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Committee on Civil Liberties, Justice and Home Affairs

2013/0309(COD)

17.1.2014

AMENDMENTS

22 - 133

Draft opinion
Salvador Sedó i Alabart
(PE523.069v01-00)

on the proposal for a regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012

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

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PE526.307v01-00

EN

United in diversity

EN

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Amendment 22
Auke Zijlstra

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 burdens, whether regulatory or otherwise, should be avoided.

Amendment

(5) The benefits arising from a single market for electronic communications should extend to the wider digital **system** 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 burdens, whether regulatory or otherwise, should be avoided.

Or. nl

Amendment 23
Judith Sargentini, Jan Philipp Albrecht

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 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.

Amendment

(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 *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 *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 *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

Justification

Prefer the term "user" to "end-user", which gives a too restrictive, or passive aspect of the internet user. The internet user should also be entitled to provide applications and services on the internet, see our amendment on article 23-1. The freedoms on the internet requires us to remind that.

Amendment 24

Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

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 *a defined quality of service within closed communications networks using the Internet Protocol with strict admission control could hinder* the development of *services* that rely on *this defined 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 functionally identical or to the detriment of the performance, affordability or quality of internet access services or undermines competition, innovation or net neutrality.*

Or. en

Amendment 25
Judith Sargentini, Jan Philipp Albrecht

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 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. ***Indeed, as stated by the European Parliament resolution of 17 November 2011 on the open internet and net neutrality in Europe 2011/2866, the internet's open character has been a key driver of competitiveness, economic growth, social development and innovation – which has led to spectacular levels of development in online applications, content and services – and thus of growth in the offer of, and demand for, content and services, and has made it a vitally important accelerator in the free circulation of knowledge, ideas***

and information, including in countries where access to independent media is limited

Or. en

Amendment 26
Dimitrios Droutsas

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 or run applications and services of their choice. ***This ability is best ensured when all types of traffic are treated equally by providers of electronic communications to the public.*** 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.

Or. en

Amendment 27

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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 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 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 ***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 28
Cornelia Ernst

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

deleted

Or. en

Amendment 29
Judith Sargentini, Jan Philipp Albrecht

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 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.

Or. en

Amendment 30
Dimitrios Droutsas

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 copyright rules and Directive 2000/31/EC.

Or. en

Amendment 31
Judith Sargentini, Jan Philipp Albrecht

Proposal for a regulation
Recital 46 a (new)

Text proposed by the Commission

Amendment

(46a) Potential anti-competitive and discriminative behaviour in traffic management would be contrary to the principle of net neutrality and the open internet, and should be therefore prevented, as also stated by the European Parliament in its initiative report 2013/2080;

Or. en

Amendment 32
Judith Sargentini, Jan Philipp Albrecht

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 ***technically-reasonable, not commercially motivated*** traffic management measures. Such measures should be transparent, ***necessary, proportionate and non-discriminatory***. Minimising the effects of network congestion should be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

Or. en

Amendment 33
Dimitrios Droutsas

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

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

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.

reasonable traffic management measures. Such measures should be transparent, proportionate and non-discriminatory. ***Legally mandated interferences in traffic flows does not constitute traffic management.*** Minimising the effects of network congestion should be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

Or. en

Amendment 34

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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

Amendment

(47) In an open internet, providers of electronic communications to the public ***shall*** 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 ***shall*** be transparent, proportionate and non-discriminatory. Reasonable traffic management ***could encompass*** voluntary actions of providers to prevent access to and distribution of child pornography ***subject to judicial review.*** Minimising the effects of network congestion ***could*** be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

exceptional circumstances.

Or. en

Amendment 35
Cornelia Ernst

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. Such measures should be transparent, proportionate and non-discriminatory. Minimising the effects of network congestion should be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

Or. en

Justification

This text lacks clarity and would therefore lead to legal uncertainty. Moreover, to request such measures of ISPs would lead to private policing activities carried out by internet access providers outside the rule of law.

Amendment 36
Dimitrios Droutsas

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 **optimisations in order to ensure adequate service characteristics** 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 **optimised** quality of service with either providers of electronic communications to the public or providers of content, applications or services. **Where such agreements are implemented alongside Internet access services, the responsible providers should ensure that the optimised quality service does not impair the quality of Internet access.**

Or. en

Amendment 37
Judith Sargentini, Jan Philipp Albrecht

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

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.

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 serve to provide** specialised services and is expected to play **a** 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. **This should however not impair the development of the general purpose internet.** 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 **quality characteristics are technically necessary for the functionality of the service and** agreements do not impair the quality of internet access services.

Or. en

Amendment 38
Dimitrios Droutsas

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

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.

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 impair the quality of internet access services.

Or. en

Amendment 39

Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

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

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 *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

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.

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 ***defined levels of quality are technically necessary for the functionality of the service and these*** agreements do not impair the quality of internet access services, ***in accordance with the principle of net neutrality***.

Or. en

Amendment 40
Cornelia Ernst

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

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.

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 41

Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

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 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.

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, 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 42
Salvador Sedó i Alabart

Proposal for a regulation
Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) The processing of personal data referred to in Regulation of the European Parliament and of the Council laying down measures concerning the European Single Market for electronic communications and to achieve a Connected Continent should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.^{24a}

^{24a}O. J. L 008 , 12/01/2001 P. 0001 – 0022

Or. en

Amendment 43
Jens Rohde

Proposal for a regulation
Recital 75 a (new)

Text proposed by the Commission

Amendment

(75a) While the Roaming III Regulation

with its structural measures will inject greater competition into the market it is not expected of its own to create a situation where customers can confidently replicate their consumption behaviour in their home Member State when travelling abroad and thereby to end roaming surcharges overall in Europe. Article 37, therefore, builds on the Roaming Regulation, providing incentives to operators to provide roaming at domestic price levels. The proposal modifies the wholesale roaming caps entering into force on 1 July 2014 and introduces a further reduction of the wholesale roaming caps on 1 July 2015 in such a manner as to enable all domestic providers to internalise the wholesale roaming costs and to gradually introduce roaming services at domestic price levels from 1 July 2014. The proposed regime is designed to induce the pass-on of reduced wholesale roaming charges to consumers through the provision of roaming services at domestic price levels, under conditions which ensure that roaming throughout the Union is covered and that consumers throughout the Union benefit in due course from such offers. At the same time, the proposal provides the necessary balance to allow operators to adjust their retail offers and to gradually ensure all of their customer base benefits from them. Without the proposed reduction of wholesale roaming charges it is unrealistic to imagine that an operator alone would be able to provide roaming at domestic price levels throughout the whole Union in the envisaged time frame.

Or. en

Justification

This amendment enables 'roam like at home' retail offers to emerge from 1 July 2014 and enables the provision of 'roam like at home' to all mobile users in the EU from 1 July 2015.

Amendment 44
Salvador Sedó i Alabart

Proposal for a regulation
Recital 80 a (new)

Text proposed by the Commission

Amendment

(80a) This Regulation respects the principles and provisions of EU legislation on Data Protection.

Or. en

Amendment 45
Alexander Alvaro

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

Text proposed by the Commission

Amendment

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 46
Sophia in 't Veld, Marietje Schaake, Alexander Alvaro, Cecilia Wikström

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

Text proposed by the Commission

Amendment

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 47
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Regulation is without prejudice to Directive 95/46/EC and other existing Union legislation on data protection.

Or. en

Amendment 48
Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

Proposal for a regulation
Article 2 – paragraph 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 49
Alexander Alvaro

Proposal for a regulation
Article 2 – paragraph 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;

Or. en

Amendment 50
Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

Proposal for a regulation
Article 2 – paragraph 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;

Or. en

Amendment 51
Judith Sargentini, Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

(14) 'internet access service' means a publicly available electronic

(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;

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; ***It enables users to run any application utilising the electronic communications network of the internet.***

Or. en

Amendment 52
Alexander Alvaro

Proposal for a regulation
Article 2 – paragraph 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, ***operated within closed electronic communications networks using the Internet Protocol with strict admission control; and that is not marketed or used as a substitute for internet access service or functionally identical to services available over the public*** internet access service;

Or. en

Amendment 53
Judith Sargentini, Jan Philipp Albrecht

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

Text proposed by the Commission

(15) ‘specialised service’ means an electronic communications service ***or any***

Amendment

(15) ‘specialised service’ means an electronic communications service

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;

operated within closed electronic communications networks using the Internet Protocol with strict admission control; and that is not marketed as a substitute for internet access service and that is not functionally identical to services available over the public internet access service;

Or. en

Justification

based on the BEREC definition, which points out the idea that a specialised service cannot be operated on the best effort internet, but has to run separately from it, namely within “closed network with strict admission control”. Furthermore a specialised service must not replicate any service already existing on the internet or else it would simply circumvent Net Neutrality

Amendment 54 Dimitrios Droutsas

Proposal for a regulation Article 2 – paragraph 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 *operated within closed electronic communications networks using the Internet Protocol with strict admission control that is not marketed or used as a substitute for internet access service; and that is not functionally identical to services available over the public internet;*

Or. en

Amendment 55

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

Proposal for a regulation

Article 2 – paragraph 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, *operated within closed electronic communications networks using the Internet Protocol with strict admission control; and that is not marketed or used as a substitute for internet access service or functionally identical to services available over the public* internet access service;

Or. en

Amendment 56

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 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 *operated within closed electronic communications networks using the Internet Protocol with strict admission control that is not marketed or used as a substitute for internet access service; and that is not functionally identical to services available over the public* internet;

Or. en

Justification

BEREC's definition should be used here.

Amendment 57
Dimitrios Droutsas

Proposal for a regulation
Article 17 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) fully respects the rules on protection of personal data, privacy, security and integrity of networks and transparency in conformity with Union law.

Or. en

Amendment 58
Dimitrios Droutsas

Proposal for a regulation
Article 17 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) respect of the rules on protection of privacy, personal data, security and integrity of networks and transparency in conformity with Union law.

deleted

Or. en

Amendment 59
Dimitrios Droutsas

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 32 in order to adapt Annex I in light of market and technological developments, so as to continue to meet the substantive requirements listed in paragraph 1. *deleted*

Or. en

Amendment 60
Judith Sargentini, Jan Philipp Albrecht

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

[...] *deleted*

Or. en

Amendment 61
Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

[...] *deleted*

Or. en

Amendment 62
Cornelia Ernst

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

The need for ASQ has not been properly demonstrated.

Amendment 63

Dimitrios Droutsas

Proposal for a regulation

Article 19 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) ensuring that the rules on protection of privacy, personal data, security and integrity of networks and transparency in accordance with Union law are respected.

deleted

Or. en

Amendment 64

Dimitrios Droutsas

Proposal for a regulation

Article 19 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 32 in order to adapt Annex II in light of market and technological developments, so as to continue to meet the substantive requirements listed in paragraph 4.

deleted

Or. en

Amendment 65

Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

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).

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 *Article 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 66

Judith Sargentini, Jan Philipp Albrecht

Proposal for a regulation

Chapter 4 – title

Text proposed by the Commission

Harmonised rights of end-users

Amendment

Users' rights to open internet access

Or. en

Amendment 67

Alexander Alvaro

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 ***have the right*** to access and distribute information and content, run applications and use services ***or devices*** of their choice via their internet access service, ***in accordance with the principle of net neutrality***.

Or. en

Amendment 68

Judith Sargentini, Jan Philipp Albrecht

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

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. Specialized 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. Specialized services shall not impair the quality of*** internet access ***services***.

Or. en

Amendment 69

Sophia in 't Veld, Marietje Schaake, Alexander Alvaro, Cecilia Wikström

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 **have the right** to access and distribute information and content, run applications and use services **or devices** of their choice via their internet access service, **in accordance with the principle of net neutrality**.

Or. en

Amendment 70
Dimitrios Droutsas

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, **connect hardware** and use services, **software and devices** of their choice via their internet access service.

Or. en

Amendment 71
Cornelia Ernst

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, **connect hardware** and use services **and software** of their choice via their internet access service.

Or. en

Amendment 72
Alexander Alvaro

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

With due account to the principle of net neutrality, end-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services, **provided they freely and explicitly give their informed consent**, and to avail of any offers by providers of internet content, applications and services.

Or. en

Amendment 73
Judith Sargentini, Jan Philipp Albrecht

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

Users shall **have the right** to enter into agreements **that differentiate** on data volumes and speeds with providers of internet access services **provided that these agreements do not contain any clauses that discriminate access to any specific content, application or service or classes thereof available to the user**.

Or. en

Amendment 74
Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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

With due account to the principle of net neutrality, end-users shall be free to enter into agreements on data volumes and speeds with providers of internet access services, ***provided they freely and explicitly give their informed consent***, and to avail of any offers by providers of internet content, applications and services.

Or. en

Amendment 75
Dimitrios Droutsas

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

Provided that they do not discriminate based on the content, application or service themselves or specific classes, providers of internet access services ***may offer agreements that differentiate according to data volumes and speeds.***

Or. en

Amendment 76
Cornelia Ernst

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

Amendment

Providers of internet access services ***may however offer agreements that***

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.

differentiate according to data volumes and speeds provided that they do not discriminate based on the content, application or service themselves, or specific classes.

Or. en

Amendment 77

Judith Sargentini, Jan Philipp Albrecht

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. en

Amendment 78

Alexander Alvaro

Proposal for a regulation

Article 23 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

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 79

Judith Sargentini, Jan Philipp Albrecht

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

Users shall also **have the right** 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.

Or. en

Amendment 80

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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 81
Dimitrios Droutsas

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 *have the right* 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.

Or. en

Amendment 82
Cornelia Ernst

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 *have the right* 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.

Or. en

Amendment 83
Alexander Alvaro

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 ***within closed electronic communications networks*** as specialised services with a defined quality of service or dedicated capacity, ***which are not functionally identical to services available over the public internet access service***. The provision of specialised services shall not impair ***the 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 84
Judith Sargentini, Jan Philipp Albrecht

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

Amendment

In order to enable the provision of specialised services to ***users***, providers of content, applications and services and providers of electronic communications to the public ***may*** enter into agreements with each other to transmit the related data

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.

volumes or traffic as 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. en

Amendment 85

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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 ***within closed electronic communications networks*** as specialised services with a defined quality of service or dedicated capacity, ***which are not functionally identical to services available over the public internet access service***. The provision of specialised services shall not impair ***the 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 86

Dimitrios Droutsas

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 ***may*** 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*** quality of internet access services.

Or. en

Amendment 87
Cornelia Ernst

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 ***may*** 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*** quality of internet access services.

Or. en

Amendment 88
Judith Sargentini, Jan Philipp Albrecht

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

Following the opinion of the European Data Protection Supervisor: read in conjunction with the implementation of a legislative provision as a ground for traffic management this would, essentially, give green light to discriminating against, degrading or blocking any content deemed unlawful under the EU or national legislation

Amendment 89
Dimitrios Droutsas

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

Amendment 90
Cornelia Ernst

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

see Opinion of the European Data Protection Supervisor Point 19

Amendment 91
Michael Cashman

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.

Or. en

Amendment 92
Alexander Alvaro

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

Text proposed by the Commission

Amendment

Within the limits of any contractually agreed data volumes or speeds for internet access services, providers of internet access services shall **not restrict the**

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

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:

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 93
Judith Sargentini, Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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:

Providers of internet access services shall not restrict the *rights* provided for in paragraph 1 by blocking, slowing down, degrading, *altering* or discriminating against specific content, applications or services, or specific classes thereof, except in *certain special* cases where it is necessary to apply reasonable traffic management measures. Reasonable traffic management measures shall be transparent, non-discriminatory, *and strictly* proportionate and necessary to

Or. en

Amendment 94
Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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

Text proposed by the Commission

Amendment

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:

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 95
Dimitrios Droutsas

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

Text proposed by the Commission

Amendment

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:

Providers of internet access services shall not restrict the ***rights*** 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, ***strictly*** proportionate and necessary to:

Or. en

Amendment 96
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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:

Providers of internet access services shall not restrict the ***rights*** provided for in paragraph 1 by blocking, slowing down, degrading, ***altering*** or discriminating against specific content, applications or services, or specific classes thereof, except in ***certain special*** cases where it is necessary to apply reasonable traffic management measures. Reasonable traffic management measures shall be transparent, non-discriminatory, ***strictly*** proportionate and necessary to:

Or. en

Amendment 97
Judith Sargentini, Jan Philipp Albrecht

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 court order;

Or. en

Amendment 98
Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

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 99
Dimitrios Droutsas

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 100
Cornelia Ernst

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

Justification

This amendment is necessary to bring the proposal into line with Article 52 of the European Charter on Fundamental Rights.

Amendment 101
Judith Sargentini, Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 102
Dimitrios Droutsas

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 103
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 104
Judith Sargentini, Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

c) prevent the transmission of unsolicited communications *for direct marketing purposes to users* who have given their *free, informed, explicit and* prior consent to such restrictive measures;

Or. en

Amendment 105
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This amendment brings the text into line with the unproblematic wording of Directive 2002/58/EC.

Amendment 106
Alexander Alvaro

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 107

Judith Sargentini, Jan Philipp Albrecht

Proposal for a regulation

Article 23 – paragraph 5 – subparagraph 1 – point d

Text proposed by the Commission

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

Amendment

d) ***mitigate*** the effects of temporary ***and*** exceptional network congestion, ***primarily by means of application-agnostic measures***, provided that equivalent types of traffic are treated equally.

Or. en

Amendment 108

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

Proposal for a regulation

Article 23 – paragraph 5 – subparagraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 109
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 110
Alexander Alvaro

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

Text proposed by the Commission

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

Amendment

Reasonable traffic management shall only 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 111
Judith Sargentini, Jan Philipp Albrecht

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

Text proposed by the Commission

Reasonable traffic management shall only

Amendment

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. ***Processing of any information concerning the content of the communication for these purposes is not permitted***

Or. en

Amendment 112

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

Proposal for a regulation

Article 23 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

Reasonable traffic management shall only 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 113

Dimitrios Droutsas

Proposal for a regulation

Article 23 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

Reasonable traffic management shall only entail processing of data that is necessary and proportionate to achieve the purposes set out in this paragraph. ***Processing of the content part of the communication during transmission for these purposes is not permitted.***

Amendment 114
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

Reasonable traffic management shall only entail processing of data that is necessary and proportionate to achieve the purposes set out in this paragraph. ***Processing of the content part of the communication during transmission for these purposes is not permitted. In no case, sensitive data as defined in Article 8 paragraph 1 of Directive 95/46/EC shall be processed.***

Or. en

Justification

Clarification that network management in all cases needs to respect users' privacy.

Amendment 115
Judith Sargentini, Jan Philipp Albrecht

Proposal for a regulation
Article 23 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

the prices of internet access services from providers of electronic communications to the public shall not depend on the internet content, applications and services used or offered through the same internet access services

Or. en

Amendment 116
Cornelia Ernst

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

Text proposed by the Commission

Amendment

5a. Providers of electronic communications to the public do not make the prices for internet access services subject to the internet content, applications and services used or offered through the Internet access service.

Or. en

Justification

Inspired by Dutch net neutrality law (7.a. sub 3).

Amendment 117
Alexander Alvaro

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

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 and*** 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

monitoring and findings.

annual basis to the Commission and BEREC on their monitoring and findings.

Or. en

Amendment 118
Judith Sargentini, Jan Philipp Albrecht

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 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. ***To that purpose, the competent national regulatory authority shall:***

a) be mandated to regularly monitor and report on Internet traffic management practices and usage policies, in order to ensure network neutrality, evaluate the potential impact of the aforementioned practices and policies on fundamental rights, ensure the provision of a sufficient quality of service and the allocation of a satisfactory level of network capacity to the Internet. Reporting should be done in an open and transparent fashion and reports shall be made freely available to the public;

b) put in place appropriate, clear, open and efficient procedures aimed at addressing network neutrality complaints. To this end, all Internet users shall be entitled to make use of such complaint procedures in front of the relevant authority;

c) respond to the complaints within a reasonable time and be able to use necessary measures in order to sanction the breach of the network neutrality principle.

This authority must have the necessary resources to undertake the aforementioned duties in a timely and effective manner.

They shall, in cooperation with other competent national authorities and the European Data Protection Supervisor, also monitor the effects of specialised services on cultural diversity, competition and innovation. National regulatory authorities shall report on an annual basis to the public, the Commission and BEREC on their monitoring and findings.

Or. en

Justification

National Regulatory Authorities' role must be better defined to guarantee the enforcement mechanism and properly enforce the net neutrality principle, guarantee the freedom of expression and information of users, as well as competition and innovation in the digital economy. The European data protection supervisor should be able to monitor on how specialised services can impact the data protection of European citizens.

Amendment 119

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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 and*** 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 120
Dimitrios Droutsas

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

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 Article 2 (15)***, 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

authorities shall report on an annual basis to the Commission **and BEREC** on their monitoring and findings.

regulatory authorities shall report on an annual basis to the Commission, **BEREC and the public** on their monitoring and findings.

Or. en

Amendment 121
Cornelia Ernst

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 Article 2 (15)**, 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 public**, the Commission and BEREC on their monitoring and findings.

Or. en

Amendment 122
Alexander Alvaro

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 123

Sophia in 't Veld, Marietje Schaake, Cecilia Wikström, Alexander Alvaro

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 124

Dimitrios Droutsas

Proposal for a regulation

Article 24 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

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.

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 125
Dimitrios Droutsas

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission

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).

Amendment

3. The Commission *shall* adopt, ***after consultation with BEREC and other stakeholders, delegated*** acts defining uniform conditions for the obligations of national competent authorities under this Article. Those acts shall be adopted in accordance with Article 32.

Or. en

Amendment 126
Cornelia Ernst

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission

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).

Amendment

3. The Commission may adopt, *after consultations with BEREC and other stakeholders*, 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).

Or. en

Amendment 127
Judith Sargentini, Jan Philipp Albrecht

Proposal for a regulation
Article 25 – paragraph 1 – subparagraph 1 – point e – point iv a (new)

Text proposed by the Commission

Amendment

(iva) the communication inspection techniques used for traffic management measures, instituted for the purposes listed in article 23.5, and their repercussions on users privacy and data protection right.

Or. en

Amendment 128
Cornelia Ernst

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. End-users shall have access to independent evaluation tools allowing them to compare the performance of electronic communications network access and services and the cost of alternative usage patterns. To this end Member States shall establish a voluntary certification scheme for interactive websites, guides or similar tools. Certification shall be granted on the basis of objective, transparent and proportionate requirements, in particular independence from any provider of electronic communications to the public, the use of plain language, the provision of complete and up-to-date information, and the operation of an effective complaints handling procedure. Where certified comparison facilities are not available on the market free of charge **or at a reasonable price**, national regulatory authorities or other competent national authorities shall make such facilities available themselves or through third parties in compliance with the certification requirements. The information published by providers of electronic communications to the public shall be accessible, free of charge, for the purposes of making available comparison facilities.

Amendment

3. End-users shall have access to independent evaluation tools allowing them to compare the performance of electronic communications network access and services and the cost of alternative usage patterns. To this end Member States shall establish a voluntary certification scheme for interactive websites, guides or similar tools. Certification shall be granted on the basis of objective, transparent and proportionate requirements, in particular independence from any provider of electronic communications to the public, the use of plain language **and free and/or open source software and open methodologies**, the provision of complete and up-to-date information, and the operation of an effective complaints handling procedure. Where certified comparison facilities are not available on the market free of charge, national regulatory authorities or other competent national authorities shall make such facilities available themselves or through third parties in compliance with the certification requirements. The information published by providers of electronic communications to the public shall be accessible, **provided in open data formats**, free of charge, for the purposes of making available comparison facilities.

Or. en

Amendment 129
Jens Rohde

Proposal for a regulation
Article 37 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) Article 37 point 4 the following

article is inserted:

Article 6a

Abolition of retail roaming charges

With effect from 1 July 2015, 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, for any roaming MMS message sent or for any regulated data roaming services used- or any general charge to enable the terminal equipment or service to be used abroad.

Or. en

Justification

This amendment brings the abolishment of the roaming surcharges in line with the European Parliament's resolution of 12 September 2013 on 'the Digital Agenda for Growth, Mobility and Employment: time to move up a gear', in which the European Parliament calls for the abolishment of roaming in 2015. By including MMS messages in this provision we address unexpectedly high bills as an emerging issue (often the consumer thinks they have sent an SMS but it is actually an MMS for which separate charges apply). As this article very specifically refers to the individual types of services offered, the inclusion of wording 'or any general charge to enable the terminal equipment or service to be used abroad' seeks to prevent the introduction of more general charges for, e.g. 'enabling the phone to be used abroad' (some operators require consumers to contact them before they will enable roaming on handsets).

Amendment 130

Jens Rohde

Proposal for a regulation

Article 37 – paragraph 1 – point 4 a (new)

Regulation (EU) No 531/2012

Article 7 – paragraphs 1 and 2

Present text

Amendment

(4a) In Article 7, paragraphs 1 and 2 are replaced by the following:

"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.**"

"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 **the limits set in paragraph 2.**

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 **not exceed** EUR 0,10 on 1 July 2013 and **shall decrease** to EUR **0,03** on 1 July 2014, **to EUR 0,02 on 1 July 2015, and to EUR 0,01 on 1 July 2016.**"

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:172:0010:0035:EN:PDF>)

Justification

Without creating a wholesale market in which the smaller players can compete, new legislation could distort competition and lead to the eviction of smaller and dynamic players from the market for international roaming. This amendments reduces wholesale roaming caps to a level which enables each provider who so wishes to offer retail services including 'roam like at home' in the short term. In addition, maximum wholesale charges are reduced in line with cost reductions, while leaving a reasonable margin in relation to capped retail charges to encourage market entry. This will enable market-led development of retail offers, and is certain to achieve the policy objective of putting an end to retail roaming tariffs by 2015, by enabling all providers to supply 'roam like at home' to mobile user. The levels of the revised wholesale roaming caps put forward are not below cost, as is evidenced by: (i) existing retail offers on domestic markets, (ii) existing domestic MVNO access offers and agreements, and (iii) a small number of bilateral wholesale roaming agreements between mobile network operators. Furthermore, the September BEREC benchmark report, which analysed the average EU roaming retail and wholesale rates for the first quarter of 2013, indicated the following margins: • Voice a) retail: 0.324 cents per minute, b) wholesale: 0.113 cents per minute. • SMS a) retail: 0.084 cents per SMS, b) wholesale: 0.025 cents per SMS. • Data a) retail: 0.482 cents per MB, b) wholesale: 0.069 cents per MB. These numbers therefore demonstrate margins of 286% for voice, 336% for SMS and 698% for data.

Amendment 131
Jens Rohde

Proposal for a regulation

Article 37 – paragraph 1 – point 5 a (new)

Regulation (EU) No 531/2012

Article 9 – paragraph 1

Present text

"1. With effect from 1 July **2012**, the average wholesale charge that the visited network operator may levy for the provision of a regulated roaming SMS message originating on that visited network shall not exceed EUR **0,03** per SMS message. The maximum average wholesale charge shall decrease to EUR **0,02** on 1 July **2013 and shall, without prejudice to Article 19, remain at EUR 0,02 until 30 June 2022.**"

Amendment

(5a) In Article 9, paragraph 1 is replaced by the following:

"1. With effect from 1 July **2013**, the average wholesale charge that the visited network operator may levy for the provision of a regulated roaming SMS message originating on that visited network shall not exceed EUR **0,02** per SMS message. The maximum average wholesale charge shall decrease to EUR **0,01** on 1 July, **to EUR 0,0075 on 1 July 2015, and to EUR 0,005 on 1 July 2016.**"

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:172:0010:0035:EN:PDF>)

Justification

Without creating a wholesale market in which the smaller players can compete, new legislation could distort competition and lead to the eviction of smaller and dynamic players from the market for international roaming. This amendments reduces wholesale roaming caps to a level which enables each provider who so wishes to offer retail services including ‘roam like at home’ in the short term. In addition, maximum wholesale charges are reduced in line with cost reductions, while leaving a reasonable margin in relation to capped retail charges to encourage market entry. This will enable market-led development of retail offers, and is certain to achieve the policy objective of putting an end to retail roaming tariffs by 2015, by enabling all providers to supply ‘roam like at home’ to mobile user. The levels of the revised wholesale roaming caps put forward are not below cost, as is evidenced by: (i) existing retail offers on domestic markets, (ii) existing domestic MVNO access offers and agreements, and (iii) a small number of bilateral wholesale roaming agreements between mobile network operators. Furthermore, the September BEREC benchmark report, which analysed the average EU roaming retail and wholesale rates for the first quarter of 2013, indicated the

following margins: • Voice a) retail: 0.324 cents per minute, b) wholesale: 0.113 cents per minute. • SMS a) retail: 0.084 cents per SMS, b) wholesale: 0.025 cents per SMS. • Data a) retail: 0.482 cents per MB, b) wholesale: 0.069 cents per MB. These numbers therefore demonstrate margins of 286% for voice, 336% for SMS and 698% for data.

Amendment 132
Jens Rohde

Proposal for a regulation
Article 37 – paragraph 1 – point 5 b (new)
Regulation (EU) No 531/2012
Article 12 – paragraph 1

Present text

"1. With effect from 1 July **2012**, the average wholesale charge that the visited network operator may levy on the roaming customer's home provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0,25** per megabyte of data transmitted. The safeguard limit shall decrease to EUR **0,15** per megabyte of data transmitted on 1 July **2013 and** to EUR **0,05 per megabyte of data transmitted** on 1 July **2014 and shall, without prejudice to Article 19, remain at EUR 0,05 per megabyte of data transmitted until 30 June 2022.**"

Amendment

(5b) In Article 12, paragraph 1 is replaced by the following:

"1. With effect from 1 July **2013**, the average wholesale charge that the visited network operator may levy on the roaming customer's home provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0,15** per megabyte of data transmitted. The safeguard limit shall decrease to EUR **0,015** per megabyte of data transmitted on 1 July **2014**, to EUR **0,0050** on 1 July **2015, and to EUR 0,0025 on 1 July 2016.**"

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:172:0010:0035:EN:PDF>)

Justification

Without creating a wholesale market in which the smaller players can compete, new legislation could distort competition and lead to the eviction of smaller and dynamic players from the market for international roaming. This amendments reduces wholesale roaming caps to a level which enables each provider who so wishes to offer retail services including 'roam like at home' in the short term. In addition, maximum wholesale charges are reduced in line

with cost reductions, while leaving a reasonable margin in relation to capped retail charges to encourage market entry. This will enable market-led development of retail offers, and is certain to achieve the policy objective of putting an end to retail roaming tariffs by 2015, by enabling all providers to supply 'roam like at home' to mobile user. The levels of the revised wholesale roaming caps put forward are not below cost, as is evidenced by: (i) existing retail offers on domestic markets, (ii) existing domestic MVNO access offers and agreements, and (iii) a small number of bilateral wholesale roaming agreements between mobile network operators. Furthermore, the September BEREC benchmark report, which analysed the average EU roaming retail and wholesale rates for the first quarter of 2013, indicated the following margins: • Voice a) retail: 0.324 cents per minute, b) wholesale: 0.113 cents per minute. • SMS a) retail: 0.084 cents per SMS, b) wholesale: 0.025 cents per SMS. • Data a) retail: 0.482 cents per MB, b) wholesale: 0.069 cents per MB. These numbers therefore demonstrate margins of 286% for voice, 336% for SMS and 698% for data.

Amendment 133

Sophia in 't Veld, Cecilia Wikström, Marietje Schaake, Alexander Alvaro

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.***

Or. en

