



2021/0045(COD)

14.7.2021

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council
on Roaming on public mobile communications networks within the Union
(recast)
(COM(2021)0085 – C9-0085/2021 – 2021/0045(COD))

Rapporteur for opinion: Róza Thun und Hohenstein

PA_Legam

SHORT JUSTIFICATION

Abolition of roaming surcharges was a great success for European citizens. Since its introduction, almost 170 million citizens enjoyed prices without roaming surcharges and benefited of staying connected while travelling within the Union.

Therefore, the rapporteur welcomes the Commission proposal for a recast of the Roaming Regulation, which aims to prolong the current rules until 2032, and to introduce a higher level of consumer protection on transparency and quality of services. It goes without saying that the abolition of retail surcharges on roaming, in order to be sustainable and not lead to the increase of domestic prices for customers, has to be complemented by a further reduction of wholesale prices with the aim to foster competition within the internal market.

In the draft opinion, the rapporteur focuses on the following points:

1. Quality of service

The rapporteur supports the provisions aimed at ensuring that customers will benefit from a genuine ‘Roam-Like-At-Home’ experience, also in terms of quality of service. Unless not feasible technically, the roaming services should be provided to customers under the same conditions as if such services were consumed domestically. Therefore, the rapporteur believes that clear and comprehensible information regarding different elements of the quality of service while roaming should be included in customers’ contracts. Furthermore, the Body of European Regulators for Electronic Communications (BEREC) should be mandated to prepare the guidelines to facilitate implementation of these provisions, including the effective ability for customers to enforce relevant contractual provisions.

2. Transparency obligations

It is of utmost importance to keep customers adequately informed concerning the use of different services while roaming. The rapporteur supports the general direction of the changes proposed by the Commission, while proposes further measures aimed at strengthening consumer protection.

First of all, cut-off limits are proposed to be offered by default by roaming providers, as the proposed provisions do not protect customers adequately.

Second, BEREC should be mandated, along preparing a database for numbers of value added services, to establish another database with means of access to emergency services. Thanks to this the roaming providers will have access to the full and regularly updated list of mandated emergency communications in all Member States.

Third, specific information regarding value added services and means of access to emergency services mandated in a visited Member State should be communicated to customers via a link in the welcome message, which customers receive upon entering a Member State and initiating roaming service.

Fourth, in order to ensure customer protection while travelling, e.g. by plane and marine vessels, and to protect from unexpected high bills from inadvertent connection with non-terrestrial

networks with automatic handover, the rapporteur proposes to extend transparency obligations to those situations.

3. Review

The rapporteur is of the opinion that the scope of this Regulation should be open to future revisions whenever needed. Therefore, the rapporteur opposes the introduction of a Delegated Act as the basis for revising crucial elements of this Regulation. Revisions of crucial elements should be done through the ordinary legislative procedure, as it has been the case for the previous versions of the Regulation. In addition, the rapporteur believes that regular biennial reporting will allow monitoring the situation on the roaming market and prepare possible revisions of the existing rules. The rapporteur is also of the opinion that additional elements should be part of the biennial reporting obligation, such as those related to the effectiveness of newly introduced obligations in regard to the quality of service, whether customers can benefit from a genuine ‘Roam-Like-At-Home’ experience, and whether fair use policies will be needed in the future.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Directive 2002/19/EC of the European Parliament and of the Council⁶⁰, Directive 2002/20/EC of the European Parliament and of the Council⁶¹, Directive 2002/21/EC of the European Parliament and of the Council⁶², Directive 2002/22/EC of the European Parliament and of the Council⁶³ and Directive 2002/58/EC of the European Parliament and of the Council⁶⁴ aimed to create an internal market for electronic communications within the Union while

Amendment

(10) Directive 2002/19/EC of the European Parliament and of the Council⁶⁰, Directive 2002/20/EC of the European Parliament and of the Council⁶¹, Directive 2002/21/EC of the European Parliament and of the Council⁶², Directive 2002/22/EC of the European Parliament and of the Council⁶³ and Directive 2002/58/EC of the European Parliament and of the Council⁶⁴ aimed to create an internal market for electronic communications within the Union while

ensuring a high level of consumer protection through enhanced competition. Those Directives were repealed by Directive (EU) 2018/1972 of the European Parliament and of the Council⁶⁵. Directive (EU) 2018/1972 aims to stimulate investment in and take-up of very high capacity networks in the EU as well as to set new spectrum rules for mobile connectivity and 5G. Directive (EU) 2018/1972 also ensures that all citizens have access to affordable communication, including the internet. It increases consumer protection and security for users and facilitates regulatory intervention.

⁶⁰ Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) (OJ L 108, 24.4.2002, p. 7).

⁶¹ Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ L 108, 24.4.2002, p. 21).

⁶² Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

⁶³ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).

⁶⁴ Directive 2002/58/EC of the European Parliament and of the Council of 12 July

ensuring a high level of consumer protection through enhanced competition. ***Except for Directive 2002/58/EC***, those Directives were repealed by Directive (EU) 2018/1972 of the European Parliament and of the Council⁶⁵. Directive (EU) 2018/1972 aims to stimulate investment in and take-up of very high capacity networks in the EU as well as to set new spectrum rules for mobile connectivity and 5G. Directive (EU) 2018/1972 also ***aims to contribute to the development of the internal market and promotes the interests of Union citizens***. It ensures, *inter alia*, that all citizens have access to affordable communication, including the internet. It increases consumer protection and security for users and facilitates regulatory intervention.

⁶⁰ Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) (OJ L 108, 24.4.2002, p. 7).

⁶¹ Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ L 108, 24.4.2002, p. 21).

⁶² Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

⁶³ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).

⁶⁴ 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) (OJ L 201, 31.7.2002, p. 37).

⁶⁵ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

Amendment 2

Proposal for a regulation Recital 19

Text proposed by the Commission

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

2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

⁶⁵ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

Amendment

(19) ***The United Nations Convention on the Rights of Persons with Disabilities (UN Convention on Persons with Disabilities) requires the parties thereto to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems. To that end, in accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users. Pursuant to that Directive, emergency communications are a means of communication that includes not only voice communication services, but also text messages, video or other types of communications, for example real time text, total conversation and relay services. It is for the Member States to determine the***

access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge.

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

Amendment 3

Proposal for a regulation

Recital 28

Text proposed by the Commission

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

Amendment

(28) Roaming customers should be able to use the retail services that they subscribe to and benefit from the same level of quality of service as at home, when roaming in the Union. To that end, roaming providers should take the necessary measures to ensure that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically. In particular, the same quality of service should be offered to customers when roaming, if technically feasible. **The requirement to offer the same quality of service is without**

feasible.

prejudice to the roaming providers' ability to offer roaming customers higher quality of service as if such service was provided domestically. In addition, the roaming providers should ensure that the roaming customers are not put at a disadvantage compared to domestic customers using the same generation of mobile communication network and technologies.

Amendment 4

Proposal for a regulation

Recital 29

Text proposed by the Commission

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

Amendment

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

Amendment 5

Proposal for a regulation Recital 35

Text proposed by the Commission

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

Amendment

(35) A contract which includes any type of regulated retail roaming service should specify the characteristics of that regulated retail roaming service, including the expected level of quality of service. ***Those specifications should include clear and comprehensible information about the level of quality of service, including information regarding the transfer rates and available access technologies of each visited operator in each Member State.*** The provider should ***also*** make available information on ***other*** relevant factors that can affect ***further*** the quality of service, such as ***latency***, coverage or variation due to external factors such as topography. ***The above-mentioned contract should also include clear and comprehensible information on the procedure for the filing of complaints available in cases where the quality of service does not correspond to the terms of the contract. It should be possible for the customer to verify the estimated download and upload speed, latency and available data transfer technology. The roaming provider should handle any complaints in that regard in a timely and effective manner. Those specifications, information and complaint procedures should be provided in line with BEREC's retail roaming guidelines.***

Amendment 6

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) Roaming customers and home operators sometimes unwittingly incur

Amendment

(36) Roaming customers and home operators sometimes unwittingly incur

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

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

Amendment 7

Proposal for a regulation Recital 43

Text proposed by the Commission

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

Amendment

(43) In order to improve the transparency of retail prices for roaming services and to help roaming customers make decisions on the use of their mobile devices while abroad, providers of mobile communication services should supply their roaming customers with information free of charge on the roaming charges applicable to them when using roaming services in a visited Member State. ***In order to ensure a high level of protection for roaming customers, that information should include information about any additional charges when using non-terrestrial networks on board aircrafts or marine vessels.*** Roaming providers should provide a possibility ***for roaming customers*** to easily opt-out from this automatic message service. In addition, roaming customers should be provided ***free of charge*** with a text message including a link to a web page giving detailed information about the types of services that may be subject to increased costs ***as well as the means of access to emergency services in the visited Member State, free of charge***. Moreover, providers should actively give their customers, provided that the latter are located in the Union, on request and free of charge, additional information on the per-minute, per-***text message*** or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of ***text messages and*** data communication services in the visited Member State.

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text and in order to keep customers adequately informed.

Amendment 8

Proposal for a regulation Recital 44

Text proposed by the Commission

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

Amendment

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

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text and in order to keep customers adequately informed.

Amendment 9

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming. Roaming providers should therefore take reasonable steps to protect customers against incurring roaming charges while they are located in their Member State. This should include adequate information measures in order to empower customers to actively prevent

Amendment

(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming, **including for the use of non-terrestrial networks on board aircraft or marine vessels**. Roaming providers should therefore take necessary measures, **in order to minimise the risk of inadvertent roaming** and to protect customers against incurring roaming

such instances of inadvertent roaming. National regulatory authorities should be alert to situations in which customers face problems with paying roaming charges while they are still located in their Member State and should take appropriate steps to mitigate the problem.

charges while they are located in their Member State, ***in particular by informing them in a clear and comprehensible manner . Such measures should include for example cut-off limits as well as opt-in or opt-out mechanisms to roam in a network outside of the Union, if technically feasible.*** This should include adequate information measures in order to empower customers to actively prevent such instances of inadvertent roaming. National regulatory authorities should be alert to situations in which customers face problems with paying roaming charges while they are still located in their Member State and should take appropriate steps to mitigate the problem.

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text and in order to further protect customers from inadvertent connections while travelling by plane and marine vessels.

Amendment 10

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) In addition, in order to avoid bill shocks, roaming providers should define one or more maximum financial and/or volume limits for their outstanding charges for data roaming services, expressed in the currency in which the roaming customer is billed, and which they should offer to all their roaming customers, free of charge, with an appropriate notification, in a media format that can be consulted again subsequently, when that limit is being approached. Upon reaching that maximum limit, customers should no longer receive or be charged for those services unless they specifically request continued provision of those services in accordance with the terms

Amendment

(47) In addition, in order to avoid bill shocks, roaming providers should define one or more maximum financial and/or volume limits for their outstanding charges for data roaming services, expressed in the currency in which the roaming customer is billed, and which they should offer to all their roaming customers, free of charge, with an appropriate notification, ***unless the roaming customer opts out of the measure***, in a media format that can be consulted again subsequently, when that limit is being approached. Upon reaching that maximum limit, customers should no longer receive or be charged for those services unless they specifically request

and conditions set out in the notification. In such a case, they should receive free confirmation, in a media format that can be consulted again subsequently. Roaming customers should be given the opportunity to opt **for any** of those maximum financial or volume limits within a reasonable period or to choose not to have such a limit. Unless customers state otherwise, they should be put on a default limit system.

continued provision of those services in accordance with the terms and conditions set out in the notification. In such a case, they should receive free confirmation, in a media format that can be consulted again subsequently. Roaming customers should be given the opportunity to opt **out** of those maximum financial or volume limits within a reasonable period or to choose not to have such a limit. Unless customers state otherwise, they should be put on a default limit system.

Justification

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

Amendment 11

**Proposal for a regulation
Recital 49 a (new)**

Text proposed by the Commission

Amendment

(49a) Price differences continue to prevail, both for fixed and mobile communications, between domestic voice and text message communications and those terminating in another Member State. Those price differences continue to affect more vulnerable customer groups and to pose barriers to seamless communication within the Union. Any significant retail price differences between electronic communications services terminating in the same Member State and those terminating in another Member State should therefore be justified by reference to objective criteria.

Justification

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

Amendment 12

Proposal for a regulation Recital 50

Text proposed by the Commission

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

Amendment

(50) There are considerable disparities between regulated roaming tariffs within the Union and roaming tariffs incurred by customers when they are travelling outside the Union, which are significantly higher than prices within the Union, where roaming surcharges are only exceptionally applied following the abolition of retail roaming charges. ***Union citizens and businesses in external border regions would benefit greatly from roaming provisions with neighbouring countries similar to those in the Union, which should lead to lowering roaming fees when using mobile connections in third countries.*** Due to the absence of a consistent approach to transparency and safeguard measures concerning roaming outside the Union, consumers are not confident about their rights and are therefore often deterred from using mobile services while abroad. Transparent information provided to consumers could not only assist them in the decision as to how to use their mobile devices while travelling abroad (both within and outside the Union), but could also assist them in the choice between roaming providers. It is therefore necessary to address the problem of the lack of transparency and consumer protection by applying certain transparency and safeguard measures also to roaming services provided outside the Union. ***It is also necessary to encourage bilateral agreements between operators in the Union and those in third countries, as well as to include RLAH provisions in future international agreements with third countries, in particular those directly bordering the Union.*** Those measures should facilitate competition and improve the functioning of the internal market.

Justification

Union citizens still face very high roaming fees when using mobile connections in third countries. It is important to address this issue and introduce measures that can facilitate transparency and agreements to reduce roaming charges with third countries and include the RLAH provision in future agreements.

Amendment 13

Proposal for a regulation Recital 59

Text proposed by the Commission

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

Amendment

(59) It is necessary to monitor and to review regularly the functioning of wholesale roaming markets and their interrelationship with the retail roaming markets, taking into account competitive and technological developments and traffic flows. The Commission should submit *biennial* reports to the European Parliament and to the Council. *The first such report should be submitted by 30 June 2025.* In its biennial reports, the Commission should, in particular, assess whether RLAH has any impact on the evolution of tariff plans available on the retail markets. That should include, on the one hand, an assessment of any emergence of tariff plans that include only domestic services and that exclude retail roaming services altogether, thus undermining the very objective of RLAH and, on the other, an assessment of any reduction in the availability of flat-rate tariff plans, which could also represent a loss for consumers and undermine the objectives of the digital single market. The Commission's reports should, in particular, analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities, the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing

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

regulated wholesale roaming services. In addition, the Commission's **biennial** reports should assess how, at wholesale level, access to the different network technologies and generations is ensured; the level of usage of trading platforms and similar instruments to trade traffic at wholesale level; the evolution of the machine-to-machine roaming; the persisting problems at retail level in relation to value added services, **inadvertent roaming**; the application of the measures on emergency communications; **the effectiveness of the quality of service obligations laid down in this Regulation**; **and the extent to which customers are properly informed in their contracts about those obligations and can benefit from a genuine RLAH experience**. In order to enable such reporting with a view to assessing how the roaming markets adapt to RLAH rules, sufficient data should be gathered on the functioning of those markets after the implementation of those rules.

Justification

This amendment is made to ensure that biennial reports are reinstated to monitor the situation on the roaming market as well as the possibility to make a legislative proposal to review the entirety of the Regulation, where justified. In addition, the new elements added are required for the purpose of the recast Regulation to give roaming customers a genuine RLAH experience.

Amendment 14

Proposal for a regulation Recital 63

Text proposed by the Commission

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks, when travelling within the Union, do not pay excessive prices for

Amendment

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks, when travelling within the Union, **and while using non-terrestrial**

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

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

Amendment 15

Proposal for a regulation Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Abolition of retail surcharges for regulated intra-Union communications

- 1. Providers of publicly available electronic communication services shall not apply tariffs for intra-Union fixed and mobile communications services terminating in another Member State that are different from tariffs for services terminating in the same Member State, unless the provider demonstrates the existence of direct costs that are objectively justified.***
- 2. By... [six months after the entry into force of this Regulation], BEREC shall provide guidelines on the recovery of the objectively justified direct costs referred to in paragraph 1.***

3. **By... [one year after the entry into force of this Regulation], and biennially thereafter, the Commission shall, after consulting BEREC, provide a report on the application of the requirement laid down in paragraph 1, including an assessment of the evolution of intra-Union communication tariffs.**

Justification

This provision helps to achieve a digital single market in the telecom sector and provides a simple and fair solution to expensive tariffs for international calls without having to regulate prices. Seeking to abolish any type of discriminatory practice, whether on access to services or prices for cross-border services, is very important for the creation of a true Digital Single Market for consumers.

Amendment 16

Proposal for a regulation

Article 9 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

(c) **clear and comprehensible information on** the quality of service when roaming in the Union, **including the estimated maximum and advertised download and upload speed of the data access services, disaggregated by Member State and by provider, in accordance with the BEREC guidelines referred to in paragraph 5a.**

Amendment 17

Proposal for a regulation

Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Roaming providers shall ensure that a contract includes clear information on the procedure for the filing of complaints where the quality of service breaches the terms of the contract.

Amendment 18

Proposal for a regulation

Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. For the purpose of ensuring the consistent application of this Article, BEREC shall, by ... [6 months after the entry into force of this Regulation], , after consulting stakeholders and in close cooperation with the Commission, update its retail roaming guidelines, in particular, in regard to the implementation of and information about the quality of service referred to in paragraphs 3(c) and 4a of this Article, the enforcement of relevant contractual provisions by customers, and the transparency measures referred to in Articles 14, 15 and 16.

Justification

This amendment is necessary to ensure the text internal logic and coherence.

Amendment 19

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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

Roaming providers shall, except when the roaming **customers have** notified the roaming provider that **they do** not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when the roaming **customers enter** a Member State other than that of **their** domestic provider, with information on the potential risk of increased charges due to the use of value added services **in the visited Member State**, including **access, free of charge, to** a link to a dedicated

may be subject to increased costs and, *if* available, information on value added services number ranges.

webpage providing information about the types of services that may be subject to increased costs and, *when* available, information on value added services number ranges *and possible applicable charges*.

Amendment 20

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 7

Text proposed by the Commission

The first, second, fifth and sixth subparagraphs, with the exception of the reference to the fair use policy and the surcharge applied in accordance with Article 7, shall also apply to voice and **SMS** roaming services used by roaming customers *travelling outside the Union* and provided by a roaming provider.

Amendment

The first, second, fifth and sixth subparagraphs, with the exception of the reference to the fair use policy and the surcharge applied in accordance with Article 7, shall also apply to voice and **text message** roaming services used by roaming customers and provided by a roaming provider *in a third country and for using non-terrestrial networks*.

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text and in order to keep customers adequately informed.

Amendment 21

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. In addition to the information provided for in paragraph 1, customers shall have the right to request and receive, free of charge, and irrespective of their location within the Union, more detailed personalised pricing information on the roaming charges that apply in the visited network to voice calls and **SMS**, and information on the transparency measures applicable by virtue of this Regulation, by

Amendment

2. In addition to the information provided for in paragraph 1, customers shall have the right to request and receive, free of charge, and irrespective of their location within the Union, more detailed personalised pricing information on the roaming charges that apply in the visited network to voice calls and **text messages**, and information on the transparency measures applicable by virtue of this

means of a mobile voice call or by **SMS**. Such a request shall be to a free-of-charge number designated for this purpose by the roaming provider. Obligations provided for in paragraph 1 shall not apply to devices which do not support **SMS** functionality.

Regulation, by means of a mobile voice call or by **text message**. Such a request shall be to a free-of-charge number designated for this purpose by the roaming provider. Obligations provided for in paragraph 1 shall not apply to devices which do not support **text message** functionality.

Justification

This amendment is necessary in order to ensure the text internal logic and coherence as well as include other communication modes beside the SMS.

Amendment 22

**Proposal for a regulation
Article 14 – paragraph 5**

Text proposed by the Commission

5. Roaming providers shall make available information to their customers on how to avoid inadvertent roaming in border regions. Roaming providers shall take **reasonable steps** to protect their customers from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State.

Amendment

5. Roaming providers shall make available information to their customers on how to avoid inadvertent roaming in border regions **and while using non-terrestrial networks**. Roaming providers shall take **the necessary measures** to protect their customers from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State.

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text and in order to keep customers adequately informed.

Amendment 23

**Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 3**

Text proposed by the Commission

The information shall be delivered to the

Amendment

The information shall be delivered **directly**

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

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

Justification

This amendment is necessary in order to ensure the text internal logic and coherence as well as include other communication modes beside the SMS.

Amendment 24

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Justification

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

well as to protect roaming customers from extremely high bills.

Amendment 25

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 6

Text proposed by the Commission

Each roaming provider shall also ensure that an appropriate notification is sent to the roaming customer's mobile device, for example by **an SMS** message, **an e-mail** or a pop-up window on the computer, when the data roaming services have reached 80% of the agreed financial or volume limit. Each customer shall have the right to require the roaming provider to stop sending such notifications and shall have the right, at any time and free of charge, to require the provider to provide the service again.

Amendment

Each roaming provider shall also ensure that an appropriate notification is sent **directly** to the roaming customer's mobile device, for example by **means of a text** message or a pop-up window on the computer, when the data roaming services have reached 80% of the agreed financial or volume limit. Each customer shall have the right to require the roaming provider to stop sending such notifications and shall have the right, at any time and free of charge, to require the provider to provide the service again.

Justification

This amendment is necessary in order to ensure the text internal logic and coherence as well as include other communication modes beside the SMS.

Amendment 26

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 8

Text proposed by the Commission

Whenever a roaming customer requests to opt for **or to remove** a financial or volume limit facility, the change shall be made within one working day of receipt of the request, shall be free of charge, and shall not entail conditions or restrictions pertaining to other elements of the subscription.

Amendment

Whenever a roaming customer requests to **remove or** opt for a financial or volume limit facility, the change shall be made within one working day of receipt of the request, shall be free of charge, and shall not entail conditions or restrictions pertaining to other elements of the subscription.

Justification

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

Amendment 27

**Proposal for a regulation
Article 15 – paragraph 6**

Text proposed by the Commission

6. Roaming providers shall take **reasonable steps** to protect their customers from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State. This shall include informing customers on how to avoid inadvertent roaming in border regions.

Amendment

6. Roaming providers shall take **the necessary measures to effectively** protect their customers from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State. This shall include informing customers on how to **effectively** avoid inadvertent roaming in border regions.

Amendment 28

**Proposal for a regulation
Article 15 – paragraph 7 – subparagraph 1**

Text proposed by the Commission

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

Amendment

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

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text and in order to keep customers adequately informed.

Amendment 29

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

An automatic message from the roaming provider shall inform the roaming customer that the latter may access emergency services free of charge by **contacting** the single European emergency number ‘112’ and by **including a link to a dedicated, free of charge, and fully accessible to people with disabilities webpage providing information about** alternative means of access to emergency services through emergency communications mandated in the visited Member State. The information shall be delivered **directly** to the roaming customer’s mobile device by **a text** message, every time the roaming customer enters a Member State other than that of **their** domestic provider. It shall be provided free of charge by an appropriate means adapted to facilitate its receipt and easy comprehension. **Roaming providers should include in that message an accessible link to the mobile application through which public warnings are transmitted in the visited Member State, if applicable.**

Amendment 30

Proposal for a regulation Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall , after consulting BEREC, submit **two** reports to the European Parliament and to the Council. **Where necessary, after submitting each report, the Commission shall adopt a delegated act pursuant to Article 22 amending** the maximum wholesale charges for regulated roaming services laid down in

Amendment

The Commission shall, after consulting BEREC, submit **biennial** reports to the European Parliament and to the Council **accompanied, if appropriate, by a legislative proposal to amend this Regulation, including a proposal to amend** the maximum wholesale charges for regulated roaming services laid down in

this Regulation. The first such report shall be submitted by 30 June 2025 *and the second by 30 June 2029* .

this Regulation. The first such report shall be submitted by 30 June 2025.

Amendment 31

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 2 – point a (new)

Text proposed by the Commission

Amendment

(aa) the effectiveness of technologies and measures that have the purpose of minimising the risk of inadvertent roaming, taking into account the problems for consumers living in border regions;

Amendment 32

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 2 – point i

Text proposed by the Commission

Amendment

(i) the impact of the application of fair use policies by operators in accordance with Article 8, including the identification of any inconsistencies in the application and implementation of such fair use policies;

(i) the impact of the application of fair use policies by operators in accordance with Article 8, including the identification of any inconsistencies in the application and implementation of such fair use policies ***and the extent to which those policies are needed in the future;***

Justification

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

Amendment 33

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) the effectiveness of the quality of

service obligations introduced in this Regulation and to which extent customers are properly informed and can benefit from a genuine RLAH experience;

Amendment 34

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 2 – point j

Text proposed by the Commission

(j) the extent to which roaming customers and operators face problems in relation to value added services;

Amendment

(j) the extent to which roaming customers and operators face problems in relation to value added services ***and how those problems can be resolved to protect consumers and strengthen the internal market;***

Amendment 35

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 2 – point ja

Text proposed by the Commission

Amendment

(ja) the effectiveness of this Regulation in ensuring equal access to electronic communications for persons with disabilities when travelling within the EEA;

Amendment 36

Proposal for a regulation

Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Regulation shall apply from ... [the date of entry into force of this Regulation], save that Article 14(1), third subparagraph, and Article 16, second paragraph, shall apply from 1 January 2023 in accordance with the deadline for establishing the database referred to in

Article 17.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPOREUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Person	Entity
	BEREC (Body of European Regulators for Electronic Communications)
	BEUC (Bureau Européen des Unions de Consommateurs)
	Cicada Exchange
	EDF (European Disability Forum)
	ETNO (European Telecommunications Network Operators' Association)
	European Commission
	European Economic and Social Committee
	European Emergency Number Association - EENA112
	Giga Europe
	Liberty Global
	MVNO Europe
	Orange
	Portuguese Presidency of the Council
	Telia
	United Internet

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Roaming on public mobile communications networks within the Union (recast)
References	COM(2021)0085 – C9-0085/2021 – 2021/0045(COD)
Committee responsible Date announced in plenary	ITRE 24.3.2021
Opinion by Date announced in plenary	IMCO 24.3.2021
Associated committees - date announced in plenary	10.6.2021
Rapporteur for the opinion Date appointed	Róza Thun und Hohenstein 19.4.2021
Discussed in committee	26.5.2021 22.6.2021
Date adopted	12.7.2021
Result of final vote	+: 45 -: 0 0: 0
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Andrea Caroppo, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Carlo Fidanza, Evelyne Gebhardt, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Maria-Manuel Leitão-Marques, Morten Løkkegaard, Antonius Manders, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Róza Thun und Hohenstein, Marco Zullo
Substitutes present for the final vote	Clara Aguilera, Maria da Graça Carvalho, Christian Doleschal, Claude Gruffat, Jiří Pospíšil, Kosma Złotowski

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

45	+
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Kosma Złotowski
ID	Alessandra Basso, Hynek Blaško, Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Andrea Caroppo, Maria da Graça Carvalho, Deirdre Clune, Christian Doleschal, Andrey Kovatchev, Antonius Manders, Jiří Pospíšil, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Svenja Hahn, Morten Løkkegaard, Marco Zullo
S&D	Alex Agius Saliba, Clara Aguilera, Brando Benifei, Biljana Borzan, Evelyne Gebhardt, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Claude Gruffat, Marcel Kolaja

Key to symbols:

+ : in favour

- : against

0 : abstention