *and, in accordance with any such agreements relative to data volumes, to avail of any offers by providers of internet content, applications and services.*

End-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services. ***Providers of Internet access services shall advertise with the minimum guaranteed data volume and speed they can provide for, not the maximum speed.***

Or. en

**Amendment 122**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

End-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services and, in accordance with any such agreements relative to data volumes, to avail of any offers by providers of internet content, applications and services.

*Amendment*

End-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services ***with due account to the principle of net neutrality*** and, in accordance with any such agreements relative to data volumes, to avail of any offers by providers of internet content, applications and services.

Or. en

**Amendment 123**

**Petra Kammerevert, Sabine Verheyen**

**Proposal for a regulation**

**Article 23 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Under agreements concerning data volumes and speeds, selected content, services or applications may not be deducted from consumption volumes or exempted from data speed restriction on consumption of agreed data volumes.***

Or. de

**Amendment 124**

**Petra Kammerevert**

**Proposal for a regulation**

**Article 23 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) No restriction by suppliers of access to communications networks, contents, applications, facilities or services for end-users operating devices not manufactured or recommended by them shall be***

*admissible.*

Or. de

**Amendment 125**

**Petra Kammerevert, Sabine Verheyen, Helga Trüpel**

**Proposal for a regulation**

**Article 23 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

***End-users shall also be free to agree with either providers of electronic communications to the public or with providers of content, applications and services on the provision of specialised services with an enhanced quality of service.***

*Amendment*

***Providers of electronic communications to the public or providers of content, applications and services may offer specialized services to a limited number of users granted restricted access, through a closed electronic communications network. Special services may not be marketed or used as an internet substitute or offer content, applications or services functionally identical to those of the open internet.***

Or. de

**Amendment 126**

**Jean-Marie Cavada**

**Proposal for a regulation**

**Article 23 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

End-users shall also be free to agree with either providers of electronic communications to the public or with providers of content, applications and services on the provision of specialised services with an enhanced quality of service.

*Amendment*

End-users shall also be free to agree with either providers of electronic communications to the public or with providers of content, applications and services on the provision of specialised services with an enhanced quality of service ***provided within closed electronic***

*networks.*

Or. fr

**Amendment 127**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

End-users shall also be free to agree with either providers of electronic communications to the public or with providers of content, applications and services on the provision of specialised services with an enhanced quality of service.

*Amendment*

End-users shall also be free to agree with either providers of electronic communications to the public or with providers of content, applications and services on the provision of specialised services with an enhanced quality of service. ***Where such agreements are concluded with the provider of internet access services, that provider shall ensure that the enhanced quality of service is not to the detriment of the performance, affordability or quality of internet access services, in accordance with the principle of net neutrality.***

Or. en

**Amendment 128**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

***In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit***

*Amendment*

***The provision of specialised services shall not impair the quality of internet access services. Neither shall they impairexisting, generally recognised technical standards and their further***

*the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair in a recurring or continuous manner the general quality of internet access services.*

*development.*

*Special services shall only be admissible where there is a manifest technical and de facto need for them, over and above economic self-interest, so as to be able to provide real time critical applications meeting particular quality standards.*

Or. de

**Amendment 129**  
**Helga Trüpel**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair in a recurring or continuous manner the general quality of internet access services.*

*Amendment*

*The provision of specialised services shall not impair the quality of internet access services. Neither shall they undermine existing, generally recognised technical standards and their development.*

*Special services shall only be admissible where there is a manifest technical and de facto need for them, over and above economic self-interest, so as to be able to provide real time critical applications or applications requiring special safeguards*

*and meeting particular quality standards.*

Or. de

**Amendment 130**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair in a recurring or continuous manner the general quality of internet access services.*

*Amendment*

*Providers of electronic communication services or providers of content, applications and services may offer specialised services to end-users provided they are offered in addition to an open internet access service at a level of quality that reflects the technical progress and provided that they do not impair the general performance, affordability, or quality of open internet access services. Specialised services shall only be offered if the network capacity is sufficient to provide such services in addition to the open internet access. Take-up by end-users or by content and application providers of commercial offers to support managed services should be on a voluntary and non-discriminatory basis.*

Or. en

**Amendment 131**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*In order to enable the provision of specialised services to end-users, providers*

*Amendment*

*Providers of electronic communication services or providers of content,*

of content, applications and services *and providers of electronic communications to the public* shall be *free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair in a recurring or continuous manner the general quality of internet access services.*

applications and services shall be *allowed to offer specialised services provided that such offers are in addition to internet access services and are not to the material detriment of their affordability or quality.*

Or. en

#### *Justification*

*This is to ensure that there is no contradiction between paragraph 1 and paragraph 2. This is a significantly simplified text, drawing on work done in this field by BEREC, Council of Europe and other independent experts.*

#### **Amendment 132** **Marietje Schaake**

#### **Proposal for a regulation** **Article 23 – paragraph 2 – subparagraph 2**

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

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with *a defined* quality of service or dedicated capacity. The provision of specialised services shall not impair *in a recurring or continuous manner the general quality of* internet access services.

##### *Amendment*

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with *an enhanced* quality of service or dedicated capacity *within closed electronic communications networks*. The provision of specialised services shall not impair *the general quality of internet access services. Where network capacity is shared between internet access services and specialised services, the provider of these services shall publish clear and unambiguous*

*criteria based on which network capacity is shared.*

Or. en

**Amendment 133**  
**Claudiu Ciprian Tănăsescu**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be *free* to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair in a recurring or continuous manner the general quality of internet access services.

*Amendment*

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be *entitled* to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair in a recurring or continuous manner the general quality of internet access services.

Or. ro

**Amendment 134**  
**Jean-Marie Cavada**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as

*Amendment*

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as

specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair *in a recurring or continuous manner* the *general* quality of internet access services.

specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair the quality of internet access services.

Or. fr

## **Amendment 135**

**Ivo Belet**

### **Proposal for a regulation**

#### **Article 23 – paragraph 2 – subparagraph 2**

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

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair *in a recurring or continuous manner* the general quality of internet access services.

##### *Amendment*

In order to enable the provision of specialised services to end-users, providers of content, applications and services and providers of electronic communications to the public shall be free to enter into agreements with each other to transmit the related data volumes or traffic as specialised services with a defined quality of service or dedicated capacity. The provision of specialised services shall not impair the general quality of internet access services.

Or. en

## **Amendment 136**

**Petra Kammerevert, Sabine Verheyen**

### **Proposal for a regulation**

#### **Article 23 – paragraph 2 – subparagraph 2 a (new)**

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

##### *Amendment*

*Access network providers who simultaneously offer or market specialised services shall be subject to the same*

*provision obligation as an open internet access service under Article 2(14). They may not discriminate against other content providers who are reliant on the network operator's forwarding services, and shall be required to charge transparent and fair market rates for this service.*

Or. de

**Amendment 137**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*For national authorities to be able to assess such potential material detriment, providers of electronic communications services or providers of content, applications and services shall transmit to the national authorities, upon request, precise information regarding the capacities assigned to the two types of services.*

Or. en

**Amendment 138**  
**Jean-Marie Cavada**

**Proposal for a regulation**  
**Article 23 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Providers of vertically integrated public electronic communications shall should not discriminate in any way against traffic generated by providers of content, services or applications*

*competing with their own services or those provided by them under exclusive agreements.*

Or. fr

**Amendment 139**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Article 23 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. This Article is without prejudice to Union or national legislation related to the lawfulness of the information, content, application or services transmitted.**

*deleted*

Or. en

*Justification*

*Together with the implementation of a legislative provision as a ground for traffic management this would give green light to discriminating against, degrading or blocking any content deemed unlawful under the EU or national legislation. Such measures could disproportionately affect end-users' rights to confidentiality of communications, privacy and data protection.*

**Amendment 140**  
**Piotr Borys**

**Proposal for a regulation**  
**Article 23 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. This Article is **without prejudice to** Union or national legislation related to the lawfulness of the information, content, application or services transmitted.

3. This Article is **compatible with** Union or national legislation related to the lawfulness of the information, content, application or services transmitted.

**Amendment 141**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – paragraph 4**

*Text proposed by the Commission*

**4. The exercise of the freedoms provided for in paragraphs 1 and 2 shall be facilitated by the provision of complete information in accordance with Article 25(1), Article 26 (2), and Article 27 (1) and (2).**

*Amendment*

**4. End-users as well as content, application, and service providers, including the media and cultural industries and governments at all levels, shall be provided with complete information in accordance with Article 20 (2), Article 21 (3) and Article 21a of Directive 2002/22/EC, including information on any reasonable traffic management measures applied that might affect access to and distribution of information, content, applications and services as specified in paragraphs 1 and 2.**

**Amendment 142**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

**Within the limits of any contractually agreed data volumes or speeds for internet access services, providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by *blocking, slowing down, degrading or discriminating against specific content, applications or services, or specific classes thereof*, except in cases where it is**

*Amendment*

Providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by ***discriminating against, restricting, or otherwise interfering with the transmission of internet traffic*** except in cases where it is necessary to apply reasonable traffic management measures ***or to implement a court order.***

necessary to apply reasonable traffic management measures. ***Reasonable traffic management measures shall be transparent, non-discriminatory, proportionate and necessary to:***

Or. en

#### *Justification*

*Amendments to Article 23, paragraph 5 is to ensure that freedoms provided in paragraph 1 can only be restricted by reasonable traffic management measures or a court order. Furthermore, recalls Directive 2011/92/EU on combating the sexual abuse and sexual application of children and child pornography and proposes to include appropriate safeguards, among others, a judicial redress.*

**Amendment 143**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – introductory part**

#### *Text proposed by the Commission*

***Within the limits of any contractually agreed data volumes or speeds for internet access services***, providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by blocking, slowing down, degrading or discriminating against specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply reasonable traffic management measures. Reasonable traffic ***management*** measures shall be transparent, non-discriminatory, proportionate ***and necessary to:***

#### *Amendment*

Providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by blocking, slowing down, degrading or discriminating against, ***restricting*** specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply reasonable traffic management measures ***or to implement a court order.***

***Traffic management measures shall be considered reasonable when they are deployed to more efficiently manage traffic on the network in order to preserve the integrity and security of the network, and more efficiently manage traffic on the network in demonstrated punctual cases***

*of acute congestion, provided equivalent types of traffic are treated equally. These measures shall be transparent, non-discriminatory and proportionate.*

Or. en

**Amendment 144**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Within the limits of any contractually agreed data volumes or speeds for internet access services, providers of internet access services shall *not restrict the freedoms provided for in paragraph 1 by blocking, slowing down, degrading or discriminating against specific content, applications or services, or specific classes thereof*, except in cases where it is necessary to apply reasonable traffic management measures. Reasonable traffic management measures shall be transparent, non-discriminatory, proportionate and necessary to:

*Amendment*

Within the limits of any contractually agreed data volumes or speeds for internet access services, providers of internet access services shall *treat all internet traffic in accordance with the principle of net neutrality*, except in cases where it is necessary to apply reasonable traffic management measures. Reasonable traffic management measures shall be transparent, non-discriminatory, proportionate, *subject to clear, comprehensible and accessible redress mechanisms* and necessary to:

Or. en

**Amendment 145**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point a**

*Text proposed by the Commission*

*a) implement a legislative provision or a court order, or prevent or impede serious crimes;*

*Amendment*

*deleted*

**Amendment 146**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point a**

*Text proposed by the Commission*

a) *implement a legislative provision or a court order, or prevent or impede serious crimes;*

*Amendment*

a) *such measures shall be set by transparent procedures, not be maintained longer than strictly necessary and provide adequate safeguards; in particular to ensure that any restrictions are limited to what is necessary, non-discriminatory and proportionate. Those safeguards shall be subject to periodic review and include the possibility of judicial redress;*

Or. en

**Amendment 147**  
**Piotr Borys**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point a**

*Text proposed by the Commission*

a) implement a legislative provision or a court order, *or prevent or impede serious crimes;*

*Amendment*

a) implement a legislative provision or a court order;

Or. en

**Amendment 148**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

a) implement a legislative provision or a court order, ***or prevent or impede serious crimes;***

a) implement a legislative provision or a court order;

Or. en

**Amendment 149**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***b) preserve the integrity and security of the network, services provided via this network, and the end-users' terminals;***

*deleted*

Or. en

**Amendment 150**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***b) preserve the integrity and security of the network, services provided via this network, and the end-users' terminals;***

*deleted*

Or. en

**Amendment 151**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***c) prevent the transmission of unsolicited communications to end-users who have given their prior consent to such restrictive measures;*** ***deleted***

Or. en

**Amendment 152**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***c) prevent the transmission of unsolicited communications to end-users who have given their prior consent to such restrictive measures;*** ***deleted***

Or. en

**Amendment 153**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***d) minimise the effects of temporary or exceptional network congestion provided that equivalent types of traffic are treated equally.*** ***deleted***

Or. en

**Amendment 154**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**d) minimise the effects of temporary or exceptional network congestion provided that equivalent types of traffic are treated equally.**

**deleted**

Or. en

**Amendment 155**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

d) minimise the effects of temporary or exceptional network congestion provided that **equivalent types of traffic are** treated equally.

d) minimise the effects of temporary or exceptional network congestion provided that **all traffic is** treated equally.

Or. en

**Amendment 156**  
**Marie-Thérèse Sanchez-Schmid**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

d) ) minimise the effects of temporary or exceptional network congestion provided that equivalent types of traffic are treated equally.

d) minimise the effects of **observed** temporary or exceptional network congestion provided that equivalent types of traffic are treated equally.

Or. fr

**Amendment 157**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall be empowered to adopt delegated acts under Article 32 in order to define as closely as possible the technical criteria referred to in Article 23(5) for establishing the existence of an exceptional situation. The highest possible criteria shall be applied in establishing the existence of an exceptional situation.***

Or. de

**Amendment 158**  
**Emma McClarkin**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Reasonable traffic management shall only entail processing of data that is necessary and proportionate to achieve the purposes set out in this ***paragraph***.

Reasonable traffic management shall only entail processing of data that is necessary and proportionate to achieve the purposes set out in this ***Article***.

Or. en

**Amendment 159**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Reasonable traffic management shall only

Reasonable traffic management shall only

entail processing of data that is necessary and proportionate to achieve the purposes set out in this paragraph.

entail processing of data that is necessary and proportionate to achieve the purposes set out in this paragraph, ***therefore all techniques to inspect or analyse data shall be in accordance with privacy and data protection legislation. By default, such techniques should only examine header information.***

Or. en

**Amendment 160**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Where the integrity and security of the network, services provided via this network, or the end-users' terminals, as meant under Article 23.5 point b, are infringed upon by traffic originating from an end-users' terminal, the provider of internet access services shall contact the end-user prior to the enactment of a reasonable traffic management measure in order to offer the end-user the possibility to end the infringement.***

***Where prior notification is not possible due to the urgency of the reasonable traffic management measure to be taken, the provider of internet access services shall notify the end-user at the earliest possible moment.***

***Prior notification by providers of internet access services shall not be required when the integrity and security of the network, services provided via this network, or the end-users' terminals are infringed upon by an end-user from another provider of internet access services.***

Or. en

**Amendment 161**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 23 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***5b. The provisions in Article 23.5.a (new) shall be without prejudice to judicial review and subject to clear, comprehensible and accessible redress mechanisms in order to prevent privatization of law enforcement.***

Or. en

**Amendment 162**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2), ***compliance with Article 23 (5)***, and the continued availability of ***non-discriminatory*** internet access services at levels of quality that reflect advances in technology and that are not impaired by specialised services. They shall, in cooperation with other competent national authorities, also ***monitor*** the effects of specialised services ***on*** cultural diversity and innovation. National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring and findings.

1. National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2) and the continued availability of ***open*** internet access services at levels of quality that reflect advances in technology and that are not impaired by specialised services. They shall, in cooperation with other competent national authorities, also ***ensure that*** the effects of specialised services ***do not impair*** cultural diversity, ***media pluralism*** and innovation. ***National regulatory authorities shall also closely monitor and ensure the application of reasonable traffic management measures in compliance with Article 23 (5) taking the utmost account of the BEREC guidelines specified in paragraph 2 of this***

**Article and in paragraph 3a of Article 21(3a) of the Directive 2002/22/EC. Reasonable traffic management measures shall be subject to periodic review to reflect advances in technology.** National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring and findings.

Or. en

**Amendment 163**  
**Petra Kammerevert, Sabine Verheyen**

**Proposal for a regulation**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

(1) National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the **freedoms** provided for in Article 23 (1) and (2), compliance with Article 23 (5), and the continued availability of **non-discriminatory internet access services at levels of quality that reflect advances in technology and** that are not impaired by specialised services. They shall, in cooperation with other competent national authorities, also monitor the effects of specialised services on cultural diversity and innovation. National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring and findings.

*Amendment*

(1) National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the **rights** provided for in Article 23 (1) and (2), compliance with Article 23 (5), and the continued availability of **open internet services under point 14 of Article 2(2)** that are not impaired by specialised services. They shall, in cooperation with other competent national authorities, also monitor the effects of specialised services on **freedom of opinion and information, linguistic and cultural diversity, media freedom and diversity** and innovation. National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring and findings.

Or. de

**Amendment 164**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

1. National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2), compliance with Article 23 (5), and the continued availability of non-discriminatory internet access services at levels of quality that reflect advances in technology and that are not impaired by specialised services. They shall, in cooperation with other competent national authorities, also monitor the effects of specialised services on cultural diversity and innovation. National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring and findings.

*Amendment*

1. National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2), compliance with Article 23 (5), and the continued availability of non-discriminatory internet access services ***in accordance with the principle of net neutrality*** at levels of quality that reflect advances in technology and that are not impaired by specialised services. They shall, in cooperation with other competent national authorities, also monitor the effects of specialised services on cultural diversity and innovation. National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring and findings.

Or. en

**Amendment 165**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Public electronic communications providers shall be required to document and report immediately to the national regulatory authorities any exceptional situation arising under Article 23(5) and all individual traffic management measures adopted accordingly.***

Or. de

**Amendment 166**  
**Marietje Schaake**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. National regulatory authorities shall establish clear and comprehensible notification and redress mechanisms for end-users subjected to discrimination, restriction, interference, blocking or throttling of online content, services or applications.***

Or. en

**Amendment 167**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 24 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***(2) In order to prevent the general impairment of quality of service for internet access services or to safeguard the ability of end-users to access and distribute content or information or to run applications and services of their choice, national regulatory authorities shall have the power to impose minimum quality of service requirements on providers of electronic communications to the public.***

***deleted***

***National regulatory authorities shall, in good time before imposing any such requirements, provide the Commission with a summary of the grounds for action, the envisaged requirements and the proposed course of action. This information shall also be made available to BEREC. The Commission may, having examined such information, make comments or recommendations***

*thereupon, in particular to ensure that the envisaged requirements do not adversely affect the functioning of the internal market. The envisaged requirements shall not be adopted during a period of two months from the receipt of complete information by the Commission unless otherwise agreed between the Commission and the national regulatory authority, or the Commission has informed the national regulatory authority of a shortened examination period, or the Commission has made comments or recommendations. National regulatory authorities shall take the utmost account of the Commission's comments or recommendations and shall communicate the adopted requirements to the Commission and BEREC.*

Or. de

## **Amendment 168**

**Ivo Belet**

### **Proposal for a regulation**

#### **Article 24 – paragraph 2 – subparagraph 1**

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

In order to prevent the *general* impairment of quality of service for internet access services or to safeguard the ability of end-users to access and distribute content or information or to run applications and services of their choice, national regulatory authorities shall have the power to impose minimum quality of service requirements on providers of electronic communications to the public.

##### *Amendment*

In order to prevent the impairment of quality of service for internet access services or to safeguard the ability of end-users to access and distribute content or information or to run applications and services of their choice, national regulatory authorities shall have the power to impose minimum quality of service requirements *and other regulatory measures* on providers of electronic communications to the public.

Or. en

**Amendment 169**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 24 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

National regulatory authorities shall, in good time before imposing any such requirements, provide the Commission with a summary of the grounds for action, the envisaged requirements and the proposed course of action. This information shall also be made available to BEREC. The Commission may, having examined such information, make comments or recommendations thereupon, in particular to ensure that the envisaged requirements do not adversely affect the functioning of the internal market. ***The envisaged requirements shall not be adopted during a period of two months from the receipt of complete information by the Commission unless otherwise agreed between the Commission and the national regulatory authority, or the Commission has informed the national regulatory authority of a shortened examination period, or the Commission has made comments or recommendations. National regulatory authorities shall take the utmost account of the Commission's comments or recommendations and shall communicate the adopted requirements to the Commission and BEREC.***

*Amendment*

National regulatory authorities shall, in good time before imposing any such requirements, provide the Commission with a summary of the grounds for action, the envisaged requirements and the proposed course of action. This information shall also be made available to BEREC. The Commission may, having examined such information, make comments or recommendations thereupon, in particular to ensure that the envisaged requirements do not adversely affect the functioning of the internal market. ***National regulatory authorities shall take the utmost account of the Commission's comments or recommendations and shall communicate the adopted requirements to the Commission and BEREC. BEREC shall lay down and develop general guidelines for the application of reasonable traffic management in close cooperation with the Commission and all stakeholders on the basis of Article 23 and this Article.***

Or. en

**Amendment 170**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Article 24 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

National regulatory authorities shall, in good time before imposing any such requirements, provide the Commission with a summary of the grounds for action, the envisaged requirements and the proposed course of action. This information shall also be made available to BEREC. The Commission *may*, having examined such information, make comments or recommendations thereupon, in particular to ensure that the envisaged requirements do not adversely affect the functioning of the internal market. The envisaged requirements shall not be adopted during a period of two months from the receipt of complete information by the Commission unless otherwise agreed between the Commission and the national regulatory authority, or the Commission has informed the national regulatory authority of a shortened examination period, or the Commission has made comments or recommendations. National regulatory authorities shall take the utmost account of the Commission's comments or recommendations and shall communicate the adopted requirements to the Commission and BEREC.

*Amendment*

National regulatory authorities shall, in good time before imposing any such requirements, provide the Commission with a summary of the grounds for action, the envisaged requirements and the proposed course of action. This information shall also be made available to BEREC. The Commission *shall*, having examined such information, make comments or recommendations thereupon, in particular to ensure that the envisaged requirements do not adversely affect the functioning of the internal market. The envisaged requirements shall not be adopted during a period of two months from the receipt of complete information by the Commission unless otherwise agreed between the Commission and the national regulatory authority, or the Commission has informed the national regulatory authority of a shortened examination period, or the Commission has made comments or recommendations. National regulatory authorities shall take the utmost account of the Commission's comments or recommendations and shall communicate the adopted requirements to the Commission and BEREC.

Or. en

**Amendment 171**  
**Sabine Verheyen, Ivo Belet**

**Proposal for a regulation**  
**Article 24 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. National regulatory authorities shall put in place appropriate complaint procedures for issues regarding the performance of internet access service for***

*end-users and providers of content,  
applications and services.*

Or. en

**Amendment 172**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 24 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*3. The Commission may adopt  
implementing acts defining uniform  
conditions for the implementation of the  
obligations of national competent  
authorities under this Article. Those  
implementing acts shall be adopted in  
accordance with the examination  
procedure referred to in Article 33 (2).*

*deleted*

Or. en

**Amendment 173**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 25 – paragraph 1 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

*d) the quality of their services, **in  
accordance with implementing acts  
provided for in paragraph 2;***

*d) the quality of their services;*

Or. en

**Amendment 174**  
**Emma McClarkin**

**Proposal for a regulation**

**Article 25 – paragraph 1 – subparagraph 1 – point e – point i**

*Text proposed by the Commission*

*Amendment*

***(i) actually available data speed for download and upload in the end-user's Member State of residence, including at peak-hours;***

***deleted***

Or. en

**Amendment 175**

**Sabine Verheyen**

**Proposal for a regulation**

**Article 25 – paragraph 1 – subparagraph 1 – point e – point i**

*Text proposed by the Commission*

*Amendment*

(i) actually available data speed for download and upload in the end-user's Member State of residence, including at peak-hours;

(i) actually available data speed for download and upload in the end-user's Member State of residence, including ***minimum guaranteed data speed for download and upload*** at peak-hours;

Or. en

**Amendment 176**

**Emma McClarkin**

**Proposal for a regulation**

**Article 25 – paragraph 1 – subparagraph 1 – point e – point iv**

*Text proposed by the Commission*

*Amendment*

***(iv) information on any procedures put in place by the provider to measure and shape traffic so as to avoid congestion of a network, and on how those procedures could affect service quality and the protection of personal data;***

***deleted***

Or. en

**Amendment 177**  
**Claudiu Ciprian Tănăsescu**

**Proposal for a regulation**  
**Article 25 – paragraph 1 – subparagraph 1 – point e – point iv**

*Text proposed by the Commission*

(iv) information on **any** procedures put in place by the provider to measure and shape traffic so as to avoid congestion of a network, and on how those procedures could affect service quality and the protection of personal data;

*Amendment*

(iv) information on **all** procedures put in place by the provider to measure and shape traffic so as to avoid congestion of a network, and on how those procedures could affect service **quantity and** quality and the protection of personal data;

Or. ro

**Amendment 178**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

***2. The Commission may adopt implementing acts specifying the methods for measuring the speed of internet access services, the quality of service parameters and the methods for measuring them, and the content, form and manner of the information to be published, including possible quality certification mechanisms. The Commission may take into account the parameters, definitions and measurement methods set out in Annex III of the Directive 2002/22/EC. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2).***

*Amendment*

***deleted***

Or. en

**Amendment 179**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 25 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

*(4) Upon request of the relevant public authorities, providers of electronic communications to the public shall distribute public interest information free of charge to end-users, where appropriate, by the same means as those ordinarily used by them in their communications with end-users. In such a case, that information shall be provided by the relevant public authorities to the providers of electronic communications to the public in a standardised format and may, inter alia, cover the following topics:*

*deleted*

*a) the most common uses of electronic communications services to engage in unlawful activities or to disseminate harmful content, particularly where it may prejudice respect for the rights and freedoms of others, including infringements of data protection rights, copyright and related rights, and their legal consequences; and*

*b) the means of protection against risks to personal security and unlawful access to personal data when using electronic communications services.*

Or. de

**Amendment 180**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point b – point iv**

*Text proposed by the Commission*

*Amendment*

**iv) any restrictions imposed by the provider on the use of terminal equipment supplied, including information on unlocking the terminal equipment and any charges involved if the contract is terminated before the end of the minimum contract period;**

**deleted**

Or. de

**Amendment 181**  
**Sabine Verheyen**

**Proposal for a regulation**  
**Article 26 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the actually available data speed for download and upload at the main location of the end-user, including **actual** speed ranges, speed averages and peak-hour speed, including the potential impact of allowing access to third parties through a radio local area network;

(b) the actually available data speed for download and upload at the main location of the end-user, including **minimum guaranteed** speed ranges, speed averages and peak-hour speed, including the potential impact of allowing access to third parties through a radio local area network;

Or. en

**Amendment 182**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 32 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

(2) The power to adopt delegated acts referred to in Articles 17(2) **and** 19(5) shall be conferred on the Commission for an indeterminate period of time from the [date entry into force of the Regulation]

(2) The power to adopt delegated acts referred to in Articles 17(2), 19(5) **and Article 23(5)** shall be conferred on the Commission for an indeterminate period of time from the [date entry into force of the

Regulation].

Or. de

**Amendment 183**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 32 – paragraph 3**

*Text proposed by the Commission*

(3) The delegation of power referred to in Articles 17(2) **and** 19(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.

*Amendment*

(3) The power to adopt delegated acts referred to in Articles 17(2), 19(5) **and Article 23(5)** may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.

Or. de

**Amendment 184**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 32 – paragraph 5**

*Text proposed by the Commission*

(5) A delegated act adopted pursuant to Articles 17(2) **and** 19(5) shall enter into force only if no objection has been expressed either by the European Parliament or 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

*Amendment*

(5) A delegated act adopted pursuant to Articles 17(2), 19(5) **and Article 23(5)** shall enter into force only if no objection has been expressed either by the European Parliament or 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 two months at the initiative of the European Parliament or the Council.

both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. de

**Amendment 185**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Article 37 – paragraph 1 – point 3**  
Regulation (EU) No 531/2012  
Article 4 – paragraph 7

*Text proposed by the Commission*

*Amendment*

**(3) In Article 4, the following paragraph 7 is added:** *deleted*

***‘7. This Article shall not apply to roaming providers that provide regulated retail roaming services in accordance with Article 4a.’***

Or. en

**Amendment 186**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Article 37 – paragraph 1 – point 4**  
Regulation (EU) No 531/2012  
Article 4 a (new)

*Text proposed by the Commission*

*Amendment*

**(4) [...]** *deleted*

Or. en

**Amendment 187**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Article 37 – paragraph 1 – point 4 a (new)**  
Regulation (EU) No 531/2012  
Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) The following Article is inserted:***

***Article 7a***

***Abolition of retail roaming charges***

***With effect from 1 July 2016, roaming providers shall not levy any surcharge in comparison to the charges for mobile communications services at domestic level on roaming customers for any regulated roaming call made or received, for any regulated roaming SMS message sent or for any regulated data roaming services used, without prejudice to measures taken to prevent anomalous or fraudulent usage.***

Or. en

*Justification*

*Surcharges for voice, SMS and data roaming should be abolished. After, gradually, decreasing caps telecom operator can charge consumers for roaming services, it is time to allow consumers to roam like at home. This obligation on operators should not come into force before the 1st of July 2016 in order not hinder the principle of legal certainty.*

**Amendment 188**  
**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**  
**Article 37 – paragraph 1 – point 4 b (new)**  
Regulation (EU) No 531/2012  
Article 7

*Present text*

"Article 7

Wholesale charges for the making of regulated roaming calls

1. The average wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, inter alia, of origination, transit and termination costs, shall not exceed EUR **0,14** per minute as of 1 July **2012**.
2. The average wholesale charge referred to in paragraph 1 shall apply between any pair of operators and shall be calculated over a 12-month period or any such shorter period as may remain before the end of the period of application of a maximum average wholesale charge as provided for in this paragraph or before 30 June 2022. The maximum average wholesale charge shall decrease to EUR **0,10 on 1 July 2013 and to EUR 0,05** on 1 July **2014** and shall, **without prejudice to Article 19**, remain at **EUR 0,05** until 30 June 2022.
3. The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis adjusted to take account of the possibility for the operator of the visited network to apply an initial minimum charging period not exceeding 30 seconds."

*Amendment*

**(4 b) Article 7 is replaced by the following:**

"Article 7

Wholesale charges for the making of regulated roaming calls

1. The average wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, inter alia, of origination, transit and termination costs, shall not exceed EUR **0,05** per minute as of 1 July **2014**.
2. The average wholesale charge referred to in paragraph 1 shall apply between any pair of operators and shall be calculated over a 12-month period or any such shorter period as may remain before the end of the period of application of a maximum average wholesale charge as provided for in this paragraph or before 30 June 2022. The maximum average wholesale charge shall decrease to EUR **0,01** on 1 July **2016** and shall remain until 30 June 2022.
3. The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis adjusted to take account of the possibility for the operator of the visited network to apply an initial minimum charging period not exceeding 30 seconds."

Or. en

**Amendment 189**

**Róza Gräfin von Thun und Hohenstein**

**Proposal for a regulation**

**Article 37 – paragraph 1 – point 8 a (new)**

Regulation (EU) No 531/2012

Article 19

*Present text*

*Amendment*

"Article 19

***(8 a) Article 19 is replaced by the following:***

"Article 19

Review

Review

1. The Commission shall review the functioning of this Regulation and, after a public consultation, ***shall*** report to the European Parliament and the Council ***by 30 June 2016***. The Commission shall ***evaluate in particular whether the objectives of this Regulation have been achieved. In so doing***, the Commission shall ***review***, inter alia:

1. The Commission shall review the functioning of this Regulation and ***shall report to the European Parliament and the Council in accordance with paragraphs 2 to 6.***

(a) whether competition has sufficiently developed in order to justify the expiry of maximum retail charges;

***2. The Commission shall, by 31 September 2015***, after a public consultation, report to the European Parliament and the Council ***on whether to change the duration or revise the level of maximum wholesale charges provided for in Articles 7, 9 and 12***. The Commission shall ***also, after consulting BEREC, make appropriate legislative proposal in order to harmonise mobile termination rates throughout the EU by 31 December 2015.***

(b) whether competition will be sufficient for the removal of maximum wholesale charges;

***3. The Commission shall, by 30 June 2016, after a public consultation, report to the European Parliament and the Council on***, inter alia:

(c) the developments and expected future trends in wholesale and retail charges for the provision to roaming customers of voice, SMS and data communication services, in comparison to the charges for mobile communications services at domestic level in the Member States, both

(a) whether competition has sufficiently developed in order to justify the expiry of maximum retail charges;

for pre-paid and post-paid customers separately, and in the quality and speed of these services;

(d) the availability and quality of services including those which are an alternative to voice, SMS and data roaming services, in particular in the light of technological developments;

(e) the extent to which consumers have benefited through real reductions in the price of roaming services, the variety of tariffs and products which are available to consumers with different calling patterns, and the difference between roaming and national tariffs, including the availability of offers providing a single tariff for national and roaming services;

(f) the degree of competition in both the retail and wholesale markets, in particular the competitive situation of smaller, independent or newly started operators, including the competition effects of commercial agreements and the degree of interconnection between operators;

(g) the extent to which the implementation of the structural measures provided for in Articles 3 and 4 has produced results in developing competition in the internal market for roaming services to the extent that the difference between roaming and national tariffs has approached zero;

(h) the extent to which the level of wholesale and retail maximum charges has provided adequate safeguards against excessive prices for consumers while allowing the development of competition in the internal market for roaming services.

**2. If the report *shows that the structural measures provided for by this Regulation have not been sufficient to promote competition in the internal market for***

(b) whether competition will be sufficient for the removal of maximum wholesale charges;

(c) the developments and expected future trends in wholesale and retail charges for the provision to roaming customers of voice, SMS and data communication services, in comparison to the charges for mobile communications services at domestic level in the Member States, both for pre-paid and post-paid customers separately, and in the quality and speed of these services;

(d) the availability and quality of services including those which are an alternative to voice, SMS and data roaming services, in particular in the light of technological developments;

(e) the extent to which consumers have benefited through real reductions in the price of roaming services, the variety of tariffs and products which are available to consumers with different calling patterns, and the difference between roaming and national tariffs, including the availability of offers providing a single tariff for national and roaming services;

(f) the degree of competition in both the retail and wholesale markets, in particular the competitive situation of smaller, independent or newly started operators, including the competition effects of commercial agreements and the degree of interconnection between operators;

(g) the extent to which the implementation of the structural measures provided for in Articles 3 and 4 has produced results in developing competition in the internal

*roaming services for the benefit of all European consumers or that the differences between roaming tariffs and national tariffs have not approached zero, the Commission shall make appropriate proposals to the European Parliament and the Council to address this situation and thus achieve an internal market for mobile communication services, ultimately with there being no difference between national and roaming tariffs. The Commission shall examine, in particular, whether it is necessary:*

*(a) to lay down additional technical and structural measures;*

*(b) to modify the structural measures;*

*(c) to extend the duration and possibly revise the level of the maximum retail charges provided for in Articles 8, 10 and 13;*

*(d) to change the duration or revise the level of maximum wholesale charges provided for in Articles 7, 9 and 12;*

market for roaming services to the extent that the difference between roaming and national tariffs has approached zero;

(h) the extent to which the level of wholesale and retail maximum charges has provided adequate safeguards against excessive prices for consumers while allowing the development of competition in the internal market for roaming services.

4. If the report *referred to in paragraph 2 shows that there is a need to change the duration or revise the level of maximum wholesale charges, the Commission shall, by 31 December 2015, and after consulting BEREC*, make appropriate *proposal* to the European Parliament and the Council to address this situation.

*If the report, referred to in paragraph 3, shows that the structural measures provided for by this Regulation have not been sufficient to promote competition in the internal market for roaming services for the benefit of all European consumers or that the differences between roaming tariffs and national tariffs have not approached zero, the Commission shall, by 31 December 2015, make appropriate proposals to the European Parliament and the Council to address this situation and thus achieve an internal market for mobile communication services, ultimately with there being no difference between national and roaming tariffs.*

5. In addition, the Commission shall submit a report to the European Parliament and the Council every two years after the

*(e) to introduce any other necessary requirements, including non-differentiation of roaming and national tariffs.*

3. In addition, the Commission shall submit a report to the European Parliament and the Council every two years after the report referred to in paragraph 1. Each report shall include a summary of the monitoring of the provision of roaming

services in the Union and an assessment of the progress towards achieving the objectives of this Regulation, including by reference to the matters referred to in paragraphs *1 and 2*.

4. In order to assess the competitive developments in the Union-wide roaming markets, BEREC shall regularly collect data from national regulatory authorities on the development of retail and wholesale charges for voice, SMS and data roaming services. Those data shall be notified to the Commission at least twice a year. The Commission shall make them public.

BEREC shall also annually collect information from national regulatory authorities on transparency and comparability of different tariffs offered by operators to their customers. The Commission shall make those data and findings public."

report referred to in paragraph 1. Each report shall include a summary of the monitoring of the provision of roaming services in the Union and an assessment of the progress towards achieving the objectives of this Regulation, including by reference to the matters referred to in paragraphs *2 and 3*.

6. In order to assess the competitive developments in the Union-wide roaming markets, BEREC shall regularly collect data from national regulatory authorities on the development of retail and wholesale charges for voice, SMS and data roaming services. Those data shall be notified to the Commission at least twice a year. The Commission shall make them public.

BEREC shall also annually collect information from national regulatory authorities on transparency and comparability of different tariffs offered by operators to their customers. The Commission shall make those data and findings public."

**Amendment 190**  
**Marietje Schaake**

**Proposal for a regulation**  
**Annex 2**

*Text proposed by the Commission*

*Amendment*

***MINIMUM PARAMETERS OF  
EUROPEAN ASQ CONNECTIVITY  
PRODUCTS***

*deleted*

***Network elements and related information***

***- A description of the connectivity product to be provided over a fixed network, including technical characteristics and adoption of any relevant standards.***

***Network functionalities:***

***- connectivity agreement ensuring end-to-end Quality of Service, based on common specified parameters that enable the provision of at least the following classes of services:***

- voice and video calls;***
- broadcast of audio-visual content; and***
- data critical applications.***