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**2013/0306(COD)**

20.12.2013

# **AMENDMENTS 45 - 76**

**Draft opinion**  
**Marielle Gallo**  
(PE524.714v01-00)

European single market for electronic communications

Proposal for a regulation  
(COM(2013)0627 – C7-0267/2013 – 2013/0306(COD))

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**EN**

*United in diversity*

**EN**

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**Amendment 45**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 46**  
**Christian Engström**  
on behalf of the Greens/EFA Group

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

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

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

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

Or. en

## **Amendment 47**

**Marietje Schaake, Cecilia Wikström**

### **Proposal for a regulation**

#### **Recital 45**

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

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

##### *Amendment*

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

measures.

perspective, showed that a significant number of end-users are affected by traffic management practices which block or slow down specific applications. These tendencies require clear rules *to enshrine the principle of net neutrality in law* at the Union level to maintain the open internet and to avoid fragmentation of the single market resulting from individual Member States' measures.

Or. en

**Amendment 48**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

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

*Amendment*

(47) In an open internet, providers of electronic communications to the public ***shall*** not block, slow down, degrade or discriminate against specific content, applications or services or specific classes thereof except for a limited number of ***clearly defined*** reasonable traffic management measures. Such measures ***shall*** be transparent, proportionate and non-discriminatory. Reasonable traffic management ***could encompass*** voluntary actions of providers to prevent access to and distribution of child pornography ***subject to judicial review***. Minimising the effects of network congestion ***could*** be considered reasonable provided that network congestion occurs only temporarily or in exceptional circumstances.

Or. en

**Amendment 49**  
**Christian Engström**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 50**  
**Christian Engström**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission services based on *flexible* quality parameters, ***including lower levels of priority for traffic which is not time-sensitive. The possibility for*** content, applications and service providers to negotiate such *flexible* quality of service levels with providers of electronic communications to the public ***is necessary for the provision of specialised services and*** is expected to play an important role in the development of new services such as machine-to-machine (M2M) communications. ***At the same time such arrangements should allow providers of***

(50) In addition, there is demand on the part of content, applications and services providers, for the provision of transmission services based on quality parameters . ***For the provision of specialised services in closed networks, it is necessary that*** content, applications and service providers ***have the opportunity*** to negotiate such ***a specific*** quality of service levels with providers of electronic communications to the public ***for a limited group of users. This*** is expected to play an important role in the development of new services such as machine-to-machine (M2M) communications. ***Special services must neither impair open internet access service quality nor be marketed or used as***

*electronic communications to the public to better balance traffic and prevent network congestion. Providers of content, applications and services and providers of electronic communications to the public should therefore be free to conclude specialised services agreements on defined levels of quality of service as long as such agreements do not substantially impair the general quality of internet access services.*

*an internet substitute. They are admissible only if there is a manifest technical and de facto need, over and above economic self-interest, to be able to supply real-time critical applications of a particular quality. If special services are offered or marketed by access network providers, they are also under the obligation to provide an open internet access service as referred to in recital (45). All open internet services are subject to the best-effort principle.*

Or. en

## **Amendment 51**

**Marietje Schaake, Cecilia Wikström**

### **Proposal for a regulation**

#### **Recital 50**

*Text proposed by the Commission*

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

*Amendment*

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

specialised services agreements on defined levels of quality of service as long as such agreements do not **substantially** impair the **general** quality of internet access services.

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

Or. en

## **Amendment 52** **Marietje Schaake, Cecilia Wikström**

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

#### *Text proposed by the Commission*

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

#### *Amendment*

(51) National regulatory authorities play an essential role in ensuring that end-users are effectively able to exercise this freedom to avail of open internet access. To this end national regulatory authorities should have monitoring and reporting obligations, and ensure compliance of providers of electronic communications to the public and the availability of non-discriminatory internet access services of high quality which are not impaired by specialised services. ***National regulatory authorities should establish clear and comprehensible notification and redress mechanisms for end-users subjected to discrimination, restriction or interference of online content, services or applications.*** In their assessment of a possible general impairment of internet access services, national regulatory authorities should take account of quality parameters such as timing and reliability parameters (latency, jitter, packet loss), levels and effects of congestion in the network, actual versus advertised speeds, performance of internet access services compared with specialised services, and quality as perceived by end-users. National regulatory authorities should be empowered to impose minimum

services.

quality of service requirements on all or individual providers of electronic communications to the public if this is necessary to prevent general impairment/degradation of the quality of service of internet access services.

Or. en

**Amendment 53**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 54**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

*specified guaranteed quality of service,  
based on specified parameters;*

Or. en

#### **Amendment 55**

**Marietje Schaake, Cecilia Wikström**

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

**Article 2 – paragraph 2 – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 56**

**Christian Engström**

on behalf of the Greens/EFA Group

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

**Article 2 – paragraph 2 – point 14**

*Text proposed by the Commission*

*Amendment*

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

(14) 'internet access service' means a publicly available electronic communications service that provides connectivity to the internet, and thereby connectivity between virtually all end points connected to the internet, irrespective of the network technology used; ***the Member States shall impose reasonable minimum requirements in respect of internet access service quality, which must be constantly adapted to technological progress; an internet access service enables end-users to use any***

*internet-based application in accordance with the best effort principle; the only permissible derogation from this principle is proportional and justified traffic management where the conditions for its use are clearly defined;*

Or. en

**Amendment 57**  
**Christian Engström**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 58**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

*Amendment*

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

(15) ‘specialised service’ means an electronic communications service, ***operated within closed electronic communications networks using the Internet Protocol with strict admission control; and that is not marketed or used as a substitute for internet access service or functionally identical to services available over the public internet access service;***

Or. en

#### **Amendment 59**

**Marietje Schaake, Cecilia Wikström**

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

#### **Article 19**

*Text proposed by the Commission*

*Amendment*

***Article 19 – Assured service quality (ASQ) connectivity product***

***deleted***

***1. Any operator shall have the right to provide a European ASQ connectivity product as specified in paragraph 4.***

***2. Any operator shall meet any reasonable request to provide a European ASQ connectivity product as specified in paragraph 4 submitted in writing by an authorised provider of electronic communications services. Any refusal to provide a European ASQ product shall be based on objective criteria. The operator shall state the reasons for any refusal within one month from the written request.***

***It shall be deemed to be an objective ground of refusal that the party requesting the supply of a European ASQ***

*connectivity product is unable or unwilling to make available, whether within the Union or in third countries, a European ASQ connectivity product to the requested party on reasonable terms, if the latter so requests.*

*3. Where the request is refused or agreement on specific terms and conditions, including price, has not been reached within two months from the written request, either party is entitled to refer the issue to the relevant national regulatory authority pursuant to Article 20 of Directive 2002/21/EC. In such a case, Article 3(6) of this Regulation may apply.*

*4. The provision of a connectivity product shall be considered as the provision of a European ASQ connectivity product if it is supplied in accordance with the minimum parameters listed in Annex II and cumulatively meets the following substantive requirements:*

*(a) ability to be offered as a high quality product anywhere in the Union;*

*(b) enabling service providers to meet the needs of their end-users;*

*(c) cost-effectiveness, taking into account existing solutions that may be provided on the same networks;*

*(d) operational effectiveness, in particular in respect of limiting to the extent possible implementation obstacles and deployment costs for customers; and*

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

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

*paragraph 4.*

Or. en

#### **Amendment 60**

**Marietje Schaake, Cecilia Wikström**

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

#### **Article 20 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 61**

**Marietje Schaake, Cecilia Wikström**

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

#### **Article 23 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 62**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 63**  
**Christian Engström**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 64**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 65**  
**Christian Engström**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

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

*Amendment*

The provision of specialised services ***shall not impair the quality of internet access services. Neither shall they undermine existing, generally recognised technical standards and their development. Special services shall only be admissible where there is a manifest technical and de facto need for them, over and above economic self-interest, so as to be able to provide real time critical applications or applications requiring special safeguards and meeting particular quality standards.***

*access services.*

Or. en

## **Amendment 66**

**Marietje Schaake, Cecilia Wikström**

### **Proposal for a regulation**

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

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

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

##### *Amendment*

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

Or. en

## **Amendment 67**

**Marietje Schaake, Cecilia Wikström**

### **Proposal for a regulation**

#### **Article 23 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

Providers of internet access services shall ***treat all internet traffic in accordance with the principle of net neutrality***, except in cases where it is necessary to apply reasonable traffic management measures. Reasonable traffic management measures shall be transparent, non-discriminatory, proportionate, ***subject to clear, comprehensible and accessible redress mechanisms*** and necessary to:

Or. en

#### **Amendment 68**

**Marietje Schaake, Cecilia Wikström**

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

**Article 23 – paragraph 5 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

a) implement a legislative provision or a court order;

Or. en

#### **Amendment 69**

**Marietje Schaake, Cecilia Wikström**

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

**Article 23 – paragraph 5 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

d) minimise the effects of temporary or exceptional network congestion provided

d) minimise the effects of temporary or exceptional network congestion provided

*that equivalent types of traffic are* treated equally.

*all traffic is* treated equally.

Or. en

#### **Amendment 70**

**Marietje Schaake, Cecilia Wikström**

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

#### **Article 23 – paragraph 5 – subparagraph 2**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 71**

**Marietje Schaake, Cecilia Wikström**

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

#### **Article 24 – paragraph 1**

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

1. National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2), compliance with Article 23 (5), and the continued availability of non-discriminatory internet access services at levels of quality that reflect advances in technology and that are not impaired by specialised services. They shall, in cooperation with other competent national

##### *Amendment*

1. National regulatory authorities shall closely monitor and ensure the effective ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2), compliance with Article 23 (5), and the continued availability of non-discriminatory internet access services ***in accordance with the principle of net neutrality and*** at levels of quality that reflect advances in technology and that are not impaired by specialised services. They

authorities, also monitor the effects of specialised services on cultural diversity and innovation. National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring and findings.

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

Or. en

**Amendment 72**  
**Marietje Schaake, Cecilia Wikström**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 73**  
**Evelyn Regner**

**Proposal for a regulation**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

(2) Consumers, and other end-users unless they have otherwise agreed, shall have the right to terminate a contract with a one-month notice period, where **six** months or more have elapsed since conclusion of the contract. No compensation shall be due other than for the residual value of subsidised equipment bundled with the

(2) Consumers, and other end-users unless they have otherwise agreed, shall have the right to terminate a contract with a one-month notice period, where **12** months or more have elapsed since conclusion of the contract. No compensation shall be due other than for the residual value of subsidised equipment bundled with the

contract at the moment of the contract conclusion and a pro rata temporis reimbursement for any other promotional advantages marked as such at the moment of the contract conclusion. No compensation shall be due other than for the residual value of subsidised equipment bundled with the contract at the moment of the contract conclusion and a pro rata temporis reimbursement for any other promotional advantages marked as such at the moment of the contract conclusion.

contract at the moment of the contract conclusion and a pro rata temporis reimbursement for any other promotional advantages marked as such at the moment of the contract conclusion. No compensation shall be due other than for the residual value of subsidised equipment bundled with the contract at the moment of the contract conclusion and a pro rata temporis reimbursement for any other promotional advantages marked as such at the moment of the contract conclusion.

Or. de

**Amendment 74**  
**Evelyn Regner**

**Proposal for a regulation**  
**Article 37**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. de

*Justification*

*Amending Regulation (EU) No 531/2012 now would seriously undermine planning and legal security for providers. At all events, nothing should be done until the Commission has completed its review of the functioning of that regulation, as provided for in its Article 19.*

**Amendment 75**  
**Cecilia Wikström**  
**Proposal for a regulation**  
**Article 37 – paragraph 1 – point 3 a (new)**  
Regulation (EU) No 531/2012  
Article 6a

*Text proposed by the Commission*

*Amendment*

***(3a) The following article is inserted:***

***Article 6a***

***Abolition of retail roaming charges***

***With effect from 1 July 2015, roaming providers shall not levy any surcharge in comparison to the charges for mobile communications services at domestic level on roaming customers for any regulated roaming call made or received, for any regulated roaming SMS message sent, for any roaming MMS message sent or for any regulated data roaming services used- or any general charge to enable the terminal equipment or service to be used abroad.***

Or. en

*Justification*

*This amendment brings the abolishment of the roaming surcharges in line with the European Parliament's resolution of 12 September 2013 on "the Digital Agenda for Growth, Mobility and Employment: time to move up a gear", in which the European Parliament calls for the abolishment of roaming in 2015. By including MMS messages in this provision we address unexpectedly high bills as an emerging issue (often the consumer thinks they have sent an SMS but it is actually an MMS for which separate charges apply).*

## **Amendment 76**

**Marietje Schaake, Cecilia Wikström**

**Proposal for a regulation**

**Annex 2**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

***Network elements and related information***

***- A description of the connectivity product***

*to be provided over a fixed network, including technical characteristics and adoption of any relevant standards.*

*Network functionalities:*

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

*– voice and video calls;*

*– broadcast of audio-visual content; and*

*– data critical applications.*

Or. en