



2016/0185(COD)

25.10.2016

AMENDMENT

9 - 122

Draft report
Miapetra Kumpula-Natri
(PE589.188v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets

Proposal for a regulation
(COM(2016)0399 – C8-0219/2016 – 2016/0185(COD))

Amendment 9
Csaba Molnár

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Regulation (EU) 2015/2120 establishes a new retail pricing mechanism for Union-wide regulated roaming services in order to abolish retail roaming surcharges without distorting domestic and visited markets.

Amendment

(3) Regulation (EU) 2015/2120 establishes a new retail pricing mechanism for Union-wide regulated roaming services in order to abolish retail roaming surcharges without distorting domestic and visited markets ***as there is no justification for roaming charges in a Europe without borders;***

Or. hu

Amendment 10
José Blanco López, Carlos Zorrinho

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Regulation (EU) 2015/2120 establishes a new retail pricing mechanism for Union-wide regulated roaming services in order to abolish retail roaming surcharges without distorting domestic and visited markets.

Amendment

(3) Regulation (EU) 2015/2120 establishes a new retail pricing mechanism for Union-wide regulated roaming services in order to abolish retail roaming surcharges ***as of 15 June 2017*** without distorting domestic and visited markets.

Or. es

Amendment 11
Krišjānis Kariņš, Henna Virkkunen, Paul Rübige, Bendt Bendtsen, Luděk Niedermayer

Proposal for a regulation
Recital 3 a (new)

(3a) Regulation (EU) 2015/2120 provides for the possibility for an operator to apply a ‘fair use policy’ in accordance with the relevant implementing act. An adequate fair use policy has a crucial role to play in order to guarantee a financially sustainable model of the wholesale and retail roaming markets. A generous fair use policy for consumers needs to be accompanied by wholesale caps which reflect the real costs of providing roaming services and that will enable as many operators as possible to provide ‘roam-like-at-home’ offers without incurring huge cost increases, damaging competitive domestic markets or increasing prices for domestic customers.

Or. en

Amendment 12

João Ferreira

Proposal for a regulation

Recital 4

(4) The abolition of retail roaming surcharges introduced by Regulation (EU) No 2015/2120, also named ‘roam-like-at-home’ (RLAH), is ***necessary to establish and ease*** the functioning of a ***digital single market across the Union. However, that Regulation alone is not sufficient to ensure the correct functioning of the roaming market.***

(4) The abolition of retail roaming surcharges introduced by Regulation (EU) No 2015/2120, also named ‘roam-like-at-home’ (RLAH), is ***insufficient to ensure the proper*** functioning of a ***roaming market, particularly in respect of seasonality and costs.***

Or. pt

Amendment 13

Krišjānis Kariņš, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luděk

Niedermayer, Paul Rübige

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The abolition of retail roaming surcharges introduced by Regulation (EU) No 2015/2120, also named "roam-like-at-home" (RLAH), is necessary to establish and ease the functioning of a digital single market across the Union. However, that Regulation alone is not sufficient to ensure the correct functioning of the roaming market.

Amendment

(4) The abolition of retail roaming surcharges introduced by Regulation (EU) No 2015/2120, also named "roam-like-at-home" (RLAH), is necessary to establish and ease the functioning of a digital single market across the Union. However, that Regulation alone is not sufficient to ensure the correct *and sustainable* functioning of the roaming market. ***This Regulation should therefore ensure that pricing models in domestic markets are not affected.***

Or. en

Amendment 14

Csaba Molnár

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The abolition of retail roaming surcharges introduced by Regulation (EU) No 2015/2120, also named "roam-like-at-home" (RLAH), is necessary to establish and ease the functioning of a digital single market across the Union. However, that Regulation alone is not sufficient to ensure the correct functioning of the roaming market.

Amendment

(4) The abolition of retail roaming surcharges introduced by Regulation (EU) No 2015/2120, also named "roam-like-at-home" (RLAH), is necessary to establish and ease the functioning of a digital single market across the Union, ***as well as to reduce costs to consumers***; however, that Regulation alone is not sufficient to ensure the correct functioning of the roaming market;

Or. hu

Amendment 15
Csaba Molnár

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) *The abolition of roaming surcharges as of 15 June 2017, as provided for in Regulation (EU) No 531/2012, is therefore subject to the applicability of any legislative act proposed by the Commission that provides for appropriate measures following its review of the wholesale roaming markets.*

Amendment

deleted

Or. hu

Amendment 16
José Blanco López

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The abolition of roaming surcharges as of 15 June 2017, as provided for in Regulation (EU) No 531/2012, is therefore subject to the applicability of any legislative act proposed by the Commission that provides for appropriate measures following its review of the wholesale roaming markets.

Amendment

(5) The abolition of roaming surcharges as of 15 June 2017, as provided for in Regulation (EU) No 531/2012, is therefore subject to the ***introduction of a reasonable use policy that will ensure that roaming clients do not make abusive or anomalous use of regulated retail roaming services and the*** applicability of any legislative act proposed by the Commission that provides for appropriate measures following its review of the wholesale roaming markets, ***so as to make the abolition of retail roaming surcharges possible.***

Or. es

Amendment 17
João Ferreira

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) *The Commission has conducted a comprehensive review of wholesale roaming markets to assess which measures are necessary to enable retail roaming surcharges to be abolished **by 15 June 2017**.*

Amendment

(6) *A suitably comprehensive **and thorough** review of wholesale roaming markets **needs to be undertaken** to assess which measures are necessary to enable retail roaming surcharges to be abolished **in the different Member States, ensuring in particular that monthly bills for domestic users of telecommunications services are not increased**.*

Or. pt

Amendment 18
José Blanco López, Carlos Zorrinho

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In light of the findings of the review, the Commission adopted its report on the review of the wholesale roaming market¹⁹. In this regard, in order to ensure that retail roaming services can be provided at domestic retail prices, wholesale roaming inputs must be available at a level that allows home operators to provide RLAH. *Although having fully competitive national wholesale roaming markets in which prices are in line with visited networks' underlying costs of provision would clearly make RLAH more sustainable, the review shows that this is not the case. The review also demonstrated that the future retail RLAH obligation alone is highly unlikely to lead to well-functioning wholesale roaming markets that would*

Amendment

(7) In light of the findings of the review, the Commission adopted its report on the review of the wholesale roaming market¹⁹. In this regard, in order to ensure that retail roaming services can be provided at domestic retail prices, wholesale roaming inputs must be available at a level that allows home operators to provide RLAH *while allowing operators of visited networks to recover the cost of providing regulated wholesale roaming services*.

enable the provision of RLAH in the Union by 15 June 2017.

¹⁹ Report from the Commission to the European Parliament and the Council on the review of the wholesale roaming market [final reference]

¹⁹ Report from the Commission to the European Parliament and the Council on the review of the wholesale roaming market [final reference]

Or. es

Amendment 19
David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in particular for smaller or net out-bound operators, thus making RLAH structurally unsustainable.

Amendment

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in particular for smaller or net out-bound operators, thus making RLAH structurally unsustainable. ***It should be underlined that those typologies of operators are essential for healthy competition, and accordingly they should be protected from any restrictive practices, that in extreme cases can reach refusal of service, guaranteeing them the adequate protection from national regulatory authorities.***

Or. en

Amendment 20
Paul Rübzig, Françoise Grossetête, Francesc Gambús, Pilar del Castillo Vera, Michal Boni, Esther de Lange, Krišjānis Kariņš, Henna Virkkunen, Massimiliano Salini

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in particular for smaller or net out-bound operators, thus making RLAH structurally unsustainable.

Amendment

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in particular for smaller or net out-bound operators, thus making RLAH structurally unsustainable. ***Therefore it is crucial to ensure that the Union telecom framework legislation provides clear and consistent long term incentives for private investment in telecommunication infrastructure.***

Or. en

Justification

While it is not stated an explicit goal of the whole sale roaming regulation, clear investment incentives form an integral element in a holistic perspective on a modern EU Telecom Framework. Investments for bandwidth access constitute the proportionally largest share of resource commitment by industry. Therefore a reinvestment of a certain percentage of auctioning revenues via equity investment by the Member States via the European Investment Bank and EFSI in combination with public tenders for infrastructure development form the basis for an effective investment incentive.

Amendment 21
Lorenzo Fontana

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in

Amendment

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in

particular for smaller or net out-bound operators, thus making RLAH structurally unsustainable.

particular for *virtual operators and for* smaller or net out-bound operators, thus making RLAH structurally unsustainable *in the event that wholesale roaming prices are not reduced to a level comparable with that of the national wholesale prices.*

Or. it

Amendment 22
Werner Langen

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in particular for smaller or net out-bound operators, thus making RLAH structurally unsustainable.

Amendment

(8) In particular, the current functioning of wholesale roaming markets could affect competition and investments in home operators' domestic markets due to excessive wholesale roaming charges compared to the domestic retail prices applied to end-users. This applies in particular for smaller *operators or mobile virtual network operators (MVNOs), service providers* or net out-bound operators, thus making RLAH structurally unsustainable.

Or. de

Amendment 23
David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The functioning of the wholesale roaming market should allow that operators recover *all* costs of providing regulated wholesale roaming services, *including* joint and common costs. This should

Amendment

(9) The functioning of the wholesale roaming market should allow that operators recover *operational* costs of providing regulated wholesale roaming services, *also considering* joint and common costs,

preserve incentives to invest in visited networks and avoid any distortion of domestic competition in the visited markets caused by regulatory arbitrage by operators using wholesale roaming access remedies to compete in domestic visited markets.

although using extreme prudence in the consideration of overhead costs, which should be supported autonomously by domestic business models. It is important also that the wholesale cost model does not encourage downstream of the wholesale market practices like initial minimum or flat charges to the retail customer. This should preserve incentives to invest in visited networks and avoid any distortion of domestic competition in the visited markets caused by regulatory arbitrage by operators using wholesale roaming access remedies to compete in domestic visited markets.

Or. en

Amendment 24
Lorenzo Fontana

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The functioning of the wholesale roaming market should allow that operators recover all costs of providing regulated wholesale roaming services, including joint and common costs. This should preserve incentives to invest in visited networks and avoid any distortion of domestic competition in the visited markets caused by regulatory arbitrage by operators using wholesale roaming access remedies to compete in domestic visited markets.

Amendment

(9) The functioning of the wholesale roaming market should allow that operators recover all costs of providing regulated wholesale roaming services, including joint and common costs, *without the application of extra costs to consumers, except in cases of abnormal or abusive use of RLAH by consumers themselves.* This should preserve incentives to invest in visited networks and avoid any distortion of domestic competition in the visited markets caused by regulatory arbitrage by operators using wholesale roaming access remedies to compete in domestic visited markets.

Or. it

Amendment 25
Aldo Patriciello

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The functioning of the wholesale roaming market **should allow** that operators recover all costs of providing regulated wholesale roaming services, including joint and common costs. This should preserve incentives to invest in visited networks and avoid any distortion of domestic competition in the visited markets caused by regulatory arbitrage by operators using wholesale roaming access remedies to compete in domestic visited markets.

Amendment

(9) **However**, the functioning of the wholesale roaming market **also warrants** that operators **are allowed to** recover all costs of providing regulated wholesale roaming services, including joint and common costs. This **fundamental requirement** should preserve **sufficient incentives for the operators** to invest in visited networks and avoid any distortion of domestic competition in the visited markets caused by regulatory arbitrage by operators using wholesale roaming access remedies to compete in domestic visited markets.

Or. en

Amendment 26
Aldo Patriciello

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In **light of the problems identified**, current measures applicable on the wholesale roaming markets should be amended to ensure that the level of wholesale roaming charges enables the sustainable provision of RLAH in the Union.

Amendment

(10) In **order to achieve both of those complementary objectives, effective competition and investment incentives, the** current measures applicable on the wholesale roaming markets should be amended to ensure that the level of wholesale roaming charges enables the sustainable provision of RLAH in the Union, **while further safeguards are being introduced at the same time to prevent undue commercial losses for the operators as a direct consequence of the amended rules.**

Amendment 27
David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) With regard to rules on wholesale charges, regulatory obligations at Union level should be maintained since any measure that enables RLAH across the Union without addressing the level of the wholesale costs associated with providing these services could risk disrupting the internal market for roaming services and would not encourage more competition.

Amendment

(12) With regard to rules on wholesale charges, regulatory obligations at Union level should be maintained since any measure that enables RLAH across the Union without addressing the level of the wholesale costs associated with providing these services could risk disrupting the internal market for roaming services and would not encourage more competition, ***which is very much necessary for the telecommunications market, especially for new entrants, technologically innovative service models, SMEs and start-ups.***

Amendment 28
João Ferreira

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) With regard to rules on wholesale charges, regulatory obligations at Union level should be maintained since any measure that enables RLAH across the Union without addressing the level of the wholesale costs associated with providing these services ***could risk disrupting the internal market for*** roaming services ***and would not encourage more competition.***

Amendment

(12) With regard to rules on wholesale charges, regulatory obligations at Union level should be maintained since any measure that enables RLAH across the Union without addressing the level of the wholesale costs associated with providing these services ***would cause serious imbalances in the provision of*** roaming services.

Amendment 29
Lorenzo Fontana

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) With regard to rules on wholesale charges, regulatory obligations at Union level should be maintained since any measure that enables RLAH across the Union without addressing the level of the wholesale costs associated with providing these services could risk disrupting the internal market for roaming services and would not encourage more competition.

Amendment

(12) With regard to rules on wholesale charges, regulatory obligations at Union level should be maintained since any measure that enables RLAH across the Union without addressing the level of the wholesale costs associated with providing these services could risk disrupting the internal market for roaming services and would not encourage more competition, ***thereby preserving the oligopolistic nature that characterises wholesale roaming markets.***

Or. it

Amendment 30
Aldo Patriciello

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The maximum wholesale charges should act as *a* safeguard *level* and ensure that operators can recover their costs, including joint and common costs. ***It should also enable the widespread sustainable provision of RLAH, while at the same time leaving margin for commercial negotiations between operators.***

Amendment

(13) The maximum wholesale charges should ***prevent excessive margins between the wholesale roaming charges and the underlying cost, and should therefore enable the widespread sustainable provision of RLAH, while at the same time leaving margin for commercial negotiations between operators. The specific compensation mechanism (RLAH Fund), to be introduced pursuant to this Regulation, should act as an additional safeguard against adverse effects of the reduced wholesale roaming caps and ensure that the operators can at least***

recover their costs *to an adequate extent*, including joint and common costs. *The RLAH Fund should reduce the need for a surcharge at retail level in Article 6c of Regulation (EU) No 531/2012, as amended by Regulation (EU) 2015/2120, and thus contribute to the objective of complete abolition of retail roaming surcharges.*

Or. en

Amendment 31
José Blanco López, Carlos Zorrinho

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Bearing in mind the need to promote the necessary network infrastructure investment to meet the growth in data use, to which the introduction of RLAH will doubtless contribute, particular attention should be paid to the need to ensure that operators of visited networks are able to recover all the costs of providing regulated wholesale roaming services, thereby averting unwanted effects on those markets in the form of a reduction in network infrastructure investment, deterioration in service provision and quality or an increase in domestic retail prices.

Or. es

Amendment 32
José Blanco López

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) In considering cost estimates, the potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level was taken into consideration. Such estimates noted the counterbalancing effects that would mitigate any potential increase in costs caused by the seasonality of roaming traffic. In particular for data services, increasing domestic demand means that any seasonal traffic peak in a given year is likely to be exceeded by total domestic demand in the following year(s). Accordingly, since terrestrial mobile communications networks are dimensioned in order to cope with this general upward trend driven by domestic demand, any peak in total network demand caused by seasonal roaming flows is unlikely to drive mobile network dimensioning costs. For voice calls, where demand is more stable, in some countries seasonal roaming peaks may have an impact on overall network dimensioning costs. However, such localised seasonal peaks in traffic are likely to also be driven by domestic users moving into tourist areas and be somewhat mitigated by compensating effect of roamers on capacity usage in metropolitan areas during the summer holiday season.

deleted

Or. es

Amendment 33
João Ferreira

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) In considering cost estimates, the

(15) In considering cost estimates, **due**

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potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level *was taken into consideration*. *Such estimates noted the counterbalancing effects that would mitigate any potential increase in costs caused by the seasonality of roaming traffic. In particular for data services, increasing domestic demand means that any seasonal traffic peak in a given year is likely to be exceeded by total domestic demand in the following year(s). Accordingly, since terrestrial mobile communications networks are dimensioned in order to cope with this general upward trend driven by domestic demand, any peak in total network demand caused by seasonal roaming flows is unlikely to drive mobile network dimensioning costs. For voice calls, where demand is more stable, in some countries seasonal roaming peaks may have an impact on overall network dimensioning costs. However, such localised seasonal peaks in traffic are likely to also be driven by domestic users moving into tourist areas and be somewhat mitigated by compensating effect of roamers on capacity usage in metropolitan areas during the summer holiday season.*

regard is not yet paid to the potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level.

Or. pt

Amendment 34
Evžen Tošenovský

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In considering cost estimates, the potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level *was taken into*

Amendment

(15) In considering cost estimates, the potential impact of the seasonal nature of roaming traffic, *significant in some Member States*, on the overall costs of providing wholesale roaming services at

consideration. Such estimates noted the counterbalancing effects that would mitigate any potential increase in costs caused by the seasonality of roaming traffic. In particular for data services, increasing domestic demand means that any seasonal traffic peak in a given year is likely to be exceeded by total domestic demand in the following year(s). Accordingly, since terrestrial mobile communications networks are dimensioned in order to cope with this general upward trend driven by domestic demand, any peak in total network demand caused by seasonal roaming flows is unlikely to drive mobile network dimensioning costs. For voice calls, where demand is more stable, in some countries seasonal roaming peaks may have an impact on overall network dimensioning costs. However, such localised seasonal peaks in traffic are likely to also be driven by domestic users moving into tourist areas and be somewhat mitigated by compensating effect of roamers on capacity usage in metropolitan areas during the summer holiday season.

national level *should be duly taken into consideration.*

Or. en

Amendment 35

Carlos Zorrinho, José Blanco López

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In considering cost estimates, the potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level *was* taken into consideration. *Such estimates noted the counterbalancing effects that would mitigate any potential increase in costs caused by the seasonality of roaming*

Amendment

(15) In considering cost estimates, the potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level *should be* taken into consideration. *Peaks in seasonal roaming traffic affect overall network dimensioning costs, a fact that should be taken into account when setting maximum wholesale*

traffic. In particular for data services, increasing domestic demand means that any seasonal traffic peak in a given year is likely to be exceeded by total domestic demand in the following year(s).

Accordingly, since terrestrial mobile communications networks are dimensioned in order to cope with this general upward trend driven by domestic demand, any peak in total network demand caused by seasonal roaming flows is unlikely to drive mobile network dimensioning costs. For voice calls, where demand is more stable, in some countries seasonal roaming peaks may have an impact on overall network dimensioning costs. However, such localised seasonal peaks in traffic are likely to also be driven by domestic users moving into tourist areas and be somewhat mitigated by compensating effect of roamers on capacity usage in metropolitan areas during the summer holiday season.

charges, with a view to ensuring that networks used by visitors throughout the EU recoup their costs.

Or. pt

Amendment 36
Hans-Olaf Henkel

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In considering cost estimates, the potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level *was* taken into consideration. *Such estimates noted the counterbalancing effects that would mitigate any potential increase in costs caused by the seasonality of roaming traffic. In particular for data services, increasing domestic demand means that any seasonal traffic peak in a given year is likely to be exceeded by total domestic*

Amendment

(15) In considering cost estimates, the potential impact of the seasonal nature of roaming traffic on the overall costs of providing wholesale roaming services at national level *should be* taken into consideration. *It needs to be taken into account that* seasonal roaming peaks have an impact on overall network dimensioning costs *which need to be taken into consideration when setting maximum wholesale roaming charges to ensure cost recovery for visited networks.*

*demand in the following year(s).
Accordingly, since terrestrial mobile communications networks are dimensioned in order to cope with this general upward trend driven by domestic demand, any peak in total network demand caused by seasonal roaming flows is unlikely to drive mobile network dimensioning costs. For voice calls, where demand is more stable, in some countries seasonal roaming peaks may have an impact on overall network dimensioning costs. However, such localised seasonal peaks in traffic are likely to also be driven by domestic users moving into tourist areas and be somewhat mitigated by compensating effect of roamers on capacity usage in metropolitan areas during the summer holiday season.*

Or. en

Amendment 37
João Ferreira

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) In setting the maximum wholesale charge for regulated data roaming services, all the access components needed to enable the provision of roaming services have been taken into account, including the transit costs of delivering data traffic to an exchange point identified by the home network operator.

deleted

Or. pt

Amendment 38
Evžen Tošenovský, Hans-Olaf Henkel

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In setting the maximum wholesale charge for regulated data roaming services, all the access components needed to enable the provision of roaming services have been taken into account, including the transit costs of delivering data traffic to an exchange point identified by the home network operator.

Amendment

(16) In setting the maximum wholesale charge for regulated data roaming services, ***the full costs for visited network operators, including*** all the access components needed to enable the provision of roaming services have been taken into account, including the transit costs of delivering data traffic to an exchange point identified by the home network operator.

Or. en

Amendment 39
Herbert Reul

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In light of the risk posed by the harmonised capping of wholesale roaming charges on the inhibition of investment and the impact it may have on certain Member States' national markets, including the development and roll-out of very high capacity networks, and in particular the future development of 5G services and the need for a sustainable RLAH regime to be introduced before 15 June 2017, a "Universal Roaming Fund" ("URF") should be established. This URF should be managed and administered by BEREC and national regulatory authorities, and should ensure that all those actors who benefit from high-speed and high quality mobile networks and the RLAH regime also contribute reasonably and proportionately to the cost of RLAH by ensuring that the essential policies associated with the incentivisation of investment in very high

capacity mobile infrastructure are not undermined. Such a mechanism should operate through the imposition, by BEREC, of maximum volume caps for various high-data content and applications. Should traffic volumes from those identified content and applications exceed that threshold, those Content and Applications Providers ("CAPs") responsible for providing those services should be required to make a financial contribution measured in euros per gigabyte where the threshold has been exceeded. All collected revenues should be pooled into a single fund whereby those visited network operators unable to fully recover their wholesale costs for providing roaming services are entitled to claim the difference for such costs on the basis of contributions from the URF.

Or. en

Amendment 40
Aldo Patriciello

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered.

Amendment

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered. ***If operators can demonstrate that the lowered wholesale roaming charges are not sufficient any more for them to cover the underlying cost, under the Long Run Incremental Cost Plus (LRIC+) method, for providing wholesale roaming services, they should be entitled to adequate compensation of such losses from the RLAH Fund which should be set up by a Commission implementing act pursuant to this Regulation. The RLAH Fund should be administered by BEREC. It should be funded by all market***

participants using the existing mobile networks as main underlying infrastructure for the services to their customers above a certain traffic threshold, which shall be determined by BEREC based on the principles set out in that implementing act.

Or. en

Amendment 41

Krišjānis Kariņš, Henna Virkkunen, Paul Rübig, Bendt Bendtsen, Luděk Niedermayer

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered.

Amendment

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered *to levels much closer to the actual cost of those service.*

Or. en

Amendment 42

Csaba Molnár

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered.

Amendment

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered, *and in the long term the aim should be to abolish them;*

Or. hu

Amendment 43

Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Theresa Griffin, Paul Tang

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered.

Amendment

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered ***substantially***.

Or. en

Amendment 44
David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be lowered.

Amendment

(18) Therefore, the existing maximum wholesale roaming charges for voice calls, SMS and data services should be ***substantially*** lowered.

Or. en

Amendment 45
Lorenzo Fontana

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) While ensuring the confidentiality of business and commercial secrets and in order to monitor and supervise the application of Regulation (EU) No 531/2012 and developments in wholesale roaming markets, national regulatory authorities should be entitled to require information on wholesale roaming agreements that do not provide for the

Amendment

(19) While ensuring the confidentiality of business and commercial secrets and in order to monitor and supervise the application of Regulation (EU) No 531/2012 and developments in wholesale roaming markets, national regulatory authorities should be entitled, ***where appropriate***, to require information on wholesale roaming agreements that do not

application of the maximum wholesale roaming charges. They should also be allowed to require information on the adoption and application of conditions in wholesale agreements aimed at preventing permanent roaming and on any anomalous or abusive use of wholesale roaming access for purposes others than providing regulated roaming services to roaming providers' customers travelling within the Union.

provide for the application of the maximum wholesale roaming charges. They should also be allowed to require information on the adoption and application of conditions in wholesale agreements aimed at preventing permanent roaming and on any anomalous or abusive use of wholesale roaming access for purposes others than providing regulated roaming services to roaming providers' customers travelling within the Union.

Or. it

Amendment 46
Carlos Zorrinho, José Blanco López

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) It is necessary to monitor and regularly review the functioning of wholesale roaming markets and their interrelationship with the retail roaming market, taking into account competitive and technological developments and traffic flows. In order to properly assess how roaming markets will adapt to RLAH rules, sufficient data should be gathered on functioning of these markets after the implementation of these rules.

Amendment

(21) It is necessary to monitor and regularly review the functioning of wholesale roaming markets and their interrelationship with the retail roaming market, taking into account competitive and technological developments and traffic flows. ***This should include both an assessment of any emergence of tariff plans that include only domestic services and exclude roaming services altogether, thus undermining the very objective of RLAH and an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the Digital Single Market. Also, as in its Report on the Review of the Wholesale Roaming Market of 15 June 2016, the Commission's biennial reports should assess the ability of visited network operators to recover all costs of providing regulated wholesale roaming services, and propose correction mechanisms to remedy the situation in the event that this happens. In addition, the Commission***

should assess the ability of domestic network operators to recover their costs of providing regulated roaming services from their revenues from the provision of such services, and the extent to which retail roaming surcharges have been authorised by national regulatory authorities under the sustainability mechanism. In order to properly assess how roaming markets will adapt to RLAH rules, sufficient data should be gathered on functioning of these markets after the implementation of these rules.

Or. pt

Amendment 47
Lorenzo Fontana

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) It is necessary to monitor and regularly review the functioning of wholesale roaming markets and their interrelationship with the retail roaming market, taking into account competitive and technological developments and traffic flows. In order to properly assess how roaming markets will adapt to RLAH rules, sufficient data should be gathered on functioning of these markets after the implementation of these rules.

Amendment

(21) It is necessary to monitor and regularly review the functioning of wholesale roaming markets and their interrelationship with the retail roaming market, taking into account competitive and technological developments and traffic flows. ***In particular, in its biennial report, the Commission, in consultation with BEREC and the national authorities, should consider whether the RLAH has any impact on the tariff plans put forward by operators to customers and ensure that no activation fees are charged for roaming services. In addition, the Commission's biennial report should evaluate the ability of the operators of the host networks to recover all costs arising from the provision of wholesale roaming services.*** In order to properly assess how roaming markets will adapt to RLAH rules, sufficient data should be gathered on functioning of these markets after the

implementation of these rules.

Or. it

Amendment 48

Evžen Tošenovský, Hans-Olaf Henkel

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) It is necessary to monitor and regularly review the functioning of wholesale roaming markets and their interrelationship with the retail roaming market, taking into account competitive and technological developments and traffic flows. In order to properly assess how roaming markets will adapt to RLAH rules, sufficient data should be gathered on functioning of these markets after the implementation of these rules.

Amendment

(21) It is necessary to monitor and regularly review the functioning of wholesale roaming markets and their interrelationship with the retail roaming market, taking into account competitive and technological developments and traffic flows. In order to properly assess how roaming markets will adapt to RLAH rules, sufficient data should be gathered on functioning of these markets after the implementation of these rules. ***If the data from the first year after 15 June 2017 show that the RLAH rules have led to distortion of national markets or other negative consequences for the customers or domestic or roaming providers, a new legislative proposal amending the Regulation (EU) No 531/2012 should be submitted by the Commission as soon as possible.***

Or. en

Amendment 49

Jean-Luc Schaffhauser

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In order to assess the competitive developments in Union-wide roaming

Amendment

(22) In order to assess the competitive developments in Union-wide roaming

markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between roaming providers, BEREC should be given the task of collecting data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively. It should also collect data on cases where parties to a wholesale agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that are aimed at preventing permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union.

markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between roaming providers, BEREC should be given the task of collecting data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively; It should also collect data on cases where parties to a wholesale agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that are aimed at preventing permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union; ***to avoid penalising consumers on the domestic market who do not use roaming, it is essential to establish the principle of financial neutrality of free roaming, so as to prevent charges on the national market from rising and investments in the network from falling.***

Or. fr

Amendment 50
Aldo Patriciello

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In order to assess the competitive developments in Union-wide roaming markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between roaming providers, BEREC should be given the task of collecting data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively. It should also collect data on

Amendment

(22) In order to assess the competitive developments in Union-wide roaming markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between roaming providers, BEREC should be given the task of collecting data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively. It should also collect data on

cases where parties to a wholesale agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that are aimed at preventing permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union.

cases where parties to a wholesale agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that are aimed at preventing permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. ***In administering the RLAH Fund, BEREC should collect financial contributions from the market participants, and review all requests for compensation received from the operators.***

Or. en

Amendment 51 **Lorenzo Fontana**

Proposal for a regulation **Recital 22**

Text proposed by the Commission

(22) In order to assess the competitive developments in Union-wide roaming markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between roaming providers, BEREC should be given the task of collecting data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively. It should also collect data on cases where parties to a wholesale agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that are aimed at preventing permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to

Amendment

(22) In order to assess the competitive developments in Union-wide roaming markets and to report regularly on changes in actual wholesale roaming charges for unbalanced traffic between roaming providers, BEREC should be given the task of collecting data from national regulatory authorities on the actual charges applied for balanced and unbalanced traffic respectively. It should also collect data on cases where parties to a wholesale agreement have opted out from the application of maximum wholesale roaming charges or have implemented measures at wholesale level that are aimed at preventing permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to

roaming providers' customers while the latter are periodically travelling within the Union.

roaming providers' customers while the latter are periodically travelling within the Union. ***The national authorities should also ensure that operators do not charge activation fees for roaming.***

Or. it

Amendment 52
Herbert Reul

Proposal for a regulation

Article 1 – point -1 (new)

Regulation (EU) No 531/2012

Article 2 – paragraph 2 – point s a (new)

Text proposed by the Commission

Amendment

(-1) In Article 2(2), the following point is added:

“(sa) ‘Content and Applications Providers’ or ‘CAPs’ means, respectively, those providers of certain types of content and those providers of applications “over-the-top” of telecommunications services;”

Or. en

Amendment 53
Paul Rübige, Esther de Lange

Proposal for a regulation

Article 1 – point -1 (new)

Regulation (EU) No 531/2012

Article 2 – paragraph 2 – point s a (new)

Text proposed by the Commission

Amendment

(-1) In Article 2(2), the following point is added:

“(sa) ‘Mobile Virtual Service Operator’ or ‘MVNO’ means a mobile service provider offering publicly available mobile communications services in a

virtual network or as resale, which does not own a mobile network;”

Or. en

Amendment 54
Herbert Reul

Proposal for a regulation
Article 1 – point -1 a (new)
Regulation (EU) No 531/2012
Article 2 – paragraph 2 – point s b (new)

Text proposed by the Commission

Amendment

(-1a) In Article 2(2), the following point is added:

“(sb) 'Universal Roaming Fund' or 'URF' means the fund managed and administered by BEREC and the national regulatory authorities which is designed to allow CAPs, where appropriate, to contribute to the wholesale costs of excessive roaming operators, while ensuring that all visited network operators are able to fully recover their wholesale costs;”

Or. en

Amendment 55
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 1 – point -1 (new)
Regulation (EU) No 531/2012
Article 3 – paragraph 2

Present text

Amendment

"2. Mobile network operators may refuse requests for wholesale roaming

(-1) In Article 3, paragraph 2 is replaced by the following:

"2. Mobile network operators may refuse requests for wholesale roaming

access *only* on the basis of objective criteria."

access *only after applying for authorisation from their national regulatory authority*, on the basis of objective criteria. *The application shall be made available to the public.*"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R0531&rid=1>)

Amendment 56
José Blanco López

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

Text proposed by the Commission

4. Rules on regulated wholesale roaming charges laid down in Articles 7, 9 and 12 shall apply to the provision of access to all components of wholesale roaming access referred to in paragraph 3, unless both parties to the wholesale roaming agreement explicitly agree that any average wholesale roaming charge resulting from the application of the agreement should not be subject to the maximum regulated wholesale roaming charge *for a defined* period of *time*.

Amendment

4. Rules on regulated wholesale roaming charges laid down in Articles 7, 9 and 12 shall apply to the provision of access to all components of wholesale roaming access referred to in paragraph 3, unless both parties to the wholesale roaming agreement explicitly agree that any average wholesale roaming charge resulting from the application of the agreement should not be subject to the maximum regulated wholesale roaming charge *during the* period of *validity of the agreement*.

Or. es

Amendment 57
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 1 – point 1 a (new)
Regulation (EU) No 531/2012
Article 3 – paragraph 6

"6. The reference offer referred to in paragraph 5 shall be sufficiently detailed and shall include all components necessary for wholesale roaming access as referred to in paragraph 3, providing a description of the offerings relevant for direct wholesale roaming access and wholesale roaming resale access, and the associated terms and conditions. That reference offer may include conditions to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. If necessary, national regulatory authorities shall impose changes to reference offers to give effect to obligations laid down in this Article."

(1a) In Article 3, paragraph 6 is replaced by the following

"6. The reference offer referred to in paragraph 5 shall be sufficiently detailed and shall include all components necessary for wholesale roaming access as referred to in paragraph 3, providing a description of the offerings relevant for direct wholesale roaming access and wholesale roaming resale access, and the associated terms and conditions. That reference offer may include conditions to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union. If necessary, national regulatory authorities shall impose changes to reference offers to give effect to obligations laid down in this Article. ***Operators seeking wholesale roaming access shall be able to file complaints with the national regulatory authorities. The national regulatory authorities shall answer such complaints within one month of receipt, justifying the decision adopted. The complaint and the corresponding decision shall be notified to BEREC and made accessible to the public.***"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R0531&rid=1>)

Amendment 58
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 1 – point 1 b (new)
Regulation (EU) No 531/2012
Article 3 – paragraph 8

Present text

Amendment

"8. By 30 September **2012**, **and** in order to contribute to the consistent application of this Article, **BEREC shall**, after consulting stakeholders and in close cooperation with the Commission, **lay down** guidelines **for wholesale roaming access**."

(1b) In Article 3, paragraph 8 is replaced by the following:

"8. By 30 September **2019** **and every three years thereafter**, **BEREC shall review the existing guidelines for wholesale roaming access, with a view to updating them, where appropriate**, in order to contribute to the consistent application of this Article, after consulting stakeholders and in close cooperation with the Commission. **The review shall include advice to the Commission regarding the possible advantages of consolidating as acts of Union law the guidelines which have proved to be effective, enhancing competition of all kinds, including new entrants to the market, technologically innovative service models, SMEs and start-ups, as well as protecting customers.**"

Or. en

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R0531&rid=1>

Amendment 59

Paul Rübiger, Esther de Lange

Proposal for a regulation

Article 1 – point 1 a (new)

Regulation (EU) No 531/2012

Article 3 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(1a) In Article 3, the following paragraph is added:

"9a. Without prejudice to paragraph 4, the maximum wholesale charges for regulated roaming services that apply to Mobile Virtual Network Operators shall be limited to the national wholesale charges for mobile communications

services as set by the respective domestic host mobile network operator."

Or. en

Justification

In order to avoid significant competitive distortions and waterbed effects in domestic markets, MVNOs should not be subject to wholesale roaming rates that exceed the relevant domestic wholesale rates for mobile communication services. In absence of inbound traffic, a relatively weaker bargaining position and in the context of RLAH it can be regarded as unsustainable for these operators to provide RLAH without creating significant competitive disadvantages and waterbed effects in retail tariff plans. Domestic wholesale rates for mobile communication services as provided by host MNOs should factor in the relevant costs for providing access to wholesale roaming services to the extent necessary to provide RLAH for periodic travelling of retail customers.

Amendment 60
Aldo Patriciello

Proposal for a regulation
Article 1 – point 1 a (new)
Regulation (EU) No 531/2012
Article 6 d – title

Text proposed by the Commission

Amendment

(1a) In Article 6d, the title is replaced by the following:

'Implementation of fair use policy and of sustainability of the abolition of retail roaming surcharges and wholesale compensation fund'

Or. en

Amendment 61
Aldo Patriciello

Proposal for a regulation
Article 1 – point 1 b (new)
Regulation (EU) No 531/2012
Article 6 d – paragraph 5 a (new)

(1b) The following paragraph is added:

“5a. In addition to the surcharge mechanism for roaming providers in Article 6c(1) to (4) of Regulation (EU) No 531/2012 as amended by Regulation (EU) 2015/2120, a specific fund is established at Union level (RLAH Fund) to compensate operators for losses due to the reduced wholesale caps. The RLAH Fund is operated by BEREC under the terms to be set out by the Commission in a specific implementing act in accordance with Regulation (EU) No 182/2011, and already provided for in Article 6d(3) of Regulation (EU) No 531/2012 as amended by Regulation (EU) 2015/2120.”

Or. en

Amendment 62
Aldo Patriciello

Proposal for a regulation
Article 1 – point 1 c (new)
Regulation (EU) No 531/2012
Article 6 d – paragraph 5 b (new)

(1c) The following paragraph is added:

“5b. Undertakings benefitting from the implementation of RLAH with the reduced wholesale roaming charges for providing their own services to customers have to contribute to the RLAH Fund. BEREC will determine for every year the overall size of the Fund and the contribution to be made by each of them. Undertakings generating traffic below a certain threshold, which will be determined by BEREC, are excluded from this obligation.”

Amendment 63
Aldo Patriciello

Proposal for a regulation
Article 1 – point 1 d (new)
Regulation (EU) No 531/2012
Article 6 d – paragraph 5 c (new)

Text proposed by the Commission

Amendment

(1d) The following paragraph is added:
“5c. If the maximum wholesale roaming charges for calls, SMS or data, once reduced by virtue of this Regulation, are not sufficient for the operators to recover all costs, including their joint and common costs, for providing wholesale roaming services, the operators are entitled to receive financial compensation from the RLAH Fund.”

Or. en

Amendment 64
Aldo Patriciello

Proposal for a regulation
Article 1 – point 1 e (new)
Regulation (EU) No 531/2012
Article 6 d – paragraph 5 d (new)

Text proposed by the Commission

Amendment

(1e) The following paragraph is added:
“5d. To that extent, the operators must submit to BEREC a reasoned request including a detailed assessment of their relevant cost for the provision of wholesale roaming services, based on the Long Run Incremental Cost Plus (LRIC+) method. Operators may only seek compensation from the RLAH Fund

if they do not manage to recover their costs with the maximum wholesale charges provided for in this Regulation.”

Or. en

Amendment 65

Krišjānis Kariņš, Esther de Lange, Bendt Bendtsen, Luděk Niedermayer, Paul Rübzig

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.04** per minute *as of 15 June 2017 and shall*, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022

Amendment

1. *With effect from 15 June 2017*, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.035** per minute. *The safeguard limit shall, on 1 July 2018, decrease to EUR 0.03 per minute, on 1 July 2019, to EUR 0.02 per minute, and*, without prejudice to Article 19, *on 1 July 2020, to EUR 0.014 per minute. It shall* remain at EUR **0.014 per minute** until 30 June 2022

Or. en

Amendment 66

Gunnar Hökmark

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that

Amendment

1. *As of 15 June 2017*, the average

the visited network operator may levy on *the* roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall **not exceed a safeguard limit of EUR 0.04 per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR 0.04 until 30 June 2022**

wholesale charge that *a* visited network operator may levy on *a* roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall **be set based on the principle of reciprocal charging.**

Or. en

Justification

Reciprocal charging contributes to the lowering of wholesale prices by means of market mechanisms. With reciprocal charging, network operators are given clear incentives to engage in competitive bidding.

Amendment 67

Róza Gräfin von Thun und Hohenstein

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.04** per minute as of 15 June 2017 **and** shall, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.03** per minute as of 15 June 2017. **The safeguard limit** shall, without prejudice to Article 19, **on 1 July 2018, decrease to EUR 0.02 and** remain at EUR **0.02** until 30 June 2022

Or. en

Amendment 68
David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.04** per minute as of 15 June 2017 shall, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.025** per minute as of 15 June 2017, shall, **on 1 July 2019, decrease to 0.02 per minute and shall**, without prejudice to Article 19, remain at EUR **0.02** until 30 June 2022

Or. en

Amendment 69
Michel Reimon
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.04** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.025** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.025** until 30 June 2020 **after which it shall decrease to 0.015 per**

minute.

Or. en

Amendment 70

Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Theresa Griffin, Paul Tang

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.04** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.01** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.01** until 30 June 2022

Or. en

Amendment 71

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of

EUR **0.04** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022

EUR **0.03** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.03** until 30 June 2025

Or. en

Amendment 72

Henna Virkkunen, Kaja Kallas

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.04** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.03** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.03** until 30 June 2022

Or. en

Amendment 73

Lorenzo Fontana

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination

costs, shall not exceed a safeguard limit of EUR 0.04 per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR 0.04 until 30 June 2022

costs, shall not exceed a safeguard limit of EUR 0.025 per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR 0.025 until 30 June 2022

Or. it

Amendment 74
Werner Langen

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 1

Text proposed by the Commission

(1) The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR 0.04 per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR 0.04 until 30 June 2022.

Amendment

(1) The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR 0.03 per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR 0.03 until 30 June 2022.

Or. de

Amendment 75
João Ferreira

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

maximum average wholesale charge as provided for in paragraph 1 or before 30 June 2022.

Or. pt

Amendment 76

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 531/2012

Article 7 – paragraph 2

Text proposed by the Commission

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 paragraph 1 or before 30 June **2022**.

Amendment

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 paragraph 1 or before 30 June **2025**.

Or. en

Amendment 77

João Ferreira

Proposal for a regulation

Article 1 – point 2 a (new)

Regulation (EU) No 531/2012

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) By way of derogation, cases where the actual costs incurred by the operator are, for reasons such as seasonal overload, demonstrably higher than the amounts set out in the previous paragraph shall be excluded from its provisions.

(Amendment also applies to Article 9 and Article 12.)

Or. pt

Amendment 78
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 1 – point 2 a (new)
Regulation (EU) No 531/2012
Article 7 – paragraph 3

Present text

Amendment

"3. The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis ***adjusted to take account of the possibility for the operator of the visited network to apply an initial minimum charging period not exceeding 30 seconds.***"

(2a) In Article 7, paragraph 3 is replaced by the following:

"3. The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R0531&rid=1>)

Amendment 79
Gunnar Hökmark

Proposal for a regulation
Article 1 – point 3
Regulation (EU) No 531/2012
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. With effect from 15 June 2017, the

1. With effect from 15 June 2017, the

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EN

average wholesale charge that **the** visited network operator may levy on **the** roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall **not exceed a safeguard limit of EUR 0.01 per SMS message and shall, without prejudice to Article 19, remain at EUR 0.01 until 30 June 2022.**

average wholesale charge that **a** visited network operator may levy on **a** roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall **be set based on the principle of reciprocal charging.**

Or. en

Justification

Reciprocal charging contributes to the lowering of wholesale prices by means of market mechanisms. With reciprocal charging, network operators are given clear incentives to engage in competitive bidding.

Amendment 80

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – point 3

Regulation (EU) No 531/2012

Article 9 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR **0.01** per SMS message and shall, without prejudice to Article 19, remain at EUR **0.01** until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR **0.005** per SMS message and shall, without prejudice to Article 19, remain at EUR **0.005** until 30 June 2022.

Or. en

Amendment 81

Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Paul Tang

Proposal for a regulation

Article 1 – point 3

Regulation (EU) No 531/2012

Article 9 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR **0.01** per SMS message and shall, without prejudice to Article 19, remain at EUR **0.01** until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR **0.005** per SMS message and shall, without prejudice to Article 19, remain at EUR **0.005** until 30 June 2022.

Or. en

Amendment 82

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

Proposal for a regulation

Article 1 – point 3

Regulation (EU) No 531/2012

Article 9 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR 0.01 per SMS message and shall, without prejudice to Article 19, remain at EUR 0.01 until 30 June **2022**.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR 0.01 per SMS message and shall, without prejudice to Article 19, remain at EUR 0.01 until 30 June **2025**.

Or. en

Amendment 83
Hannu Takkula

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted and shall, without prejudice to Article 19, remain at **EUR 0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2 per gigabyte** of data transmitted and shall, without prejudice to Article 19, remain at **EUR 2 per gigabyte** of data transmitted until 30 June 2022.

Or. en

Amendment 84

Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Theresa Griffin, Paul Tang

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted **and** shall, without prejudice to Article 19, **remain** at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **2.5 per gigabyte** of data transmitted. ***This safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte of data transmitted, on 1 July 2019 to EUR 1.5 per gigabyte of data transmitted, and on 1 July 2020, to EUR 1 per gigabyte of data transmitted. It shall***

remain, without prejudice to Article 19, at EUR **1 per gigabyte** of data transmitted until 30 June 2022.

Or. en

Justification

A far more ambitious initial lowering of wholesale roaming charges is required to prevent market distortion in Member States with low cost mobile subscriptions including larger data amounts. The Commission's proposal is estimated to be about three times higher than actual average wholesale costs in the most competitive Member States. Similarly, the ramp down must be made steeper in order to avoid indirectly subsidising less efficient operators and incentivising all operators to invest in newer, more efficient network technology.

Amendment 85

Róza Gräfin von Thun und Hohenstein

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted *and* shall, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **4 per gigabyte** of data transmitted. ***The safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2019 to EUR 1 per gigabyte of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.***

Or. en

Amendment 86

Henna Virkkunen

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted **and shall**, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **3 per gigabyte of data transmitted**. **The safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte** of data transmitted, **and, on July 2019 to EUR 1 per gigabyte of data transmitted, and shall** without prejudice to Article 19, remain at EUR **1 per gigabyte** of data transmitted until 30 June 2022.

Or. en

Amendment 87

Krišjānis Kariņš, Bendt Bendtsen, Luděk Niedermayer, Paul Rübzig

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted **and shall**, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **3 per gigabyte of data transmitted**. **The safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte** of data transmitted, **and, on July 2019 to EUR 1 per gigabyte of data transmitted, and shall**, without prejudice to Article 19,

remain at EUR **1 per gigabyte** of data transmitted until 30 June 2022.

Or. en

Amendment 88
Gunnar Hökmark

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that **the** visited network operator may levy on **the** roaming provider for the provision of regulated data roaming services by means of that visited network shall **not exceed a safeguard limit of EUR 0.0085 per megabyte of data transmitted and shall, without prejudice to Article 19, remain at EUR 0.0085 per megabyte of data transmitted until 30 June 2022.**

Amendment

1. With effect from 15 June 2017, the average wholesale charge that **a** visited network operator may levy on **a** roaming provider for the provision of regulated data roaming services by means of that visited network shall **be set based on the principle of reciprocal charging.**

Or. en

Justification

Reciprocal charging contributes to the lowering of wholesale prices by means of market mechanisms. With reciprocal charging, network operators are given clear incentives to engage in competitive bidding.

Amendment 89
David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted **and** shall, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **4 per gigabyte of data transmitted**. **The safeguard limit shall, on 1 July 2018, decrease to EUR 3 per gigabyte of data transmitted, on 1 July 2019 to EUR 2 per gigabyte of data transmitted, on 1 July 2020 to EUR 1.5 per gigabyte of data transmitted, and on 1 July 2021 to EUR 1 per gigabyte of data transmitted.** It shall, without prejudice to Article 19, remain at EUR **1 per gigabyte** of data transmitted until 30 June 2022.

Or. en

Amendment 90

Pavel Telička

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted **and** shall, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.005 per megabyte** of data transmitted. **The safeguard limit shall, on 1 July 2018, decrease to EUR 0.004 per megabyte of data transmitted, on 1 July 2019 to EUR 0.003 per megabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to EUR 0.002 per megabyte of data transmitted, and on**

1 July 2021, to EUR 0.001 per megabyte of data transmitted. It shall remain at EUR 0.001 per megabyte of data transmitted until 30 June 2025.

Or. en

Amendment 91

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Fredrick Federley, Ulrike Müller

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted *and* shall, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **8.5 per gigabyte** of data transmitted. *The safeguard limit shall, on 1 July 2018, decrease to EUR 4 per gigabyte of data transmitted, on 1 July 2019 to EUR 3 per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to EUR 2 per gigabyte of data transmitted, and on 1 July 2021, to EUR 1 per gigabyte of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2025.*

Or. en

Amendment 92

Esther de Lange, Paul Rübzig

Proposal for a regulation

Article 1 – point 4

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted **and** shall, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017 the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **5 per gigabyte of data transmitted**. **The safeguard limit shall, on 1 July 2018, decrease to EUR 4 per gigabyte of data transmitted, on 1 July 2019 to EUR 3 per gigabyte of data transmitted, and, on 1 July 2020, to EUR 2 per gigabyte of data transmitted, and on 1 July 2021, to EUR 1 per gigabyte of data transmitted.** It shall, without prejudice to Article 19, remain at EUR **1 per gigabyte** of data transmitted until 30 June 2022.

Or. en

Amendment 93

Kaja Kallas, Cora van Nieuwenhuizen, Marietje Schaake

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085 per megabyte** of data transmitted **and** shall, without prejudice to Article 19, remain at EUR **0.0085 per megabyte** of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **5 per gigabyte** of data transmitted. **The safeguard limit shall, on 1 July 2018, decrease to EUR 4 per gigabyte of data transmitted, on 1 July 2019 to EUR 3 per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to**

EUR 2 per gigabyte of data transmitted, and on 1 July 2021, to EUR 1 per gigabyte of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

Or. en

Amendment 94
Werner Langen

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

(1) With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085** per *megabyte* of data transmitted *and shall*, without prejudice to Article 19, *remain at EUR 0.0085* per *megabyte* of data transmitted *until 30* June 2022.

Amendment

(1) With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR 8 per *gigabyte* of data transmitted. *The safeguard limit shall, on 15 June 2018, decrease to EUR 7.50 per gigabyte of data transmitted, and, without prejudice to Article 19, on 15 June 2019, to EUR 7 per gigabyte of data transmitted, on 15 June 2020, to EUR 6.50 per gigabyte of data transmitted, on 15 June 2021, to EUR 6 per gigabyte of data transmitted, and on 15 June 2022, to EUR 5.50 per gigabyte of data transmitted.*

Or. de

Amendment 95
Evžen Tošenovský

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. ***With effect from 15 June 2017***, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR ***0.0085 per megabyte*** of data transmitted and shall, without prejudice to Article 19, remain at EUR ***0.0085 per megabyte*** of data transmitted until 30 June 2022.

Amendment

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not, ***with effect from 15 June 2017***, exceed a safeguard limit of EUR ***12 per gigabyte*** of data transmitted, ***with effect from 1 July 2018, EUR 10 per gigabyte of data transmitted, with effect from 1 July 2019, EUR 8 per gigabyte of data transmitted, with effect from 1 July 2020, EUR 6 per gigabyte of data transmitted*** and shall, without prejudice to Article 19, remain at EUR ***6 per gigabyte*** of data transmitted until 30 June 2022.

Or. en

Justification

The data from some NRAs suggest that the wholesale price caps as proposed by the Commission would not fully cover current costs of domestic operators for data transmission in their networks. In order to avoid a broad application of sustainability clause and the risk of distortion of the national markets, particularly due to increased prices of other domestic services, the wholesale price caps should safeguard recovery of costs for all visited networks across the European Union. The proposed wholesale caps scheme for data should be considered as a maximum limit, it is expected that in most cases the roaming operators will be able to negotiate a lower wholesale prices in the visited networks. In addition, the proposed glide path approach with price caps dynamically dropping year to year is mirroring the expected lowering of cost of data transmission.

Amendment 96

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085** per megabyte of data transmitted and shall, without prejudice to Article 19, **remain at EUR 0.0085** per megabyte of data transmitted until **30 June 2022**.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.004** per megabyte of data transmitted and shall, without prejudice to Article 19, **decrease by EUR 0.001** per megabyte of data transmitted **each year** until **15 June 2020**.

Or. en

Amendment 97
Hans-Olaf Henkel

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085** per megabyte of data transmitted and shall, without prejudice to Article 19, remain at EUR **0.0085** per megabyte of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.015** per megabyte of data transmitted and shall, without prejudice to Article 19, remain at EUR **0.015** per megabyte of data transmitted until 30 June 2022.

Or. en

Justification

The caps suggested by the Commission are significantly lower than operators' cost. This could leave to distortions in the market. Operators from lower-cost EU countries might enter higher-cost countries and distort markets through arbitrage models based on regulated

roaming prices.

Amendment 98

Françoise Grossetête, Anne Sander, Francesc Gambús, Michał Boni

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 531/2012

Article 12 – paragraph 1

Text proposed by the Commission

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0085** per megabyte of data transmitted and shall, without prejudice to Article 19, remain at EUR **0.0085** per megabyte of data transmitted until 30 June 2022.

Amendment

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR **0.0127** per megabyte of data transmitted. ***That safeguard limit shall decrease to EUR 0.0101 on 15 June 2018, to 0.0080 on 15 June 2019, to 0.0064 on 15 June 2020 and to 0.0051 on 15 June 2021*** and shall, without prejudice to Article 19, remain at EUR **0.0051** per megabyte of data transmitted until 30 June 2022.

Or. en

Justification

In order to maintain investments made by operators, wholesale caps should not be fixed below costs of networks. Besides, a glide path would be more appropriate than a fixed value. Consistently with market prices, there should be a constant rate of decrease every year, with an average equal to 0.85 (fixed value proposed by European Commission).

Amendment 99

José Blanco López

Proposal for a regulation

Article 1 – point 4 a (new)

Regulation (EU) No 531/2012

Article 15 a (new)

(4a) The following Article is inserted:

“Article 15a

Sustainability of wholesale roaming services

- 1. In specific and exceptional circumstances, with a view to ensuring the sustainability of wholesale roaming services, where an operator of a visited network is not able to recover its overall actual and projected costs of providing regulated wholesale roaming services in accordance with Article 3, from its overall actual and projected revenues from the provision of such services, that operator of a visited network may apply for authorisation to apply a surcharge. That surcharge on the applicable maximum wholesale charges laid down in Articles 7, 9 and 12 shall apply only to the extent necessary to recover the costs of providing regulated wholesale roaming services, including common and shared costs.**
- 2. Where an operator of a visited network opts to make use of paragraph 1 of this article, it shall make a corresponding application without delay to the national regulatory authority supplying all the necessary information.**
- 3. On receiving the application referred to in paragraph 2, the national regulatory authority shall assess whether the operator of a visited network has proved that it is unable to recover its costs pursuant to paragraph 1. If the national regulatory authority decides that the operator is unable to recover its costs, it may authorise the application of a surcharge. That surcharge may not exceed the current average charge in the wholesale market of the visited Member State.**
- 4. Where the national regulatory authority considers that the application is**

well founded and the surcharge should be authorised, it shall seek an opinion from BEREC, which shall deliver its opinion within one month at the latest. Within two months of receipt of an application pursuant to paragraph 2, the national regulatory authority shall authorise the surcharge unless it considers that the application is manifestly unfounded. Where the national regulatory authority considers that the application is manifestly unfounded, or considers that insufficient information has been provided, it shall take a final decision within a further period of two months, after having given the roaming provider the opportunity to be heard, authorising or refusing the surcharge.”

Or. es

Amendment 100
Herbert Reul

Proposal for a regulation
Article 1 – point 4 a (new)
Regulation (EU) No 531/2012
Article 16 – paragraph 1 – subparagraph 1

Present text

1. National regulatory authorities shall monitor and supervise compliance with this Regulation within their territory.

Amendment

(4a) In Article 16(1), the first subparagraph is replaced by the following:

“1. National regulatory authorities **and BEREC** shall monitor and supervise compliance with this Regulation within their territory **and across the Union, as applicable.**”

Or. en

Amendment 101
Herbert Reul

Proposal for a regulation
Article 1 – point 4 b (new)
Regulation (EU) No 531/2012
Article 16 – paragraph 2

Present text

2. National regulatory authorities shall make up-to-date information on the application of this Regulation, in particular Articles 6a, 6b, 6c, 6e, 7, 9, **and** 12 publicly available in a manner that enables interested parties to have easy access to it.

Amendment

(4b) In Article 16, paragraph 2 is replaced by the following:

“2. National regulatory authorities **and BEREC** shall make up-to-date information on the application of this Regulation, in particular Articles 6a, 6b, 6c, 6e, 7, 9, 12 **and 19a**, publicly available in a manner that enables interested parties to have easy access to it.”

Or. en

Amendment 102
Herbert Reul

Proposal for a regulation
Article 1 – point 4 c (new)
Regulation (EU) No 531/2012
Article 16 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(4c) In Article 16, the following paragraph added:

“6a. **BEREC shall, in preparation for the review mechanism provided for in Article 19a, monitor developments in roaming traffic generated by CAPs in accordance with its administration of the Universal Roaming Fund under the terms of that Article. This shall include, among others, a maximum volume threshold imposed under Article 19a beyond which contributions by certain CAPs to the URF will be required, the applicable rate per gigabyte of volume by any one CAP over that threshold, the price per gigabyte for every gigabyte of volume a particular**

CAP has exceeded the maximum threshold, and the mechanism by which visited network operators can apply to the Universal Roaming Fund for cost recovery.”

Or. en

Amendment 103
Herbert Reul

Proposal for a regulation
Article 1 – point 4 d (new)
Regulation (EU) No 531/2012
Article 16 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

(4d) In Article 16, the following paragraph is added:

“6b. National regulatory authorities and BEREC shall have the power to require undertakings subject to obligations under this Regulation to supply all information relevant to the implementation and enforcement of this Regulation. Those undertakings shall provide such information promptly upon request and in accordance with time limits and the level of detail required by the national regulatory authority.”

Or. en

Amendment 104
Edouard Martin, Pervenche Berès

Proposal for a regulation
Article 1 – point 5 a (new)
Regulation (EU) No 531/2012
Article 17 – paragraph 2 a (new)

(5a) In Article 17 the following paragraph is added:

‘(2a) To prevent the risk of abuses on the wholesale market, taking the form of the appearance of commercial opportunities based on circumventing the law, an appeal mechanism shall be established.

This mechanism shall open up an appeal channel direct to BEREC where an operator suspects the existence on its domestic market of unfair competition consisting in substance of an offer from a non-domestic operator based on permanent roaming.

BEREC, with the support of the national regulatory authorities concerned, shall determine whether the non-domestic operator in question is carrying out substantial activities in the electronic communications sector, other than merely internal management or administrative activities, on its own home market. To that end, BEREC shall make an overall assessment over a significant period of all factual elements characterising the activities carried out by the non-domestic operator in the Member State in which it is established and, on a proportional and comparative basis, in the Member State visited. Such elements may include:

(a) the place where the operator has its registered office and administration, or where the operator has offices, pays taxes and social security contributions;

(b) the law applicable to contracts concluded by the operator with its staff, on the one hand, and with its customers. on the other;

(c) the place where the operator performs its substantial business activity and where it employs administrative staff;

(d) the investments made, the number of contracts performed and/or the proportion of the turnover realised in the Member State of establishment and in the visited Member State.

During this evaluation, the operator which lodged the appeal may take safeguard measures, up to and including the immediate suspension of roaming, subject to the supervision of its national regulatory authority;'

Or. fr

Amendment 105
Herbert Reul

Proposal for a regulation
Article 1 – point 5 a (new)
Regulation (EU) No 531/2012
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(5a) In Article 17, the following paragraph is added:

“2a. For the purposes of resolving any dispute that may arise in relation to the rights or obligations of any undertaking arising under Article 19a, BEREC, in collaboration with the national regulatory authorities, shall establish dispute resolution procedures equivalent to those existing under Articles 20 and 21 of the Framework Directive.”

Or. en

Amendment 106
Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Theresa Griffin, Paul Tang

Proposal for a regulation
Article 1 – point 6 – point a

Regulation (EU) No 531/2012
Article 19 – paragraph 3 – sentence 1

Text proposed by the Commission

In addition, the Commission shall submit a report to the European Parliament and the Council every two years *after 15 June 2017*.

Amendment

In addition, the Commission shall submit a report to the European Parliament and the Council *no later than 15 June 2019 and every two years thereafter. The report shall be accompanied by a legislative proposal from the Commission for a revision of the wholesale charges for regulated roaming services laid down in this Regulation, taking into consideration, in particular, changes in data usage patterns by European consumers.*

Or. en

Amendment 107
José Blanco López

Proposal for a regulation

Article 1 – point 6 – point a

Regulation (EU) No 531/2012

Article 19 – paragraph 3 – sentence 1

Text proposed by the Commission

In addition, the Commission shall submit a report to the European Parliament and the Council every two years after *15 June 2017*.

Amendment

In addition, the Commission shall submit a report to the European Parliament and the Council *on 15 December 2018 and every two years after that date. If the report shows that this Regulation has not adequately promoted competition in the internal market for roaming services, the Commission shall submit appropriate legislative proposals to the European Parliament and the Council.*

Or. es

Amendment 108
Esther de Lange, Paul Rübzig, Krišjānis Kariņš

Proposal for a regulation

Article 1 – point 6 – point a

Regulation (EU) No 531/2012

Article 19 – paragraph 3 – sentence 1

Text proposed by the Commission

In addition, the Commission shall submit a report to the European Parliament and the Council *every two years after* 15 June 2017.

Amendment

In addition, the Commission shall submit a report to the European Parliament and the Council *by* 15 June 2018 *and every two years thereafter, accompanied, if appropriate, by a legislative proposal to amend the wholesale caps for regulated roaming services laid down in this Regulation.*

Or. en

Amendment 109

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

Proposal for a regulation

Article 1 – point 6 – point a

Regulation (EU) No 531/2012

Article 19 – paragraph 3 – sentence 1

Text proposed by the Commission

In addition, the Commission shall submit a report to the European Parliament and the Council every two years *after 15 June* 2017.

Amendment

In addition, the Commission shall submit a report to the European Parliament and the Council *by 15 June 2019 and* every two years *thereafter and, if appropriate, a review of the wholesale charges for regulated roaming services laid down in this Regulation.*

Or. en

Amendment 110

Pilar del Castillo Vera, Michal Boni, Francesc Gambús, Krišjānis Kariņš, Massimiliano Salini

Proposal for a regulation

Article 1 – point 6 – point a

Regulation (EU) No 531/2012
Article 19 – paragraph 3 – sentence 1

Text proposed by the Commission

In addition, the Commission shall submit a report to the European Parliament and the Council every two years after 15 June 2017.

Amendment

In addition, ***after consulting BEREC***, the Commission shall submit a report to the European Parliament and the Council every two years after 15 June 2017, ***accompanied, if appropriate, by a legislative proposal to review the level of wholesale caps.***

Or. en

Amendment 111
Evžen Tošenovský, Hans-Olaf Henkel

Proposal for a regulation
Article 1 – point 6 – point a
Regulation (EU) No 531/2012
Article 19 – paragraph 3 – sentence 1

Text proposed by the Commission

In addition, the Commission shall submit a report to the European Parliament and the Council ***every two years after 15 June 2017.***

Amendment

In addition, the Commission shall submit a report to the European Parliament and the Council ***accompanied, where appropriate, by a legislative proposal, by 31 December 2018 and every 18 months thereafter.***

Or. en

Amendment 112
Hans-Olaf Henkel

Proposal for a regulation
Article 1 – point 6 – point a a (new)
Regulation (EU) No 531/2012
Article 19 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(aa) in paragraph 3, the following point is added:

"(ca) the current state of implementation of the abolition of retail roaming surcharges and whether there is the need for further adjustments in the level of maximum wholesale roaming charges as provided for in Articles 7, 9 and 12, taking into account the ability of visited network operators to recover all costs of providing regulated wholesale roaming services, including joint and common costs."

Or. en

Amendment 113
David Borrelli, Dario Tamburrano

Proposal for a regulation
Article 1 – point 6 – point a a (new)
Regulation (EU) No 531/2012
Article 19 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(aa) In paragraph 3, the following point is added:

"(ca) the ability of home network operators to sustain their domestic charging model and to recover the costs of providing regulated roaming services from the revenues from the provision of such services, and the extent to which exceptional retail roaming surcharges have been authorised pursuant to Article 6c; this part of the review shall also assess the impact of "roam-like-at-home" on domestic tariff plans;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R0531&rid=1>)

Justification

Supporting amendment 8 of the draft report, we would like to attract attention to the fact that "roaming like at home", which is a possibility used by a minority of EU citizens, should not

have a negative impact on the mobile communication cost paid by the majority of customers who use only, or predominantly, domestic services.

Amendment 114
José Blanco López

Proposal for a regulation
Article 1 – point 6 – point a a (new)
Regulation (EU) No 531/2012
Article 19 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(aa) In paragraph 3, the following point is added:

“(ca) developments in retail charges for the provision to customers of voice, SMS and data communications services in countries with large inbound roaming traffic.”

Or. es

Amendment 115
José Blanco López

Proposal for a regulation
Article 1 – point 6 – point a b (new)
Regulation (EU) No 531/2012
Article 19 – paragraph 3 – point c b (new)

Text proposed by the Commission

Amendment

(ab) In paragraph 3, the following point is added:

“(cb) recorded and projected developments in network infrastructure investment by operators in countries with large inbound roaming traffic.”

Or. es

Amendment 116
David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 1 – point 6 – point a b (new)

Regulation (EU) No 531/2012

Article 19 – paragraph 3 – point c b (new)

Present text

Amendment

(ab) In paragraph 3, the following point is added:

“(cb) the ability of visited network operators to recover operational costs of providing regulated wholesale roaming services, including joint and common costs.”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R0531&rid=1>)

Justification

In alignment with amendment 7 of the draft report we consider though that the cost recovery scheme should be restricted to the operational costs, insofar the overhead of the visited network operator should be covered by its domestic business model.

Amendment 117
Miapetra Kumpula-Natri

Proposal for a regulation

Article 1 – point 6 – point a d (new)

Regulation (EU) No 531/2012

Article 19 – paragraph 3 – point c d (new)

Text proposed by the Commission

Amendment

(ad) In paragraph 3, the following point is added:

“(cd) the impact of the Commission Implementing Regulation laying down detailed rules on the application of fair use policy [insert reference] on consumer protection, in particular in relation to dispute settlements between operators

applying a fair use policy and their customers, such as whether the roaming costumers are granted sufficient time to lodge a complaint and avoid being penalised in the process;”

Or. en

Amendment 118

Miapetra Kumpula-Natri

Proposal for a regulation

Article 1 – point 6 – point a e (new)

Regulation (EU) No 531/2012

Article 19 – paragraph 3 – point c e (new)

Text proposed by the Commission

Amendment

(ae) In paragraph 3, the following point is added:

”(ce) the use of objective indicators and in particular the interpretation by operators and national regulatory authorities of the terminology used in the Implementing Regulation on fair use policy, such as 'anomalous use', and 'periodic travelling', with a view to avoiding inconsistencies between Member States in application;”

Or. en

Amendment 119

Miapetra Kumpula-Natri

Proposal for a regulation

Article 1 – point 6 – point a f (new)

Regulation (EU) No 531/2012

Article 19 – paragraph 3 – point c f (new)

Text proposed by the Commission

Amendment

(af) In paragraph 3, the following

point is added:

“(cf) the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services.”

Or. en

Amendment 120
Herbert Reul

Proposal for a regulation
Article 1 –point 6 a (new)
Regulation (EU) No 531/2012
Article 19 a (new)

Text proposed by the Commission

Amendment

(6a) The following Article is inserted:

“Article 19a

Establishment of a Universal Roaming Fund

1. With effect from 15 June 2017, on condition that the Implementation Regulation adopted pursuant to Article 6d(1) of Regulation (EU) No 531/2012 is adopted and rendered applicable on that date, the Commission shall, in consultation with BEREC, adopt the necessary implementation measures laying down detailed rules on the establishment of a Universal Roaming Fund to ensure full cost recovery for network operators providing regulated wholesale roaming services, including joint and common costs.

2. Those implementing measures shall take due account of the need to incentivise and reward investment in mobile infrastructure by network operators as well as acknowledging the progressive technological convergence being undergone by the communications, media and information technology

sectors.

3. The Universal Roaming Fund shall incorporate the following elements:

(a) A "maximum volume threshold" for certain high volume applications and over-the-top services provided by CAPs, at a level to be determined by BEREC in consultation with the Commission;

(b) A "CAP Contribution Fee", measured in euros per Gigabyte, which a CAP will be required to contribute into the Universal Roaming Fund for each Gigabyte exceeded over the maximum volume threshold, taking into account the extent to which operators are unable to recover their wholesale roaming costs in any given Member State;

(c) A "roaming cost recovery mechanism", by which those network operators obliged to provide wholesale roaming services at charges below their actually incurred cost are entitled to claim compensation from the Universal Roaming Fund.

4. In order to assess the necessity and proportionality of payments made under the Universal Roaming Fund, BEREC shall collect data on a regular basis from national regulatory authorities, network operators and CAPs on the volume of data roaming services and the charges for such services.

To this end, BEREC shall annually publish a report on an annual basis on the effectiveness, necessity and proportionality of the Universal Roaming Fund, along with any proposed revisions to any limits and conditions imposed thereunder.

5. The national regulatory authorities shall be responsible for monitoring and supervising compliance strictly with the terms of operation of the Universal Roaming Fund and facilitating cost recovery requests made by network operators offering wholesale roaming

services. In doing so, they shall take the utmost account of relevant objective factors specific to the Member State concerned, including both domestic wholesale costs and retail tariffs.”

Or. en

Amendment 121
Jean-Luc Schaffhauser

Proposal for a regulation
Article 1 – point 6 a (new)
Regulation (EU) No 531/2012
Article 19 a (new)

Text proposed by the Commission

Amendment

(6a) *The following article is inserted:*
‘The application of this regulation shall be conditional on the stability of national charges for individuals and businesses and on continued investment in the network. If the national regulator, in response to a request from an individual consumer or business or from a telecommunications operator, finds that there has been a rise in non-roaming national charges, a fall in investments in the network, or any other indirect form of repercussion from roaming charges, it may take immediate measures to abolish the ceilings and restore charges for roaming.’

Or. fr

Amendment 122
Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

Proposal for a regulation
Article 1 – point 6 a (new)
Regulation (EU) No 531/2012
Article 22 – paragraph 2

Present text

Amendment

"It shall expire on 30 June **2022**."

(6a) In Article 22, the second paragraph is replaced by the following:

"It shall expire on 30 June **2025**."

Or. en

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